



City of McMinnville
Planning Department
 231 NE Fifth Street
 McMinnville, OR 97128
 (503) 434-7311

www.mcminnvilleoregon.gov

Planning Commission
McMinnville Civic Hall, 200 NE 2nd Street
December 5, 2019

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 style="list-style-type: none"> 1. Call to Order 2. Citizen Comments <i>(for anything that is not on the agenda)</i> 3. Public Hearing – “Baker Creek North” <u>Quasi-Judicial Hearing. Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Planned Development, Tentative Subdivision, and Landscape Plan Review (CPA 1-19 / ZC 1-19 / PDA 2-19 / PD 1-19 / S 1-19 / L 12-19)- (Exhibit 1)</u> Request: Approval of six concurrent actions. <ol style="list-style-type: none"> 1) Comprehensive Plan Map Amendment on the southwestern portion of the site to reduce the size of an existing area designated as Commercial on the Comprehensive Plan Map. The proposed amendment would result in 4.76 acres of existing Commercially designated land being designated as Residential; 2) Zone Change from mix of R-1 (Single Family Residential) and EF-80 (remnant County Exclusive Farm Use zone from prior to annexation) to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential); 3) Planned Development Amendment to reduce the size of the existing Planned Development Overlay District governed by Ordinance 4633 to the size of the proposed 6.62 acre C-3 (General Commercial) site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site;

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, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.

- 4) Planned Development to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on the proposed 48.7 acres of R-4 (Multiple Family Residential) land with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities;
- 5) Tentative Subdivision to allow for a 10-phase subdivision including a total of 280 single family detached dwelling units, public right-of-way improvements, and open spaces consistent with the proposed Planned Development plan;
- 6) Landscape Plan Review for the landscaping of proposed open space tracts within the subdivision phases and a street tree plan for the planting of street trees in the planter strips within the right-of-way adjacent to the single family dwelling unit lots.

Location: The subject site located Northeast corner of the intersection of NW Hill Road and NW Baker Creek Road. It is more specifically described as Tax Lots 100, 105, 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lot 106, Section 18, T. 4 S., R. 4 W., W.M.

Applicant: Stafford Development Company, LLC

4. Commissioner/Committee Member Comments

5. Staff Comments

6. Adjournment



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STAFF REPORT

DATE: December 5, 2019
TO: Planning Commission Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: PUBLIC HEARING: Baker Creek North Development –

- CPA 1-19 (Comprehensive Plan Map Amendment),
- ZC 1-19 (Zone Change),
- PDA 2-19 (Planned Development Amendment),
- PD 1-19 (Planned Development),
- S 1-19 (Tentative Subdivision), and
- L 12-19 (Landscape & Street Tree Plan)

STRATEGIC PRIORITY & GOAL:

 GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.	 HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.
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Report in Brief:

This is a combined quasi-judicial hearing to consider six separate and distinct land-use applications for the Baker Creek North development, but take all public testimony on these six applications during the combined public hearing. Stafford Development Company, LLC, is requesting the following:

- 1) **CPA 1-19, Comprehensive Plan Map Amendment** on the southwestern portion of the site to reduce the size of an existing area designated as Commercial on the Comprehensive Plan Map. The proposed amendment would result in the Commercial designation being reduced from 11.3 acres to 6.62 acres, and the remaining 4.68 acres of existing Commercially designated land being designated as Residential;
- 2) **ZC 1-19, Zone Change** from mix of R-1 (Single Family Residential) and EF-80 (remnant County Exclusive Farm Use zone from prior to annexation) to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential);

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- 3) **PDA 2-19, Planned Development Amendment** to reduce the size of the existing Planned Development Overlay District governed by Ordinance 4633 to the size of the proposed 6.62 acre C-3 (General Commercial) site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site;
- 4) **PD 1-19, Planned Development** to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on the proposed 48.7 acres of R-4 (Multiple Family Residential) land with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities;
- 5) **S 1-19, Tentative Subdivision** to allow for a 10-phase subdivision including a total of 280 single family detached dwelling units, public right-of-way improvements, and open spaces consistent with the proposed Planned Development plan;
- 6) **L 2-19, Landscape Plan Review** for the landscaping of proposed open space tracts within the subdivision phases and a street tree plan for the planting of street trees in the planter strips within the right-of-way adjacent to the single family dwelling unit lots.

Although all land-use applications support one larger commercial and residential development being referred to as Baker Creek North, they each need to be treated as individual land-use decisions and are governed by different regulations and criteria.

Since some of the land-use decisions are dependent upon the successful approval of another land-use decision, the order of consideration and approval should be:

- CPA 1-19 – Comprehensive Plan Map Amendment
- ZC 1-19 – Zone Change
- PDA 2-19 – Planned Development Amendment
- PD 1-19 – Planned Development
- S 1-19 – Tentative Subdivision
- L 12-19 – Landscape Plan, Tree Removal, and Street Tree Plan

The six land use applications were submitted by the applicant for concurrent review, as allowed by Section 17.72.070 of the MMC. When applications are submitted for concurrent review, the applications are subject to the hearing procedure that affords the most opportunity for public hearing and notice. Therefore, the Planning Commission is making a recommendation to the City Council for all six land-use applications.

Background:

The subject site includes approximately 70.26 acres of land. Of those 70.26 acres, 48.7 acres are proposed to be zoned R-4 (Multiple Family Residential), 6.62 acres are proposed to be zoned C-3 (General Commercial), and 14.92 acres are proposed to be dedicated as a public park.

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The 48.7 acre R-4 portion of the site is also proposed to be included in a new Planned Development (PD 1-19) that will allow for the development of 280 single family detached dwelling units, which is shown as a ten phase subdivision in the Tentative Subdivision (S 1-19) plans. The 14.92 acre parcel that is proposed to be dedicated as a public park would be dedicated at the time of platting a subdivision phase within this residential Planned Development Overlay District.

The 6.62 acre C-3 portion of the site is currently subject to a Planned Development Overlay District regulated by Ordinance 4633. The applicant is proposing to amend this existing Planned Development Overlay District by reducing its size to be the same size as the 6.62 acre C-3 portion of the Baker Creek North site, and also by amending existing conditions of approval in Ordinance 4633 that regulate uses allowed and development of the commercial property within the Planned Development Overlay District. The 6.62 acre C-3 portion of the site would be located in a separate Planned Development Overlay District than the remaining 48.7 acre R-4 portion of the site. Specific development plans have not been submitted for the 6.62 acre C-3 portion of the site, and would be required at a later time (this will be discussed in more detail below).

The site is generally located northeast of the intersection of Baker Creek Road and Hill Road. The entire site is currently undeveloped. **See Figure 1 (Vicinity Map) below.**

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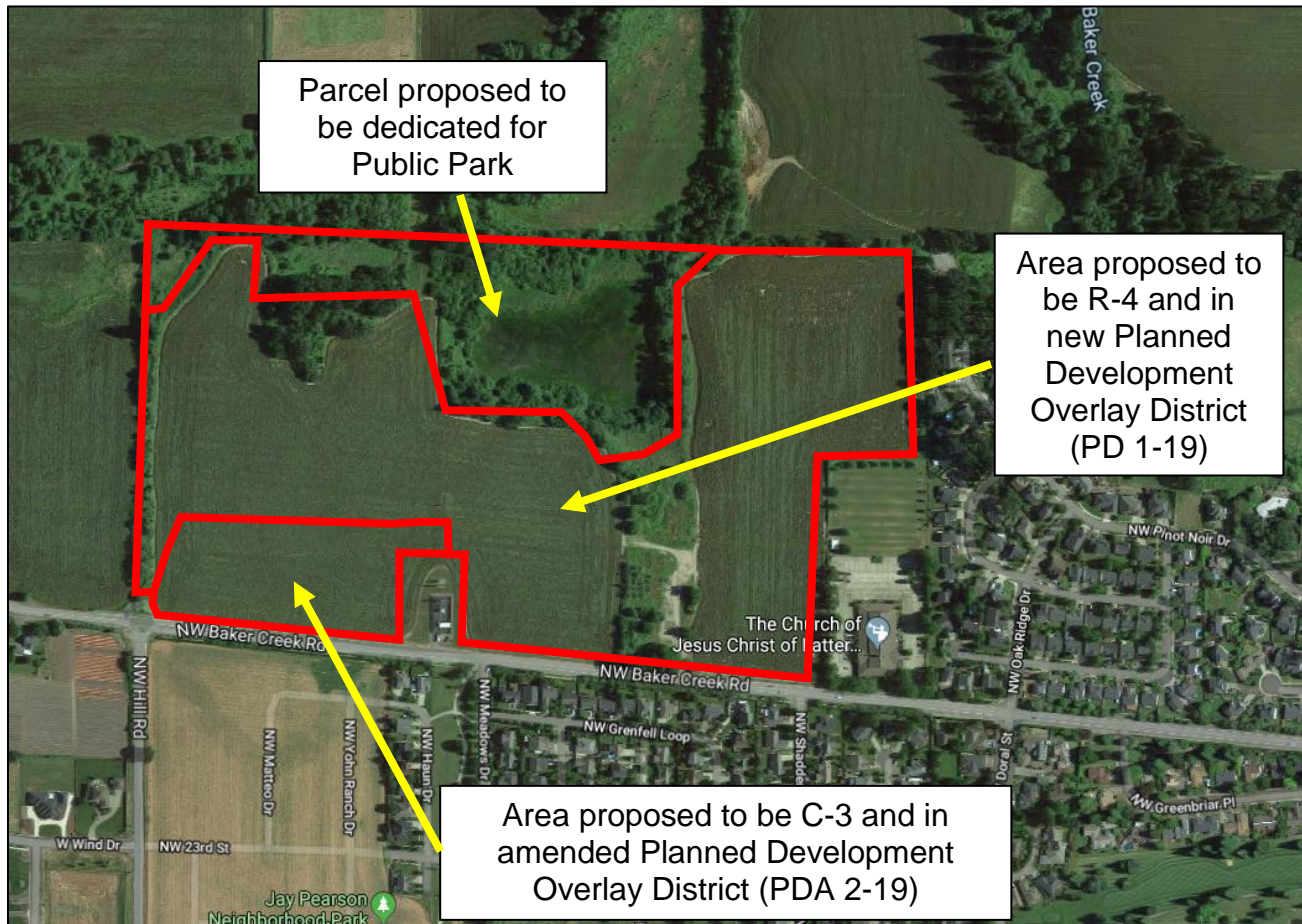
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Figure 1. Vicinity Map (Subject Site Areas Approximate)**Attachments:**

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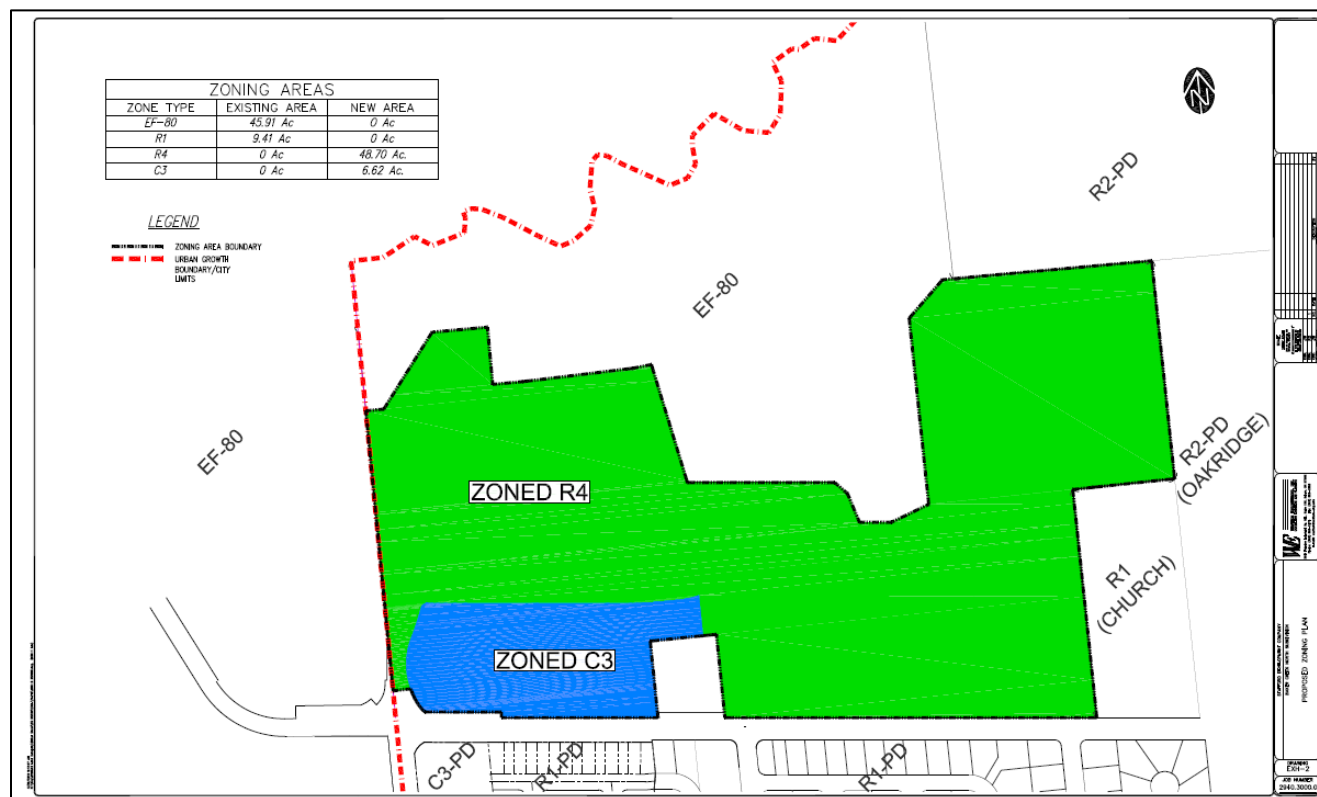
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The zoning as proposed is identified in Figure 2 below. The Comprehensive Plan Map amendments proposed by the applicant would correspond with the proposed zoning map, with the C-3 portion of the site being designated as Commercial and the remainder of the site being designated as Residential.

Figure 2. Proposed Zoning



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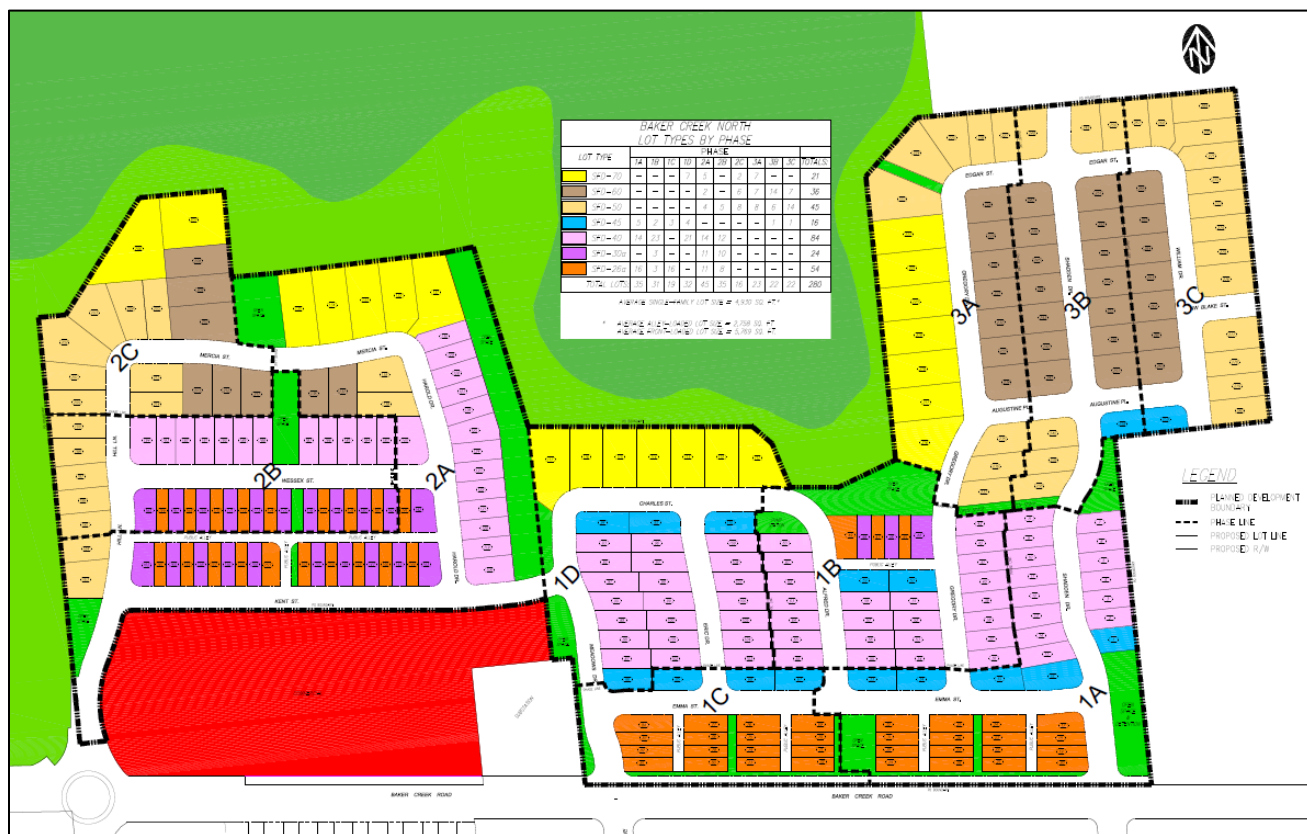
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The development plan associated with the Planned Development (PD 1-19), and as shown in the corresponding Tentative Subdivision (S 1-19) plans, would result in the development of 280 single family detached dwelling units. The plans also include the creation of 18 open space tracts that provide recreational space, pedestrian connectivity, and natural open space in various locations throughout the Planned Development Overlay District. The proposed development plan is identified in Figure 3 below.

Figure 3. Proposed Development Plan



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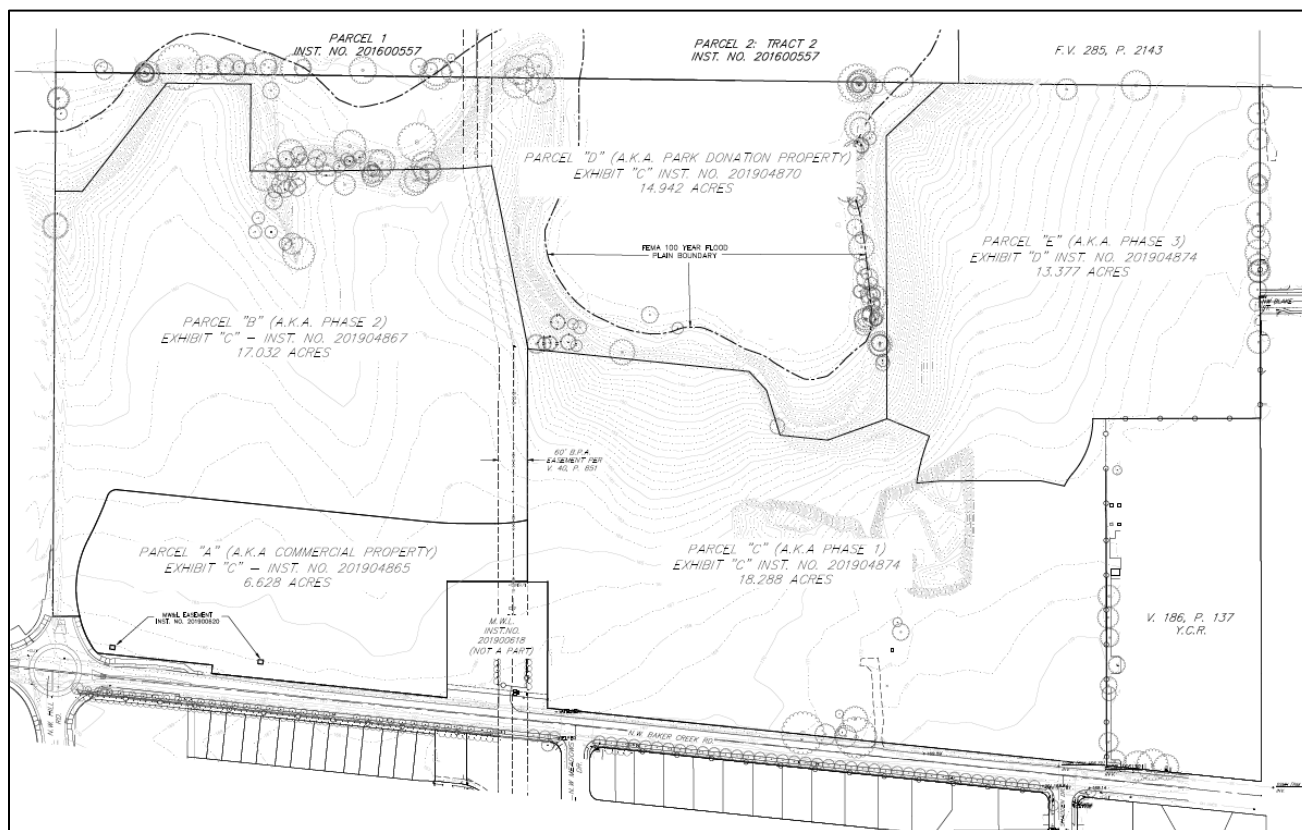
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The Planned Development (PD 1-19) application includes a description of the dedication of a parcel for a public park. This parcel is not proposed to be included in the Planned Development Overlay District, because it exists today as a parcel and will not need to be created as a tract during future subdivision of the property, if the land-use applications are approved as proposed. This park dedication parcel is identified as "Parcel D" in Figure 4 below.

Figure 4. Proposed Park Dedication Parcel (Parcel D)



Discussion:

Decisions and/or recommendations for approval of all six land-use applications are dependent upon whether or not the applications meet state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached are six different decision documents that provide the Findings of Fact and Conclusionary Findings for each land-use application. These documents outline the legal findings on whether or not each application meets the applicable criteria and whether or not there are conditions of approval that if achieved put the application in compliance with the criteria.

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Applicable Review Criteria

Comprehensive Plan Map Amendment and Zone Change

The Comprehensive Plan Map Amendment (CPA 1-19) and Zone Change (ZC 1-19) requests are subject to the review criteria in Section 17.74.020 of the MMC and require the applicant to demonstrate that:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

Planned Development and Planned Development Amendment

The applicant is also requesting the application of two Planned Development Overlay Districts (PD 1-19 and PDA 2-19) on portions of the subject site. A Planned Development Overlay District is a method of adopting a specialized zone for specific property that has refined design and development standards to allow for better development within the City of McMinnville than would normally occur with just strict interpretation of the MMC. For subdivisions that are part of a Planned Development Overlay District they need to meet the criteria in the MMC, including compliance with the standards for subdivisions and the zoning district unless amended standards have been adopted as part of the Planned Development Overlay District. The applicant has provided a request for a Tentative Subdivision (S 1-19) that is consistent with the new Planned Development Overlay District (PD 1-19) requested for concurrent review.

Generally, the purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

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Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard subdivision application against the zoning departures requested. It should be noted that the MMC does not contain mechanisms to achieve many of the additional benefits possible through Planned Development outside of that process.

The specific review criteria for a Planned Development in Section 17.51.030(C) of the McMinnville Municipal Code require the Planning Commission to determine that:

1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
4. The plan can be completed within a reasonable period of time;
5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;

As mentioned above, the land-use application submittals include both a request for a new Planned Development Overlay District (48.7 acres of residential property) and a request for a Planned Development Amendment (PDA 2-19) to amend an existing Planned Development Overlay District that is currently regulated by Ordinance 4633 (6.62 acres of commercial property). Therefore, the land-use applications as requested would result in two separate Planned Development Overlay Districts on different portions of the subject site.

The Planned Development Amendment application (PDA 2-19) is subject to Planned Development Amendment review criteria in Section 17.74.070 of the MMC, which are the same as the criteria for a new Planned Development, as referenced above. The specific review criteria for Planned Development Amendments in Section 17.74.070 of the MMC require the applicant to demonstrate that:

- 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;

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- 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.

Tentative Subdivision

Applications for a Tentative Subdivision are subject to the standards in Chapter 17.53 (Land Division Standards) of the MMC. In addition, the tentative subdivision should be consistent with any Planned Development Overlay District, which is the case in this situation.

Landscape Plan

The landscape plan submitted for review includes a few different components under different sections of the MMC. The landscape plan includes proposed trees to be removed during the development of the site, proposed landscaping within open space tracts, and a proposed street tree plan for the planting of street trees in the planter strips within the right-of-way.

The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the McMinnville Municipal Code (MMC). Section 17.58.050 of the MMC requires a permit for Tree Removal to be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

The Street Tree Plan is subject to applicable criteria and standards found in Chapter 17.58 (Trees) of the MMC. As it relates to street trees, the purpose of Chapter 17.58 is to establish and maintain the maximum amount of tree cover on public and private land in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the city; to increase property values and build stronger ties within neighborhoods; and to promote a diverse, healthy, and sustainable community forest.

The Landscape Plan is subject to landscaping planning factors found in Section 17.57.070 (Area Determination – Planning Factors) of the MMC. The specific planning factors required to be taken under consideration for the review of the landscape plan are below:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.

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5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

Analysis of Land-Use Requests

The applicant has provided extensive narrative and findings to support the requests for the six land-use applications described above. The applicant's narrative and findings are provided in their application materials. Staff has prepared Decision Documents for each land-use application and request, where the applicant's findings are reiterated and in some cases refined or amended with a condition of approval in order to meet the applicable Comprehensive Plan policies and review criteria. The detailed analysis and staff-suggested findings and conditions of approval are contained in each Decision Document attached to this staff report, but staff has also provided an overview of each land-use application and the staff recommendation below.

Staff would remind the Planning Commission that, because each application is being reviewed and considered separately, that one application could move forward for approval without the following applications being recommended for approval. Therefore, in some cases staff is suggesting that a decision on a land-use application is not rendered, and does not take effect, until and unless other applications (submitted for concurrent review) are also approved by the City Council. This will be discussed in more detail below where applicable.

Comprehensive Plan Map Amendment (CPA 1-19)

The applicant is requesting an amendment of the Comprehensive Plan Map to reduce the size of an existing 11.3 acre Commercially designated area to a 6.62 acre Commercially designated area. The remaining 4.76 acres of the existing Commercially designated area would be amended to a Residential Comprehensive Plan Map designation.

Overall, the request would provide for additional residential land within the city. The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 buildable acres of residential land deficit. The most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial land within the McMinnville Urban Growth Boundary of 35.8 acres. While both land types (residential and commercial) are identified as needed, the need for residential land is much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land.

In addition, Section 17.74.020 of the McMinnville Municipal Code states that when considering a comprehensive plan map amendment, "the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached

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which would have the effect of discouraging needed housing through unreasonable cost or delay.” The reduction of the Commercial designation is supported by this, because the housing policies are required to be given added emphasis and the proposal would result in additional residential land. Also, the reduced size of the Commercially designated area would better support neighborhood and community serving commercial uses on the property, which are intended to be developed by the applicant and will be discussed in more detail in the Planned Development Amendment request below.

Zone Change (ZC 1-19)

The applicant is requesting to rezone the subject site from its existing R-1 (Single Family Residential) and EF-80 (remnant County Exclusive Farm Use zone from prior to annexation) zones to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential). The C-3 zone would coincide with the area proposed to be designated as Commercial on the Comprehensive Plan Map.

The portion of the site proposed to be zoned C-3 would allow for the development of commercial uses on the site that would provide commercial uses and services in an area of the city that is currently lacking in those types of uses and services. The proposed zone change meets the Comprehensive Plan policies related to McMinnville’s economy and allows for the continued growth and diversification of the commercial and employment uses within the city. However, the proposed C-3 zone may not achieve the maximum efficiency of the land or allow for appropriate commercial uses that are compatible with adjacent land uses. This is addressed partly in the applicant’s Planned Development Amendment request, where the applicant proposes to develop neighborhood commercial uses and multiple family dwelling units on the subject site. The C-3 zone would allow for those types of uses to be developed, but would also permit a number of other commercial uses that may not be compatible with the surrounding area.

The portion of the site that is proposed to be zoned R-4 meets most of the locational requirements in the Comprehensive Plan for higher density housing. The site is located on an arterial street and a future transit route, and will be located adjacent to commercial uses and services (the C-3 zoned portion of the Baker Creek North site). The site is not subject to any development limitations, as the R-4 zoned area is located south of the Baker Creek riparian and floodplain areas. However, there are some locational requirements that are not currently achieved by the site. The site is not currently adjacent to any private or public open space, and because the zone change is considered independent of any specific development plan, it has not been identified that the site can be buffered from adjacent lower density residential uses.

In addition, the applicant submitted a traffic impact analysis that identified that the surrounding transportation network had capacity to support the development of the site under the proposed C-3 and R-4 zone. However, the traffic analysis only analyzed the transportation network’s capacity for the development of 280 homes (associated with the concurrent Planned Development request) and the adjacent commercial parcel. The R-4 zone would allow for denser development than is proposed in the Planned Development application submitted for concurrent review.

To address the issues of compatible and appropriate commercial uses, the high density housing locational requirements, and the ability for the surrounding transportation network to support the development allowed in the proposed zones, a condition of approval is suggested to state that the

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decision for approval of the Zone Change (ZC 1-19) is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) and Planned Development Amendment (PDA 2-19) applications submitted for concurrent review are approved by the City Council. The Planned Development and Planned Development Amendment applications address these issues, as will be discussed in more detail below.

Planned Development Amendment (PDA 2-19)

The applicant is proposing to amend an existing Planned Development Overlay District regulated by Ordinance 4633 to reduce the size to be consistent with the proposed 6.62 acre C-3 portion of the site (as described above), and also to amend existing conditions of approval to allow up to 120 multiple family dwelling units on the site and require a minimum of 2 acres of neighborhood commercial uses. The existing Planned Development Overlay District includes the following conditions:

1. That development of the site is subject to the requirements of McMinnville Ordinance No. 4605, Section 2(a) – (g).
2. That no multiple-family residential use shall be allowed on the site

The reference to Ordinance 4605 was a clerical error, and was intended to reference Ordinance 4506. Ordinance 4506 provided design and development standards in Section 2(a) – (g), which were as follows:

- a. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines where adjacent to residentially zoned lands.
- b. Detailed plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible.
- c. No use of any retail commercial use shall normally occur between the hours of 12:30 a.m. and 6:00 a.m.
- d. No building shall exceed the height of 35 feet.
- e. That if outside lighting is to be provided, it must be directed away from residential areas and public streets.
- f. That signs located within the planned development site be subject to the following limitations:
 1. All signs must be flush against the building and not protrude more than 12 inches from the building face, except that up to two free standing monument-type signs not more than six feet in height and which meet the requirements of (2) and (3) below are allowed;
 2. All signs, if illuminated, must be indirectly illuminated and nonflashing;
 3. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
- g. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 1. Off-street parking and loading;
 2. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.

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Overall, the applicant's proposal has special objectives that would be consistent with applicable Comprehensive Plan goals and policies. The applicant is proposing to develop the site with neighborhood commercial uses, which is supported by Comprehensive Plan policies and would provide a type of commercial use and service in the city that is currently not provided in this area. The development of multiple family dwelling units on the subject site could also allow for more efficient and maximum use of the commercial property. The site meets the locational requirements for higher density housing, similarly to the arguments provided for the Zone Change (ZC 1-19) above. However, there are a number of Comprehensive Plan policies that staff does not believe are adequately addressed in the applicant's request to create an opportunity for maximum efficiency and potentially more intense development of the subject site. Staff does believe that the Comprehensive Plan policies related to avoiding auto-oriented strip development (Policy 24.00), reducing conflicts with adjacent land uses (Policy 25.00), providing appropriate sizes and scales of commercial uses (Policy 26.00), providing neighborhood commercial uses in residential areas (Policy 27.00), and addressing access, circulation, and pedestrian/bicycle design aspects of commercial development (Policies 29.00, 30.00, and 31.00) can all be achieved if the commercial site is designed appropriately.

To address these concerns, and also meet the applicable Planned Development Amendment review criteria related to the development providing special objectives that warrant a departure from the underlying requirements (the existing conditions of approval in Ordinance 4633), staff is suggesting a number of conditions of approval. The suggested conditions of approval would allow for multiple family dwellings on the commercial site, if they are integrated with neighborhood commercial uses through a mixed use building or in a development plan that integrates the uses between buildings. The conditions of approval would also define what neighborhood commercial uses are within this Planned Development Overlay District, because the applicant had not specified what those uses could be. The condition does provide an opportunity for the applicant to request additional uses to be considered neighborhood commercial uses at the time that they submit their development plans for review. The conditions of approval also include a number of site and building design standards to ensure that the commercial and mixed used development meets all applicable Comprehensive Plan policies, and that the resulting development within the Planned Development Overlay District achieves a special objective that is required by the Planned Development review criteria to allow for a departure from the standard regulation requirements.

Staff would note that the existing Planned Development Overlay District was adopted following a series of past land-use applications, which is explained in more detail in the PDA 2-19 Decision Document. In response to the past land use planning and a previous identification of a need for five acres of commercial development in this area of the city (per Ordinance 4506), staff is suggesting that the minimum amount of neighborhood commercial use within the Planned Development Overlay District be five acres. More specifically, staff is suggesting a condition to require that five acres of the site retain, at a minimum, ground floor commercial uses and that multiple family dwelling units be allowed on the remainder of the site as part of a mixed use development.

In regards to allowing multiple family dwelling units that are currently prohibited by Ordinance 4633, staff believes that the conditions within the City of McMinnville have changed significantly since the time the Planned Development Overlay District was originally adopted in 1996. Since that time, the City has completed studies and analyses of the availability of land for the development of residential uses. The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing uses. That inventory, which was titled the McMinnville

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Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit. The City has also completed more recent updates to the Residential Buildable Lands Inventory, which was reference by the applicant. While that analysis has not yet been acknowledged, it also identifies a need for additional land for the development of residential uses. The proposed amendment to allow multiple family dwelling units on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

The specific conditions of approval suggested by staff are provided below.

Planned Development (PD 1-19)

The applicant has requested the approval of a new Planned Development Overlay District that would allow for the development of 280 single family detached dwellings. The Planned Development includes requests for a number of modifications of underlying zoning requirements including reductions in minimum lot sizes, the use of lot size averaging, exceptions to typical lot dimensions, reduced side yard setbacks, reduced lot frontages, increased number of lots utilizing an access easement, increased maximum driveway widths, increased block lengths and block perimeters, and reduced setbacks between street trees and utilities. The Planned Development includes the creation of 18 open space tracts that will provide recreational amenities, pedestrian connections, and preservation of natural open space. In addition, the applicant is proposing to dedicate a parcel adjacent to the developed portion of the Planned Development Overlay District for a public park as identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan.

A major component of the Planned Development plan that requires modifications from the underlying zoning requirements is related to the lot sizes, orientation, and development pattern proposed. The applicant is proposing 7 different typical lot types that differ in lot width and size, ranging from 26 feet in width to 70 feet in width and ranging from 2,340 square feet in size to 17,977 square feet in size. The 7 different lot types are proposed to be located throughout the Planned Development Overlay District, but are generally arranged in a manner that transitions in density from a higher density on the southern portion of the site to a lower density on the northern portion of the site. This orientation places higher density near the arterial street (Baker Creek Road) which is identified as a future transit route, and places lower density on the portions of the site that begin to slope downward toward the Baker Creek riparian and floodplain areas that are more environmentally sensitive. The development plan does not include any development within any mapped waterway, wetland, or floodplain, but some of these lands are proposed to be preserved within the parcel that will be dedicated to the City for use as a public park.

Overall, staff believes that the proposed planned development would provide additional benefits to the community and the City as a whole that are above and beyond what would be provided through a traditional subdivision application and strict interpretation of the zoning requirements. The proposal would provide greater flexibility and greater freedom of design in the development of land; encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage the developer to use a creative approach in land development; preserve significant man-made and natural

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features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces.

The range of different lot types provides an opportunity for the provision of a variety of housing types and sizes, which will also provide an opportunity for housing products at a wider range of price points. However, the lot sizes and dimensions proposed do vary from the requirements of the underlying R-4 zone. The narrower lots (26 feet and 30 feet in width) are proposed to be alley loaded, which will mitigate potential vehicle conflicts with the pedestrian environment in the sidewalk space and also will result in an aesthetic where the dwelling unit front façades are not dominated by garages. In order to ensure that the denser lot development pattern does not result in a cookie-cutter pattern of single family residential development, staff is suggesting conditions of approval that would require architectural design standards and a review process for proposed building elevations by the Planning Director. In addition, no similar home design would be allowed to be built in adjacency to another, including both sides of the street.

To make up for the reduced lot sizes and setbacks within the Planned Development, the proposal includes the creation of 18 open space tracts and the dedication of one additional 14.92 acre parcel for use as a public park. These open space tracts would not be required under typical zoning requirements, so they provide a benefit to the entire community that would not be achieved under a standard subdivision. Staff is suggesting that the City accept ownership of four of the proposed open space tracts and the proposed park dedication parcel (Parcel D). Within these tracts, the applicant is proposing to extend the BPA pedestrian and bicycle trail to the north from its current terminus on the south side of Baker Creek Road. The BPA trail would extend to the north through the center of the new Planned Development Overlay District and terminate with a trailhead within the park dedication parcel. From that point, a natural bark chip trail is proposed to be developed generally around the perimeter of the floodplain area within the park dedication parcel. This natural bark chip trail would connect to a parcel to be created in the approved and planned Oak Ridge Meadows subdivision to the northeast. The development and dedication of these tracts will allow for park improvements that are identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan, including the BPA trail extension, a special use park, and a greenway trail connection between the BPA trail and Tice Park (in the future). In addition to these public improvements, other open space tracts would be developed, which would be private, to provide recreation areas, pedestrian connections, and natural open space for residents within the Planned Development Overlay District. Staff is suggesting conditions of approval that would specify the improvements that would be provided in the public and private open space tracts and parcel.

Natural features are proposed to be preserved within the Planned Development Overlay District. Stands of large, mature trees are proposed to be preserved within open space tracts and in rear yards of some of the larger lots. Staff is suggesting a condition of approval to require that any additional tree removal be reviewed and approved by the Planning Director prior to removal. Another natural feature proposed to be preserved through the Planned Development is the sloped area along the northern portion of the site, which slopes downward toward the Baker Creek riparian and floodplain area. Larger lots are proposed in this area to better preserve the sloped area, and conditions of approval are included to require that additional geo-technical analysis occur on the sloped portions of the site prior to development, as recommended in the Geo-Technical Report provided in the application materials.

The unique lot development pattern includes alley loaded lots, as described above, as well as some blocks that exceed maximum block length and maximum block perimeter length. The alley loaded lots will minimize vehicular conflicts, and a condition of approval is suggested by staff to require that these

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alleys be privately maintained as they will only be providing access to the dwelling units that are located adjacent to them. A condition of approval is also suggested by staff to allow for block length and block perimeter length to be exceeded. This is based on the proposed open space tracts and the fact that mid-block pedestrian connections are proposed in any location where block lengths are exceeded. One other component of the public right-of-way improvements that was requested by the applicant was driveway widths that exceed the maximum width allowed by the MMC. Staff does not agree with the applicant's request for wider driveways on each lot, and has suggested a condition of approval to allow for wider driveways on the private lots, but that the driveway tapers down at the property line and not exceed the maximum driveway width allowed between the property line and the street. This will reduce driveway openings and crossing of the sidewalk space, and will provide additional space for utilities and street trees within the right-of-way.

With the conditions of approval described above, staff believes that the proposed planned development would provide additional benefits to the community and the City as a whole that are above and beyond what would be provided through a traditional subdivision application and strict interpretation of the zoning ordinance, and would achieve the Planned Development review criteria and Comprehensive Plan policies. The specific conditions of approval suggested by staff are provided below.

Tentative Subdivision (S 1-19)

As discussed above, the applicant has requested the approval of a new Planned Development Overlay District that would allow for the development of 280 single family detached dwellings. The applicant has also submitted a request for a Tentative Subdivision (S 1-19) that is consistent with the Planned Development plans. The subdivision plans include more specific detail on right-of-way improvements and lot platting that would carry out the Planned Development plans. The tentative subdivision plan identifies the development of the 280 single family lots and 18 open space tracts in ten phases. Staff believes that the subdivision plans are consistent with the Planned Development (PD 1-19), and if that is approved, the tentative subdivision plans could be approved.

Staff is suggesting some conditions of approval that are more typical of the subdivision process to require proper documents to be prepared to allow for the maintenance of open space tracts (Covenants, Conditions, and Restrictions (CC&Rs) and a Homeowner's Association), allow the subdivision phasing proposed and include a timeframe for final platting, require some minor amendments to and clarification of public right-of-way improvements (intersection angles, alleys in private tracts or easements, street profiles, and right-of-way dedication), describe right-of-way improvements required, and describe the process to be followed during improvements and final platting. Staff is suggesting that the conditions of approval related to residential building architectural design from the Planned Development (PD 1-19) also be included in the Tentative Subdivision (S 1-19) approval. In addition, staff is suggesting a condition of approval to require that 25 percent of the lots within each subdivision phase be offered for sale to provide an opportunity for housing variety within each subdivision phase.

Finally, a condition of approval is suggested to state that the decision for approval of the Baker Creek North Tentative Subdivision (S 1-19) is not rendered, and does not take effect, until and unless the Planned Development request (PD 1-19) is approved by the City Council.

The specific conditions of approval suggested by staff are provided below.

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Landscape Plan (L 12-19)

As discussed above, the landscape plan submitted for review includes a few different components under different sections of the MMC. The landscape plan includes proposed trees to be removed during the development of the site, proposed landscaping within open space tracts, and a proposed street tree plan for the planting of street trees in the planter strips within the right-of-way.

The applicant is requesting the removal of 17 deciduous trees, primarily native white oaks, from the subject property as part of the proposed development project. Thirteen (13) of the trees are located in or immediately adjacent to proposed street and right-of-way improvements. The additional four (4) trees requested for removal are located within proposed building envelopes on lots. Construction of the streets and right-of-way improvements and building construction would necessitate the removal of the trees from those areas. If the planned development and subdivision applications are approved, then the tree removal request would meet the criterion related to the removal being part of an approved development project. Conditions of approval have been included to clarify the applicant's responsibility, ensure safety, and limit the trees approved for removal to the 17 identified on the plan.

The Street Tree Plan submitted by the applicant proposes street trees located along the public rights-of-way within and adjacent to the proposed Baker Creek North Planned Development and subdivision. The trees specified on the plan are either found on the recently updated McMinnville Street Tree List (approved by Resolution 2019-26), or exhibit preferred characteristics of street trees. The six (6) specified street tree selections are all appropriate species.

Generally, the location and spacing of street trees in the subdivision would provide tree lined streets and minimize conflict with public improvements. Street trees have been placed in appropriate locations, taking into account public improvements within the right-of-way. Conditions of approval have been included to identify other locations where additional trees may be appropriate to maximize the number of street trees provided, and to ensure street trees do not conflict with the transmission line easement that runs through the planned development.

The spacing of the street trees throughout the subdivision is approximately 30 feet when not disrupted by setbacks from improvements. Thirty (30) feet is the standard maximum spacing for medium street trees allowed by the zoning ordinance, but it exceeds the maximum standard spacing of 20 feet for small stature street trees. Varying lot sizes and driveway and utility locations create some distances between trees greater than 30 feet. To achieve the tree spacing that is shown on the street tree plan, the applicant has proposed modifications to the setback standards from water meters and driveways. Additional root barrier is required when trees are within the standard setbacks from those improvements. Conditions of approval for the street tree plan have been included to allow some modification to spacing standards and to ensure compliance to other applicable street tree standards.

The applicant has proposed landscaping for 17 of the 18 common area tracts found throughout the proposed planned development. The landscape plans specify planting and amenities for open space areas that include playgrounds, active and passive recreation spaces, pedestrian access ways, a stormwater detention area, subdivision entry and perimeter planting, and a preserved native oak grove. The plants specified throughout the common area tracts are a mix of native and ornamental plants that would provide seasonal interest, define and support the intended purpose of the tracts, and screen and buffer uses as appropriate. Generally, staff found the proposed landscaping to be compatible with the

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project and surrounding properties. Conditions of approval have been included to ensure that landscaping and amenities adjacent to and within the transmission line easement and adjacent to the electric substation are sized and located to help avoid future conflict. A condition of approval requires landscaping in Pump Station Tract G, the only common area tract that landscaping was not proposed for. The applicant has provided an irrigation plan specifying an automatic irrigation system for the majority of proposed landscaping. A condition of approval requires the extension of the automatic irrigation system to Tract S.

Finally, conditions of approval are included to require the submittal of a revised landscape plan reflecting revisions to the plan and conditions of approval to the Planning Department for final approval, and that the decision for approval of Baker Creek North Tree Removal, Street Tree Plan, and Landscape Plan (L 12-19) is not rendered, and does not take effect, until and unless the Tentative Subdivision request (S 1-19) is approved by the City Council.

Staff-Suggested Conditions of Approval

Comprehensive Plan Map Amendment (CPA 1-19)

None.

Zone Change (ZC 1-19)

1. That the decision for approval of Zone Change (ZC 1-19) is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) and Planned Development Amendment (PDA 2-19) applications submitted for concurrent review are approved by the City Council.

Planned Development Amendment (PDA 2-19)

1. Ordinance 4633 is repealed in its entirety. Conditions of approval from Ordinance 4633 that are still applicable based on the current Planned Development Amendment are carried forward.
2. That up to 120 multiple family dwelling units are allowed within the Planned Development Overlay District, but only if the multiple family units are integrated with neighborhood commercial uses. "Integrated" means that uses are within a comfortable walking distance and are connected to each other with direct, convenient and attractive sidewalks and/or pathways. This integration of multiple family units and neighborhood commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.
3. For the purposes of this Planned Development Overlay District, allowed neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, "Restaurant" shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. No retail uses should exceed 10,000 square feet in size, except for grocery stores. The applicant may request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

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4. Detailed development plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The detailed development plans shall identify the following site design components:
 - a. That the future commercial development of the site is designed with shared access points and shared internal circulation. Parking and vehicle drives shall be located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
 - b. Parking shall be oriented behind the buildings or on the sides. Surface parking shall not exceed 110% of the minimum parking requirements for the subject land uses. Shared parking is encouraged. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; and a significant bicycle corral that is connected to the BPA bicycle/pedestrian trail. Parking lot landscaping will meet or exceed city standards.
 - c. Buildings shall be oriented towards the surrounding right-of-ways and must have at least one primary entrance directly fronting a public right-of-way. Building facades shall be designed to be human scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the surrounding neighborhoods. Special attention should be paid to roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets, plazas, the public parks and the adjacent neighborhood. No building shall exceed a height of 45 feet without a variance. If any building is proposed to exceed 35 feet, the building shall be designed with a step back in the building wall above 35 feet to reduce the visual impact of the height of the building.
 - d. Pedestrian connections shall be provided between surrounding sidewalks and right-of-ways. The plans shall also identify how the development provides pedestrian connections to adjacent residential development and the BPA Bike/Pedestrian Trail system located adjacent and to the east of the site.
 - e. The commercial development shall maximize connectivity with the BPA Bike/Pedestrian Trail and the other adjacent public parks but minimize bicycle and pedestrian conflicts within the site.
 - f. Sidewalks and/or plazas will be provided with weather protection (e.g. awnings/canopies). Appropriate pedestrian amenities such as space for outdoor seating, trash cans, sidewalk displays, outdoor café seating and public art will also be provided.
 - g. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. All public right-of-ways adjacent to the site will be improved with street tree planting as required by Chapter 17.58 of the MMC.
 - h. The plan must provide a community gathering space that is easily accessible via pedestrian and bicycle access from all of the uses within the commercial development as well as the adjacent BPA Bike/Pedestrian Trail. If multiple family dwelling units are developed on the site, a minimum of 10 percent of the site must be designated as usable open space. The usable open space will be in addition to the minimum 14 percent of the

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- site that must be landscaped, and may be combined with the community gathering space required for the commercial uses. The usable open space shall be in a location of the site that is easily accessible from all buildings and uses, shall not be located in a remnant area of the site, and shall not be disconnected from buildings by parking or driving areas.
- i. That signs located within the planned development site be subject to the following limitations:
 1. All signs, if illuminated, must be indirectly illuminated and nonflashing, and the light source may not be visible from any public right of way and may not shine up into the night sky;
 2. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
 3. Internally illuminated, signs on roofs, chimney and balconies, and off-site signage are prohibited.
 4. Each building may have a maximum of two signs to identify the name and street address of the building. These signs must be integral to the architecture and building design and convey a sense of permanence. Typically these signs are secondary or tertiary building elements as seen on historic urban buildings. Maximum sign area shall be no more than 6 square feet. Maximum sign height shall be 18 feet above the sidewalk to the top of the sign.
 5. Each building may have one directory sign immediately adjacent to a front/main or rear entry to the building. A directory sign is allowed at each entry to a common space that provides access to multiple tenants. Directory signs shall be limited to 12 square feet in area and their design shall integrate with the color and materials of the building.
 6. One freestanding monument sign shall be permitted within 20 feet of each driveway access to a public right-of-way. The maximum sign area shall be 24 square feet. Monument signs must be positioned to meet the City's clear vision standards. The maximum height from the ground of the monument sign shall be 6 feet.
 7. Each building may have a total of two signs per tenant identifying the leased/occupied space. These signs must be located on the façade containing the primary entry or façade immediately adjacent to the primary entry to the tenant's space. In all cases these signs must be on a wall attached to the space occupied by the tenant. Tenants may select from the following sign types: Awning, Project/Blade or Wall.
 - A. Awning Sign
 - i. Maximum sign area shall be 6 square feet on the main awning face or 3 square feet of the awning valance.
 - ii. Lettering may appear but shall not dominate sloped or curved portions, and lettering and signboard may be integrated along the valance or fascia, or free-standing letters mounted on top of and extending above the awning fascia.
 - iii. Lettering and signboard may be integrated along the valance or awning fascia.
 - B. Projecting and Blade Sign
 - i. Maximum sign area shall be 4 square feet (per side).

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- ii. The sign must be located with the lower edge of the signboard no closer than 8 feet to the sidewalk and the top of the sign no more 14 feet above the sidewalk.
- iii. For multi-story buildings, at the ground floor tenant space signage, the top signboard edge shall be no higher than the sill or bottom of the average second story window height.
- iv. Distance from building wall to signboard shall be a maximum of 6 inches.
- v. Maximum signboard width shall be 3 feet with no dimension to exceed 3'.
- vi. Occupants/tenants above the street level are prohibited from having projecting blade signage.

C. Wall Signs

- i. Maximum sign area shall be a maximum of 10 square feet. For small tenant spaces the ARC may limit sign size to less than 10 square feet.
 - ii. The sign shall be located on the tenant's portion of the building. Maximum sign height for multiple story buildings shall be 14 feet above the sidewalk to the top of the sign. The maximum sign height for single story buildings is 18 feet above the sidewalks to the top of the sign. The measurement is from the top of the sign to the lowest point on the sidewalk directly below the sign.
 - iii. Applied lettering may be substituted for wall signs. Lettering must fit within the size criteria above.
- j. Outside lighting must be directed away from residential areas and public streets.
5. No use of any retail commercial use shall normally occur between the hours of 1:00 a.m. and 5:00 a.m.
 6. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 - a. Off-street parking and loading;
 - b. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation;
 - c. Seating for food and beverage establishments; and
 - d. Food carts.
 7. Prior to any future development of the site, a traffic impact analysis shall be provided. The traffic impact analysis shall include an analysis of the internal circulation system, the shared access points, and the traffic-carrying capacity of all adjacent streets and streets required to provide eventual access to Baker Creek Road.
 8. The minimum commercial development shall be five acres. Five acres of this site must retain ground floor commercial uses, allowing multiple family development to occur on the remainder of the site and as part of a mixed-use development. The five acres of commercial development will be calculated based upon all of the development requirements associated with the commercial development including any standards related to the mixed-use residential development.

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Planned Development (PD 1-19)

1. That the Baker Creek North Tentative Subdivision plan shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the developer. The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
2. That the average lot size within the Baker Creek North subdivision shall be approximately 4,930 square feet.
3. That the setbacks for the lots within the Baker Creek North subdivision shall meet the setbacks required in the R-4 zone, with the following exceptions:
 - a. SFD-70, SFD-60, SFD-50, and SFD-40: Minimum 5 foot side yard setback
 - b. SFD-45: Minimum 4 foot side yard setback
 - c. SFD-30a and SFD-26a: Minimum 3 foot side yard setback
 - d. Lots 131-135 and Lots 269-280: Minimum 30 foot rear yard setback
4. Fences constructed within side yards shall provide a minimum clearance of three (3) feet from the electrical meter to maintain National Electric Safety Code (NESC) and National Electric Code (NEC) clearances.
5. That Tract G, Tract I, Tract J, Tract K, and Tract L will be dedicated to and accepted by the City as public parks and open space. The tracts shall be dedicated at such time as the subdivision phase that the tract is located within is platted. The City shall accept maintenance responsibility of Tract G, Tract I, Tract J, Tract K, and Tract L immediately at the time of dedication.
6. That the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be dedicated to the City at the time of the platting of subdivision Phase 2A or Phase 3A, whichever is earlier. The applicant shall also dedicate the trail easement proposed within the property to the north (Tract 2, Parcel 2, Instrument No. 201600557, Yamhill County Deed Records) at the time Parcel D is dedicated to allow for the greenway trail to connect to a planned extension of the greenway trail in the planned Oak Ridge Meadows subdivision. Parcel D and the easement described above, as well as all the required improvements within Parcel D and the easement shall be maintained by a Homeowner's Association (HOA) until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City prior to the dedication of the park

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land to the City of McMinnville.

7. That the tracts and parcel dedicated as public park and open space are improved to City standards prior to dedication to the City of McMinnville. Specifically, the following improvements are required in the following tracts and parcel:
 - a. Tract I – The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
 - b. Tract J - The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
 - c. Tract K – The development of the beginning of the 12 foot wide paved multi-use trail that will continue into Tract L. The trail identified on Drawing L3.0 and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract K shall be improved with landscaping, benches, picnic tables, trash receptacles, and dog waste stations as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
 - d. Tract L - The development of a 12 foot wide paved multi-use trail that will continue from the connection at Tract K north to the northern boundary of Tract L, where it will continue into Parcel D (Park Dedication Parcel) as identified on Drawing L4.0. The trail identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract L shall be improved with landscaping and lighting as identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
 - e. Parcel D (Park Dedication Parcel) – The development of a 12 foot wide multi-use trail that will continue from the connection at the northern boundary of Tract L to a trailhead that is improved as identified on Drawing L4.0 and approved as part of L 12-19 as part of

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- this development project. The trailhead shall be the terminus of the 12 foot wide multi-use trail identified and required within Tract I, Tract J, Tract K, and Tract L. In addition, a greenway trail shall be developed within Parcel D, starting at the trailhead described above, and continuing along the boundary of the area identified as 100-year floodplain. The greenway trail shall connect to the public park and greenway parcel approved and planned within the Oak Ridge Meadows subdivision to the northeast. The greenway trail shall be a bark chip bicycle/pedestrian trail throughout the greenway, constructed to City specifications. A development plan for the greenway with the trail system and any associated access ways (public or private) shall be submitted to the City for review and approval of the design and engineering prior to construction.
- f. Tract G – This tract is identified for a sanitary sewer pump station. No specific improvements or landscaping were identified for this tract. Therefore, a landscape plan shall be provided for review by the Landscape Review Committee prior to any development of the tract. The proposed sanitary sewer pump station site also appears to be steeply graded. The pump station site will need to be designed with a site driveway that accommodates the Wastewater Services department's service vehicles so that the pump station can be adequately maintained.
8. That the private open space and recreational tracts be improved or preserved as shown in the Planned Development plans. Specifically, the following improvements are required in the following tracts:
- a. Tract A – The stormwater detention facility, fencing, and landscaping identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.
- b. Tract B – Between Lots 69-72 and Lots 29-32, the development of 10 foot wide paved sidewalks along the west and east edges of the tract, commercial grade play equipment, open lawn space, 4 benches, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project. Between Lots 25-28 and 21-24, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
- c. Tract C – The development of the commercial grade play equipment, paved seating area with 3 benches, fencing, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.
- d. Tract D – The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2 and approved as part of L 12-19 as part of this development project.
- e. Tract E - The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
- f. Tract F – The development of a 10 foot wide sidewalk along the southern edge of the tract, 3 benches, a minimum 22'x30' covered shelter structure with 5 picnic tables, a trash receptacle, a wood chip trail connecting from the paved sidewalk to the greenway

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- trail required in Parcel D, and landscaping as identified on Drawing L2.0 and L8.0 and approved as part of L 12-19 as part of this development project.
- g. Tract H - Between Lots 77-80 and 73-76, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
 - h. Tract N – The preservation of all trees located with the tract, except those shown as being removed on Drawing L4.0. Prior to the removal of any additional tree within Tract N, a request for removal of the tree shall be provided to the Planning Director for review and approval. The request for removal shall be accompanied by an arborist's report.
 - i. Tract O – The preservation of existing natural vegetation and landscaping as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - j. Tract P – The development of a 10 foot wide paved sidewalk, bounded on the west side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - k. Tract Q - The development of a 10 foot wide paved sidewalk, bounded on the east side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - l. Tract R – The improvement of a 10 foot wide paved sidewalk along the eastern portion of the tract, 2 benches on concrete pads near the south end of the tract, 2 benches on concrete pads near the north end of the tract, commercial grade plan equipment with 4 features, 2 picnic tables, and landscaping as identified on Drawing L4.0 and Drawing L9.0 and approved as part of L 12-19 as part of this development project.
 - m. Tract S – The improvement of a 10 foot wide gravel path bounded on both sides by landscaping as identified on Drawing L5.0 and approved as part of L 12-19 as part of this development project.
9. In order to provide better pedestrian access to the BPA trail extension within Tract L and the greenway trail in Parcel D (Park Dedication Parcel) from the lots within the northwestern portion of the site, a condition of approval is included to require that an easement or tract be created between Lot 130 and Lot 131 to connect from the intersection of Mercia Street and Harold Drive to the BPA trail within Tract L. The connection is also required to allow for an additional turn around point for McMinnville Water and Light vehicles to access the electric transmission easement. The easement or tract shall include a paved trail of a sufficient size and design to allow McMinnville Water and Light to access the electric transmission easement with heavy trucks and approximately eighty-five foot poles. The design and location of the connection should account for the weight of trucks, and account for turning radius needed to access the easement space with transmission length poles. At a minimum, the trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville. A development plan for the tract or easement, the improvements within the tract or easement, and any resulting change in lot dimensions or configuration within Phase 2A shall be submitted to the City for review and approval of the design and engineering prior to construction.

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10. That the 10 foot wide meandering sidewalk be constructed within the Baker Creek Road right-of-way, as identified on Drawing SP-1 and Drawing L2.0 and approved as part of L 12-19 as part of this development project. The fencing proposed in Drawing L2.0 and Drawing L9.0 shall also be provided along the Baker Creek Road right-of-way.
11. That an enhanced crossing be provided where the BPA trail crosses Kent Street, between Tract J and Tract K. The enhanced crossing shall be similar in improvement to the enhanced crossings of the BPA trail at Wallace Road, Meadows Drive (south of the subject site), Cottonwood Drive, and 23rd Street.
12. Prior to any permits being issued for construction activities on the site, an additional geotechnical analysis of the area identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall be submitted to the City for review and approval. Should the additional analysis determine that the lots as proposed are not able to be developed, it shall be the applicant's responsibility to request an amendment to the Planned Development and the adopted site plan. The applicant will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
13. That all development of the site outside of the areas identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall follow the recommendations in Section 6.1 through Section 7.1 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017.
14. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of streets, utilities, future residences, public and private park improvements, or other improvements. The inventory and report shall be provided prior to the prior to the release of construction or building permits within the planned area.

That existing trees with trunks wholly or partially within the planned area and greater than nine (9) inches DBH (Diameter at Breast Height) shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance. Trees greater than nine inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction

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of all public improvements and residential development in the approved subdivision, as identified in Drawing L 1.0, Drawing L4.0, Drawing L 5.0, Drawing L6.0, and the tree protection detail in Drawing L6.0 and approved as part of L 12-19 as part of this development project.

And that existing trees with trunks wholly or partially within Parcel D (Park Dedication Parcel), Tract N, Tract O, and the rear of Lots 131-135 and Lots 269-280 shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance.

15. That lots with less than 40 feet of street frontage shall be accessed from an alley / alley loaded.
16. That all alleys will be private. Any alley shall be created in the form of a tract or shared access easement. The tracts or easements created for alleys shall be maintained by the Homeowner's Association and/or the properties that utilize the alleys for access.
17. That Lots 206 – 210 shall be allowed to share one private access drive. The access drive shall be provided within an access easement and be maintained by the properties utilizing the access drive for access.
18. That driveways on each private lot shall be the maximum width requested by the applicant depending on the type of lot, but the driveway width shall be tapered down at the property line and not exceed the maximum 40 percent driveway width required by Section 12.20.030(B) between the property line and the street. The maximum driveway width on the private lot for each lot type shall be:
 - a. SFD-70 and SFD-60 Lots: 30 feet wide driveways
 - b. SFD-50 and SFD-40 Lots: 20 feet wide driveways
 - c. SFD-45 Lots: 18 feet wide driveways
 - d. SFD-30a & SFD-26a Lots: Driveways the same width of the dwelling, and only providing access from an alley
19. That the maximum block length within the Baker Creek North Planned Development shall be 645 feet and the maximum block perimeter shall be 2,325 feet.
20. 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 the Baker Creek North Planned Development, and to identify the standards that will apply to each dwelling unit constructed with the Planned Development.

This Architectural Pattern Book shall contain architectural elevations, details, materials, and colors for each building type. The review of the Architectural Pattern Book and the dwelling unit design standards described below shall apply to all building facades. At a minimum, the Architectural Pattern Book shall contain the following sections and the building plans submitted for review shall meet the following standards:

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- a. Style and Massing
 - i. Façades shall provide vertical offsets, projections, or recesses to break up the building façade.
- b. Quality and Type of Exterior Materials
 - i. Façades shall include horizontal elements the entire width of the façade to mark the break between floors or along rooflines including band course, band molding, bellyband, or belt course.
 - ii. A minimum of two types of building materials shall be used on the front elevations.
 - iii. All facades shall have trim, sashes and mullions on all windows and shall incorporate a paint scheme with three colors.
 - iv. In addition, façades will include at least four of the following.
 - 1. Windows – mullions, trim, orientation, sashes
 - 2. Gables
 - 3. Dormers
 - 4. Architectural bays
 - 5. Awnings made of fabric, metal or wood-framed
 - 6. Change in wall planes
 - 7. Ground floor wall lights/sconces
 - 8. Transom windows
 - 9. Balconies or decks
 - 10. Columns or pilasters – not decorative
- c. Front Porches / Entry Areas
 - i. Front porches shall be at least 48 square feet in area, with a minimum dimension of 6 feet by 6 feet.
 - ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.
 - iii. Porch must include a raised platform, ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch.
- d. Roof Design and Materials
 - i. Use a variation in roof forms to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
 - ii. Limit continuous ridgelines to less than 40 feet in length and continuous eaves to 25 feet in length.
- e. Exterior Doors and Windows
 - i. Windows shall be provided on all façades and blank walls will be avoided.
- f. Garage Door Types
 - i. Pair garages where possible to maximize planting strip and potential for street trees.
 - ii. The length of a garage wall facing the street shall be no more than 50 percent of the street-facing building façade.

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- iii. Where the width of a street-facing building façade is 30 feet or less (SFD-45 and SFD-40 Lots), the garage wall facing the street may exceed 50 percent of the street-facing building façade if the building meets the following:
 - 1. The garage wall is not wider than the maximum width of the driveway allowed for the lot; and
 - 2. The building includes one of the following:
 - a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
 - b. A covered balcony above the garage that is:
 - i. At least the same length as the street-facing garage wall;
 - ii. At least 6 feet deep; and
 - iii. Accessible from the interior living area of the dwelling unit.
 - iv. Garages shall be recessed from entrances, making the entrance more prominent than the garage.
 - g. Exterior Lighting
 - h. Sample Exterior Colors
 - i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.
- 21. 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. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.
- 22. Where sites are graded, the top of the exterior foundation must extend above the street gutter in compliance with the Building Code to facilitate storm drainage. Alternative elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

Where room on a property does not exist to slope the finished grade away from foundations as required by the Building Code to mitigate storm drainage, alternative diversion or drainage solutions must be provided subject to approval by the building official.

Tentative Subdivision (S 1-19)

- 1. That the decision for approval of the Baker Creek North Tentative Subdivision (S 1-19) is not rendered, and does not take effect, until and unless the Planned Development request (PD 1-19) is approved by the City Council.
- 2. 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

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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 October 1 to April 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.
 - C. It shall be the applicant's responsibility to relocate street 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.
3. That restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development and must meet with the approval of the Planning Director prior to final plat approval.
 4. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. Additionally, the Homeowner's Association shall be assigned maintenance responsibilities of the dedicated public park (Parcel D, also described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) until 2032, at which point maintenance responsibilities shall be transferred to the City in perpetuity. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.
 5. That plat phasing is approved as depicted in Drawing EXH-6 in the applicant's submittal. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director

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may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

6. That the Tentative Subdivision Plan, Phase 1A shall expire two (2) years from the date this decision is final without appeal and the decision of PD 1-19 is final without appeal. 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.
7. That each subsequent phase of the subdivision, following Phase 1A, shall expire five (5) years from the date of this approval, which extends past 2024 as proposed in the application materials. 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.
8. That the applicant shall provide twenty-five percent (25%) of the single family lots within each phase of the subdivision for sale to the general public for a period of six months for each subdivision phase. The applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat for each subdivision. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred eighty (180) days prior to building permit issuance for said lots.
9. That the public and private open space tracts shall be constructed per the specifications outlined the conditions of approval for the Planned Development Overlay District (PD 1-19).
10. That the required greenway trail system and access ways within and connecting to the dedicated public park parcel (Parcel D, also described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be constructed prior to the issuance of building permits for Phase 2A or Phase 3A per Section 17.53.075(D) of the McMinnville Municipal Code.
11. 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 the Baker Creek North Planned Development, and to identify the standards that will apply to each dwelling unit constructed with the Planned Development.

This Architectural Pattern Book shall contain architectural elevations, details, materials, and colors for each building type. The review of the Architectural Pattern Book and the dwelling unit design standards described below shall apply to all building facades. At a minimum, the Architectural Pattern Book shall contain the following sections and the building plans submitted for review shall meet the following standards:

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- a. Style and Massing
 - i. Façades shall provide vertical offsets, projections, or recesses to break up the building façade.
- b. Quality and Type of Exterior Materials
 - i. Façades shall include horizontal elements the entire width of the façade to mark the break between floors or along rooflines including band course, band molding, bellyband, or belt course.
 - ii. A minimum of two types of building materials shall be used on the front elevations.
 - iii. All facades shall have trim, sashes and mullions on all windows and shall incorporate a paint scheme with three colors.
 - iv. In addition, façades will include at least four of the following.
 - 1. Windows – mullions, trim, orientation, sashes
 - 2. Gables
 - 3. Dormers
 - 4. Architectural bays
 - 5. Awnings made of fabric, metal or wood-framed
 - 6. Change in wall planes
 - 7. Ground floor wall lights/sconces
 - 8. Transom windows
 - 9. Balconies or decks
 - 10. Columns or pilasters – not decorative
- c. Front Porches / Entry Areas
 - i. Front porches shall be at least 48 square feet in area, with a minimum dimension of 6 feet by 6 feet.
 - ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.
 - iii. Porch must include a raised platform, ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch.
- d. Roof Design and Materials
 - i. Use a variation in roof forms to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
 - ii. Limit continuous ridgelines to less than 40 feet in length and continuous eaves to 25 feet in length.
- e. Exterior Doors and Windows
 - i. Windows shall be provided on all façades and blank walls will be avoided.
- f. Garage Door Types
 - i. Pair garages where possible to maximize planting strip and potential for street trees.
 - ii. The length of a garage wall facing the street shall be no more than 50 percent of the street-facing building façade.

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- iii. Where the width of a street-facing building façade is 30 feet or less (SFD-45 and SFD-40 Lots), the garage wall facing the street may exceed 50 percent of the street-facing building façade if the building meets the following:
 - 1. The garage wall is not wider than the maximum width of the driveway allowed for the lot; and
 - 2. The building includes one of the following:
 - a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
 - b. A covered balcony above the garage that is:
 - i. At least the same length as the street-facing garage wall;
 - ii. At least 6 feet deep; and
 - iii. Accessible from the interior living area of the dwelling unit.
 - iv. Garages shall be recessed from entrances, making the entrance more prominent than the garage.
 - g. Exterior Lighting
 - h. Sample Exterior Colors
 - i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.
- 12. 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. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.
- 13. That the proposed intersection of Gregory & Augustine Streets shall be redesigned such that the intersection angle is at as near to 90° as practical. The current “Y” configuration is not consistent with MMC Section 17.53.101(F).
- 14. That all alleys will be private alleys and that any alley shall be created in the form of a tract or shared access easement. The tracts or easements created for alleys shall be maintained by the Homeowner’s Association and/or the properties that utilize the alleys for access.
- 15. That the street improvement between the curbs on Meadows Drive and Shadden Drive shall have the City’s typical “Teepee” section instead of the offset crown to allow for the curb elevations to match on each side of the street. This street improvement section is proposed to accommodate the additional right turn lane within the street at the intersections of Meadows Drive and Shadden Drive with Baker Creek Road.
- 16. That at the time of submittal of final plats for review, different street names shall be proposed to replace “Harold Drive” and “Emma Street” to avoid the creation of duplicative street names within the city.
- 17. That the public improvements shall be completed to address the following requirements of McMinnville Water and Light:

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- a. With 15 foot front yard setbacks, electrical transformers shall be located toward the front of public utility easements to ensure that a minimum of 8 feet of clearance is provided between the transformer and combustible surfaces, and doors and windows that open.
 - b. The wider multi-use path in lieu of a sidewalk on the west side of Meadows Drive from Baker Creek Road to Kent Street is located partially within the public utility easement. Electric and other utility requirements within the public easement shall be coordinated with the construction of the wider multi-use path. If the sidewalk is placed prior to utilities, conduit shall be pre-placed to facilitate the provision of future utilities.
 - c. Street lighting plan will need to be designed by a licensed engineer. Street lighting shall include lighting at
 - d. The terminus of Shadden Drive and William Drive shall be improved to provide sufficient conduit and vaults to facilitate the extension of McMinnville Water and Light's systems beyond the extent of the subdivision.
18. The final plat shall include the dedication of additional right-of-way, totaling 38' north of centerline, along the subdivision's Baker Creek Road frontage.
 19. The final plat shall include prohibitions against direct access to Baker Creek Road for any individual lot.
 20. The interior streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and 5-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.
 21. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
 22. 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.
 23. At the completion of each phase of the development, the applicant shall install barricades consistent with City standards at the terminus of any street to be extended by future phases, or by adjacent developments. Each barricade shall include a sign with text stating: "This street is planned for extension to serve future development." On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.
 24. 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.

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25. The applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
26. 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.
27. 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.
28. If the final storm drainage plan incorporates the use of backyard collection systems and easements, 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. The maintenance agreements shall include requirements that drainage channels / facilities within the storm drainage easements shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
29. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
30. The proposed detention facility tracts shall 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. The maintenance agreements shall include requirements that drainage channels / facilities within the detention facilities shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
31. The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities.
32. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
33. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
34. 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

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improvements. Evidence of such permits shall be submitted to the City Engineer.

35. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
36. The applicant shall 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.
37. 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.
38. 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.

Landscape Plan (L 12-19)

1. That the decision for approval of Baker Creek North Tree Removal, Street Tree Plan, and Landscape Plan (L 12-19) is not rendered, and does not take effect, until and unless the Tentative Subdivision request (S 1-19) is approved by the City Council.
2. That a revised street tree, landscape, and irrigation plan reflecting the conditions of approval and the final subdivision site plan and utility design shall be submitted to the McMinnville Planning Department for final review and approval by the Planning Director.
3. That all costs and liability associated with tree removal shall be borne by the applicant.
4. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during the tree removal or planting process.
5. That only the 17 existing trees identified for removal on Drawing L1.0 Street Tree Plan shall be approved for removal.

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6. That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station structure from surrounding properties.
7. That trees in Open Space Tract 'I' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet.
8. That trees in Open Space Tract 'J' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet, and trees in Tract 'J' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.
9. That trees in Open Space Tract 'K' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.
10. That no trees are allowed within Open Space & Access Easement Tract 'L'. Trees adjacent to Tract L shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement. No picnic table or other amenity shall block access to transmission facilities.
11. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
12. That an automatic irrigation system be provided to landscape areas within Open Space Tract 'S'.
13. That all landscaping approved by the City and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.
14. That the approved street tree species for the Baker Creek North subdivision are:
 - a. Small Trees
 - i. *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac)
 - b. Medium Trees
 - i. *Acer rubrum* 'October Glory' (October Glory Red Maple)
 - ii. *Cercidiphyllum japonicum* (Katsura Tree)
 - iii. *Ginkgo biloba* 'Magyar' (Magyar Ginkgo)
 - iv. *Ostrya virginiana* (American Hophornbeam)
 - v. *Prunus sargentii* (Sargent Cherry)
15. That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:
 - a. Sewage Pump Station Tract 'G': Street trees shall be provided at the maximum spacing for the stature of tree proposed;

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- b. Open Space Tract 'F': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
 - c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
 - d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;
 - e. Lot 50: One (1) street tree shall be provided between the water meter and alley, outside of the clear vision triangle;
 - f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
 - g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
 - h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;
 - i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
 - j. Lots 35, 117, 130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;
 - k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.
16. That no street tree shall be located within the transmission line easement. Street trees adjacent to the transmission line easement shall have a maximum mature canopy height of 40 feet and shall be located such that no tree canopy encroaches into the transmission line easement.
17. That small street trees shall be spaced at no more than 30 feet, and medium street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement. When adjacent to the exterior side yard of any corner lot, or along open space, detention, or sewage pump station tracts, street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement.
18. That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk 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, street trees shall be provided with two (2) deep watering tubes to promote deep root growth.
19. Where street trees are planted in the approximately 10 foot long planter strips between driveways on neighboring lots, root barrier protection shall be provided around the perimeter of the entire planting strip to a minimum depth of eighteen (18) inches.
20. Where street trees are planted in any location less than 10 feet from a water meter, root barrier protection shall be provided along the sidewalk and curb as required by condition #16, and root barrier protection shall also be provided immediately adjacent to the water meter between the sidewalk and curb to a minimum depth of eighteen (18) inches.
21. That the applicant is reminded that trees are not to be planted within:
- a. Five (5) feet of a private driveway or alley;
 - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
 - c. Twenty (20) feet of street light standards or street intersections.

Attachments:

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Attachment C: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 2-19

Attachment D: Decision, Findings of Fact and Conclusionary Findings for the Approval of PD 1-19

Attachment E: Decision, Findings of Fact and Conclusionary Findings for the Approval of S 1-19

Attachment F: Decision, Findings of Fact and Conclusionary Findings for the Approval of L 12-19

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20. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
21. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
22. That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

Commission Options for Comprehensive Plan Map Amendment (CPA 1-19):

- 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 specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Commission Options for Zone Change (ZC 1-19):

- 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 specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Commission Options for Planned Development Amendment (PDA 2-19):

- 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.

Attachments:

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- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Commission Options for Planned Development (PD 1-19):

- 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 specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Commission Options for Tentative Subdivision (S 1-19):

- 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 specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Commission Options for Landscape Plan (L 12-19):

- 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 specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Attachments:

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Recommendation:

Staff recommends approval of all six land-use applications with the conditions specified in the decision documents. Recommended motions for each land-use application is provided below.

MOTION FOR CPA 1-19:

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 CPA 1-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR ZC 1-19:

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 ZC 1-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR PDA 2-19:

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 2-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR PD 1-19:

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 PD 1-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR S 1-19:

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 S 1-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR L 12-19:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION

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RECOMMENDS THAT THE CITY COUNCIL APPROVE L 12-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

CD

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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 COMPREHENSIVE PLAN MAP AMENDMENT FROM A COMMERCIAL DESIGNATION TO A MIX OF RESIDENTIAL AND COMMERCIAL DESIGNATIONS AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF NW HILL ROAD AND NW BAKER CREEK ROAD

DOCKET: CPA 1-19 (Comprehensive Plan Map Amendment)

REQUEST: Approval to amend the Comprehensive Plan Map designations of a property from its current designation of Commercial to a mix of Commercial and Residential designations. The proposal would reduce the size of the existing Commercially designated area from 11.3 acres to 6.62 acres of Commercially designated land and 4.68 acres of Residentially designated land.

LOCATION: The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867, Yamhill County Deed Records. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M.

ZONING: EF-80 (Exclusive Farm Use)

APPLICANT: Stafford Development Company, LLC

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: October 11, 2019

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE: An application for a Comprehensive Plan Map Amendment is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA: The applicable criteria for a Comprehensive Plan Map Amendment are specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified

in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL:

As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline is February 8, 2020.

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; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; and Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied and **RECOMMENDS APPROVAL** of the Comprehensive Plan Map Amendment (CPA 1-19) to the McMinnville City Council.

////////////////////////////////////
RECOMMENDATION: APPROVAL
 //////////////////////////////////////

City Council: _____ Date: _____
 Scott Hill, Mayor of McMinnville

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

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

 Attachments :

Attachment 1 – Application and Attachments

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. Staff has found the information provided to accurately reflect the current Comprehensive Plan Map Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

Subject Property & Request

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M.

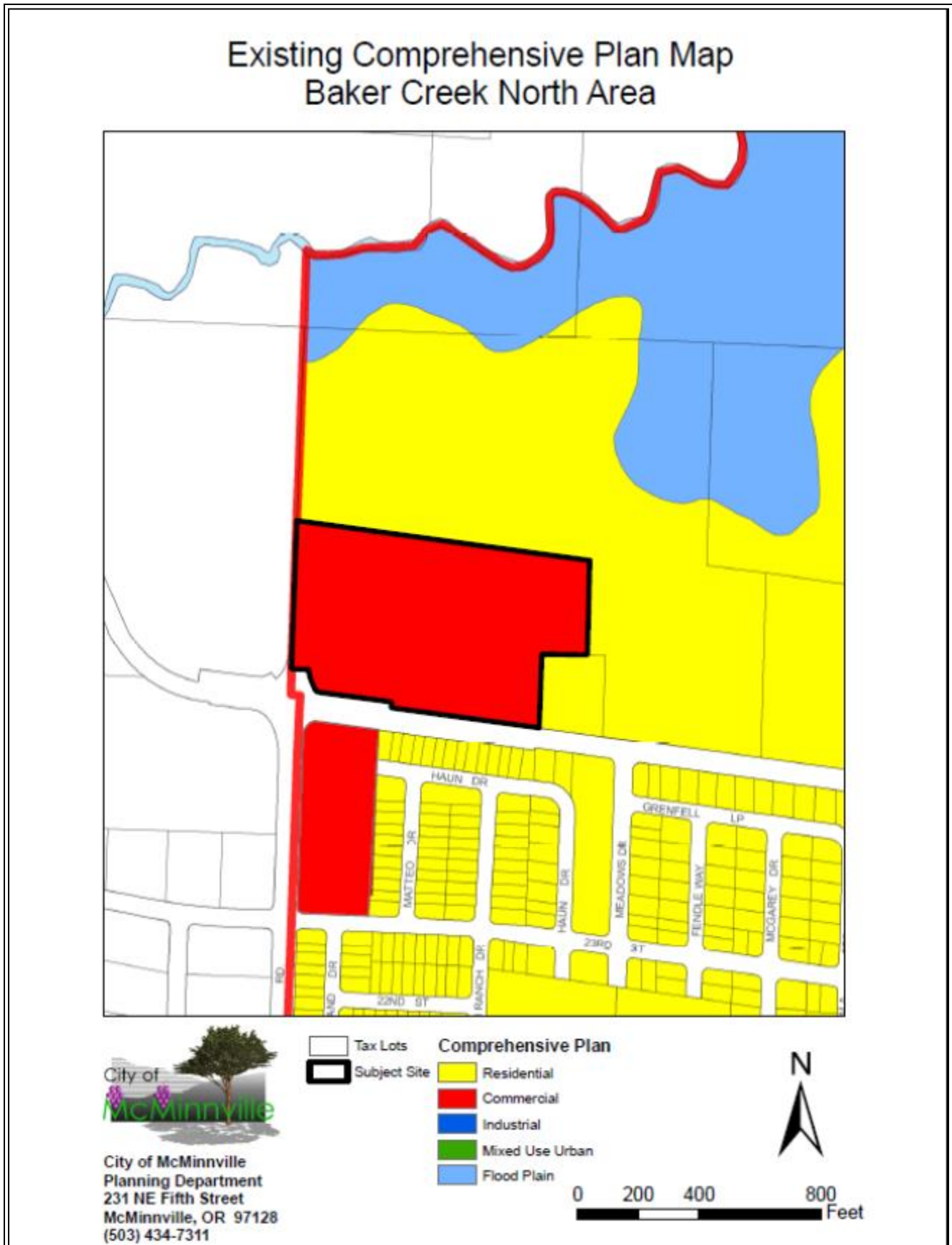
The application (CPA 1-19) is a request for a Comprehensive Plan Map Amendment to amend the Comprehensive Plan Map designation of a property from the current designation of Commercial to a mix of Residential and Commercial. The requested amendment would reduce the size of the existing Commercially designated area from 11.3 acres to 6.62 acres in size and designate the remaining 4.68 acres of land Residential. The Comprehensive Plan Map Amendment request was submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Planned Development Amendment, Zone Change, Planned Development, Subdivision, and Landscape Plan Review process to allow for the development of a 280 lot subdivision and future commercial development.

See Vicinity Map (Figure 1), Existing Comprehensive Plan Map (Figure 2), and Proposed Site Plan (Figure 3) below.

Figure 1. Vicinity Map (Subject Site Area Approximate)



Figure 2. Existing Comprehensive Plan Map

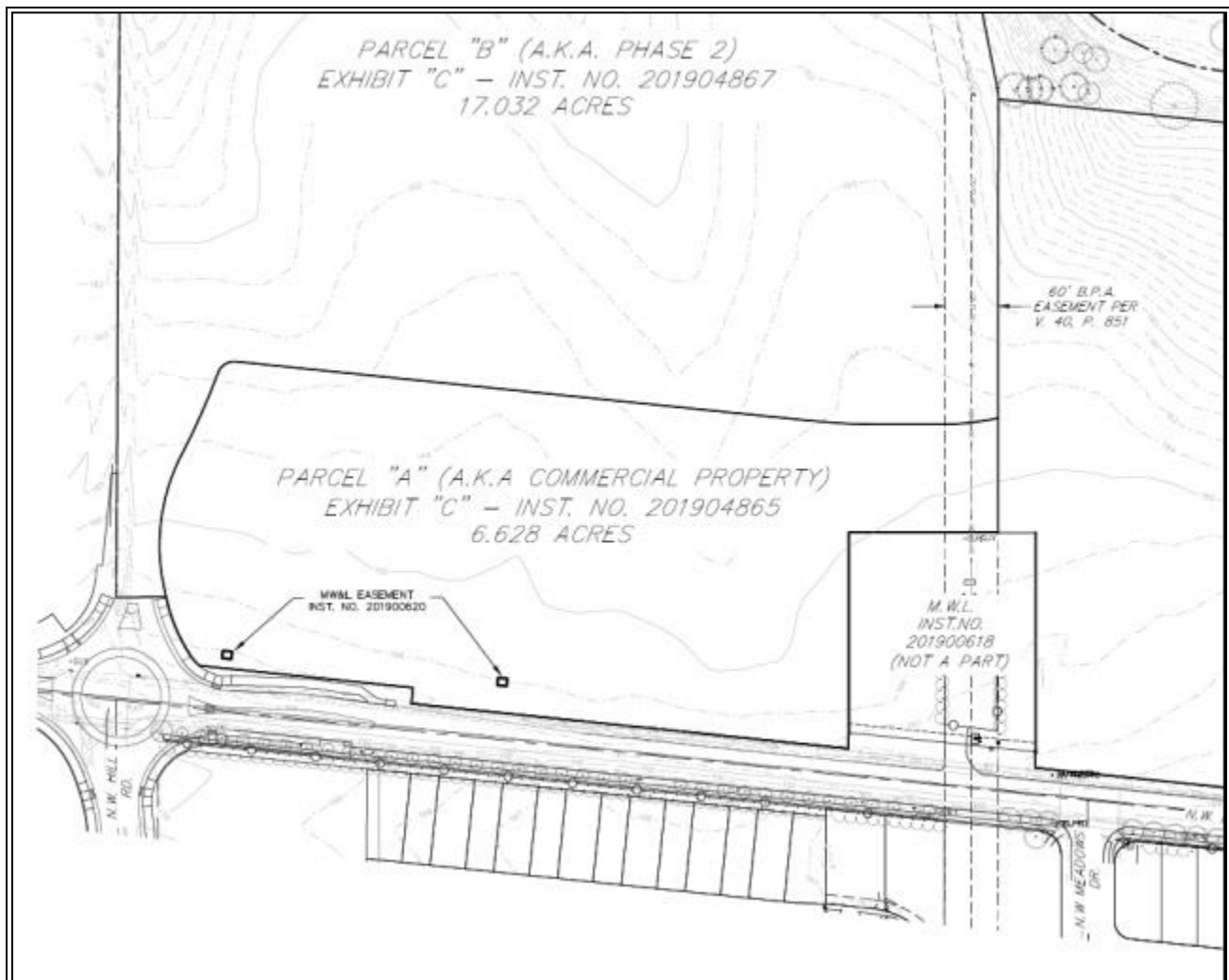


Attachments :

Attachment 1 – Application and Attachments

Figure 3. Proposed Site Plan

***Note – Parcel A identifies proposed Commercial Comprehensive Plan Designation.
Remainder of site proposed to be Residential**



Background

Excerpts from Land Use Application Narrative and Findings:

"Ordinance 4633 was approved in October of 1996 resulting in the commercial designation of 11.3 acres of the site and a commercial planned development overlay (C3-PD) which restricts development with two conditions of approval.

* * *

The applicant is requesting to amend the boundary of the planned development overlay, as previously delineated by Ordinance 4633, to correspond to the current boundary of Parcel A of this application. Furthermore, the applicant requests to replace the two conditions of approval of the planned development overlay created under Ordinance 4633 with the following conditions:

1. No more than 120 multi-family units may be developed on the site.

Attachments:

Attachment 1 – Application and Attachments

2. At least 2-acres of neighborhood commercial uses shall be developed on the site.

The proposed conditions of approval would allow for a future development application to include a request for neighborhood commercial and multi-family residential uses allowed in the C3 zone.

It is the applicant's understanding that this area was designated commercial at a time when expansion of the City's urban growth boundary (UGB) westward was being pursued and this commercial area was hoped to be a large commercial center for McMinnville's (north)westward expansion. This UGB expansion to the northwest did not materialize. This has left the site with a glut of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, being a developer who has owned the site for almost four years, and having purchased it from a bankruptcy trustee, attests to this lack of demand for so much commercial land based on the lack of interest from others in the property for such uses. The commercially designated area is too large for the current pattern of development in McMinnville. A large commercial development is not appropriate since it would drain economic activity from the downtown commercial core and other established commercial centers in McMinnville. The proposed planned development amendment as established by Ordinance No. 4633, and an amendment to the Comprehensive Plan Map to decrease the area designated commercial as proposed, will allow the remaining commercial area to be regulated under current C3 zone standards. This will allow the property to more freely meet the market needs for uses allowed by the C3 zone, supporting a mix of uses such as neighborhood commercial and needed multi-family housing. The proposed amended planned development conditions will ensure this outcome."

The City notes that much of the applicant's narrative above describes the Planned Development Overlay District that was adopted by Ordinance 4633. That same ordinance also amended the Comprehensive Plan Map to create the current Commercially designated property that is the subject of the current Comprehensive Plan Map Amendment request. The City notes that any findings for the amendments to the Planned Development Overlay District that was adopted by Ordinance 4633 will be addressed in the Decision Document for the Planned Development Amendment (PD 2-19) land use application that was submitted for concurrent review with the Comprehensive Plan Map Amendment.

Summary of Criteria & Issues

The application (CPA 1-19) is subject to Comprehensive Plan Map Amendment review criteria in Section 17.74.020 of the Zoning Ordinance. Requests to amend the Comprehensive Plan Map are processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Comprehensive Plan Map Amendments in Section 17.74.020 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

Attachments :

Attachment 1 – Application and Attachments

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

The applicant has provided findings to support the request for a Comprehensive Plan Map Amendment. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

None.

III. ATTACHMENTS:

1. CPA 1-19 Application and Attachments (on file with the Planning Department)
2. McMinnville Water and Light Comments – Letter Dated November 15, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. The following comments were received:

- McMinnville Engineering Department

The Engineering Department provided comments, but they were applicable to the Planned Development and Tentative Subdivision applications that were submitted for concurrent review with the Comprehensive Plan Map Amendment request. The Engineering Department comments are included in the Decision Documents for the Planned Development and Tentative Subdivision land use applications.

- McMinnville Water and Light

Included as Attachment #2

- Oregon Department of State Lands

Sounds like you screened previously for wetlands and waters, found none and went forward. I did a quick check and we didn't have any records about these sites in our database. We would have no comment on the changes proposed.

Attachments:

Attachment 1 – Application and Attachments

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.
2. The applicant submitted the Comprehensive Plan Map Amendment application (CPA 1-19) on April 30, 2019.
3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.
4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.
5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.
7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867. The property

Attachments:

Attachment 1 – Application and Attachments

is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M

2. **Size:** Approximately 11.3 acres.
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** EF-80 (Exclusive Farm Use)
5. **Overlay Zones/Special Districts:** Planned Development Overlay District (Ordinance No. 4633)
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:** The site is generally flat, with a minor slope to the north. There are no significant or distinguishing natural features associated with this property.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Zone Change are specified in Section 17.74.020 of the Zoning Ordinance.

Comprehensive Plan Volume II:

Per Section 17.74.020 (A) of the McMinnville Zoning Ordinance the application must be consistent with the goals and policies of the Comprehensive Plan;

The following Goals and Policies from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals and policies as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING

Attachments:

Attachment 1 – Application and Attachments

OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMinnville as the COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)

APPLICANT'S RESPONSE: This policy is supported by the applications for a Comprehensive Plan Map and Proposed Zoning Map amendment, along with the proposed Planned Development Amendment to replace the conditions of approval associated with the planned development overlay approved by Ordinance No. 4633. This will allow larger commercial uses to be developed and maintained in preferred business districts in the City. With the removal of Conditions 1 and 2 of the ordinance, at least 2-acres of neighborhood commercial use and no more than 120 multi-family dwelling units can be developed on the proposed commercial area of the site. With the proposed planned development amendment for Ordinance 4633, the boundary of the current planned development overlay will be reduced to the size of the proposed C3 designated area, which is equal to 6.62 acres. (see Exhibit 3).

The applicant reviewed City documents and found that the City's last Economic Opportunity Analysis (EOA) was completed in 2013. The study concluded that the Commercial land supply for the 2013-2033 planning period was deficient by 35.8 acres, while the Industrial land supply held a surplus. To adjust for the deficient Commercial land supply, the EOA recommends to re-designate excess industrial land for commercial use to make up for forecasted land needs. Since there are approximately 235.9 acres of Industrial land supply that can be converted to a Commercial designation, there is more than enough Industrial land to not only meet forecasted commercial land needs, but to also replace the proposed loss of commercial land on the subject site. Of the area removed from a commercial designation, about 2 acres is proposed right-of-way to support adjacent commercial and residential land use, so there is really only approximately 2.7 acres of functional land converted from commercial designation to residential.

As demonstrated by the attached Proposed Comprehensive Plan Map, the applicant is proposing to zone Commercial designated land at the intersection of NW Baker Creek Road and NW Hill Lane. The City has recently installed a roundabout at this location to serve as a new northwest gateway into McMinnville. This application does not include a specific development proposal for the C3 zoned land, however the intent is to facilitate future development of uses allowed in the C3 zone such as neighborhood commercial and multi-family housing. Therefore, the C3 zoned parcel is appropriately sized as proposed to support the development of commercial uses typical of this zone.

FINDING: SATISFIED. The City concurs with the applicant's findings, but only in regards to Comprehensive Plan Map Amendment request. Findings related to the Planned Development Amendment request, which was submitted for concurrent review with the Comprehensive Plan Map Amendment, are provided in the Decision Document for the Planned Development Amendment land use application. The City clarifies that the Comprehensive Plan Map

Amendment and Planned Development Amendment described by the applicant, though processed concurrently in accordance with applicable State law and Section 17.72.070 of the McMinnville Municipal Code, are two separate requests, and that the Comprehensive Plan Map Amendment could move forward without the Planned Development Amendment.

The City adds that Section 17.74.020 of the McMinnville Municipal Code states that when considering a comprehensive plan map amendment, “the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).”

The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city’s urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

Also, the City adds that the most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial land within the McMinnville Urban Growth Boundary. The deficit was identified at an amount of 35.8 acres, as shown in Figure 26 from the Economic Opportunities Analysis below:

Figure 26. Comparison of Land Demand to Supply (2013-33)

Acres by Plan Designation			
	Commercial	Industrial	Total Comments
Vacant Land Demand			Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6 Commercial retail & service need
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Totals	166.8	153.2	319.9 Employment land demand
Available Land Supply			Fully & partially vacant sites
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Surplus/(Deficit)	(35.8)	235.9	200.1 As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10th of an acre.
Source: E. D. Hovee & Company, LLC.

The need for residential land is much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land.

The 2013 Economic Opportunities Analysis also included new suggested findings, on page 70-72, that the City could consider future neighborhood and community serving commercial lands in order to continue to support Goal IV 3 of the Comprehensive Plan, which is “To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future neighborhood and community serving commercial lands and discouraging strip development.” More specifically, the 2013 Economic Opportunities Analysis suggested that “appropriately locating future neighborhood and community serving commercial lands”. The proposed Comprehensive Plan

Map Amendment will reduce the size of the commercial land to a size that is more suitable for neighborhood or community serving commercial lands.

Policy 21.04 The City shall make infrastructure investments that support the economic development strategy a high priority, in order to attract high-wage employment.

APPLICANT'S RESPONSE: The City has recently constructed a roundabout at the intersection of NW Hill Road and NW Baker Creek Road and also improved NW Hill Road North south of Baker Creek Road, adjacent to the site. The Commercial designated land is located adjacent to these roadways where recent City investments have provided the site with adequate access to public transportation and utility facilities. The City has also recently made improvements to the City's Sanitary Sewer system's capacity to facilitate additional development. The housing and commercial development at this site as proposed will capitalize on those City investments to support further economic development in the form of good housing for the local economy's workforce and appropriately scaled commercial area.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 21.05 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan.

APPLICANT'S RESPONSE: The proposed C3 zoned area of the site is in an area already designated for commercial on the City's comprehensive plan. By allowing uses listed in the C-3 zone, development of the commercial area will occur according the City's comprehensive plan goals and policies.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the Comprehensive Plan Map Amendment reduces the size of the Commercial designated area within the subject site. However, the Comprehensive Plan Map Amendment results in 6.62 acres of Commercial property, which is large enough to support neighborhood serving commercial uses and services that would be available to residents in the northwest area of the city.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

APPLICANT'S RESPONSE: The proposed commercial area will maximize efficiency of land, as it is utilizing an area for commercial uses that is existing commercial designated land. The site is also not a strip of land, but rather a node at the intersection of two minor arterial streets.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the Comprehensive Plan Map Amendment reduces the size of the Commercially designated area within the subject site. This does result in a lesser utilization of existing Commercially designated land. However, as described in the finding for Policy 21.01 above, both commercial and residential lands were identified as needed land types in the Economic Opportunities Analysis and Residential Buildable Lands Inventory. The need for residential land was much higher than the need for additional commercial land. Additionally, per Comprehensive Plan Policy #27, which states that, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers." By reducing

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the size of the comprehensive plan map commercially designated land in this area, it will help to ensure that the commercial development is compatible for a neighborhood commercial center.

In addition, the 2013 Economic Opportunities Analysis also included new suggested findings, on page 70-72, that the City could consider future neighborhood and community serving commercial lands in order to continue to support Goal IV 3 of the Comprehensive Plan, which is “To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future neighborhood and community serving commercial lands and discouraging strip development.” More specifically, the 2013 Economic Opportunities Analysis suggested that “appropriately locating future neighborhood and community serving commercial lands”. The proposed Comprehensive Plan Map Amendment will reduce the size of the commercial land to a size that is more suitable for neighborhood or community serving commercial lands.

The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land. The Comprehensive Plan Map Amendment results in 6.62 acres of Commercial property oriented towards the intersection of NW Hill Road and NW Baker Creek Road. The Commercial property will allow for efficient use of land in a node at that intersection which will not result in strip development along either street corridor.

Policy 22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

APPLICANT’S RESPONSE: As mentioned above, the applicant is requesting a Planned Development Amendment to modify several conditions of approval associated with Ordinance No. 4633. The applicant is proposing to reduce the size of the existing C3-PD designation from 11.3 to 6.62 acres and increase the amount of Residential designated land with a concurrent Comprehensive Plan Map Amendment by the difference (see Exhibit 3). The City’s 2013 EOA recommends to re-designate some of the 235.9 acres of excess industrial land to make up for forecasted commercial land needs. Much of the available excess industrial land is adjacent to the downtown core, therefore large-scale regional commercial uses can be efficiently sited in this location. By developing additional commercial uses near the downtown core, revitalization of unused industrial properties will occur. Conversely, with the reduction of C3-PD zoned area on the site, smaller-scaled commercial uses can be developed to serve the needs of Baker Creek North residents and other northwest neighborhoods in McMinnville.

FINDING: SATISFIED. The City does not concur with the applicant’s findings. The Comprehensive Plan Map Amendment reduces the size of the Commercially designated area within the subject site. This does result in a lesser utilization of existing Commercially designated land. However, as described in the finding for Policy 21.01 above, both commercial and residential lands were identified as needed land types in the Economic Opportunities Analysis and Residential Buildable Lands Inventory. The need for residential land was much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land. The Comprehensive Plan Map Amendment results in 6.62 acres of Commercial property oriented towards the intersection of NW Hill Road and NW Baker Creek Road. The Commercial property will allow for efficient use of land in a node at that intersection which will not result in strip development along either street corridor.

In addition, the 2013 Economic Opportunities Analysis also included new suggested findings, on page 70-72, that the City could consider future neighborhood and community serving commercial lands in order to continue to support Goal IV 3 of the Comprehensive Plan, which is “To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future neighborhood and community serving commercial lands and discouraging strip development.” More specifically, the 2013 Economic Opportunities Analysis suggested that “appropriately locating future neighborhood and community serving commercial lands”. The proposed Comprehensive Plan Map Amendment will reduce the size of the commercial land to a size that is more suitable for neighborhood or community serving commercial lands. Larger commercial sites may be better suited for larger, general commercial uses that serve the entire community as city-wide destinations. Neighborhood and community serving commercial lands would be smaller in scale and intended to serve the surrounding neighborhood as the name suggests. Therefore, reducing the size of the commercial land would reduce the potential for the site to operate as a destination commercial site and would support neighborhood or community serving commercial uses in an appropriate area of the city, as the surrounding area is all developed and guided for residential use.

Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.

APPLICANT’S RESPONSE: The commercial area is a node and can be developed with appropriately scaled and clustered uses allowed by the C3 zone.

FINDING: SATISFIED. The Comprehensive Plan Map Amendment results in the reduced 6.62 acres of Commercial property still being oriented towards the intersection of NW Hill Road and NW Baker Creek Road. The Commercial property will be in a node at that intersection which will not result in strip development along either street corridor.

Policy 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)

APPLICANT’S RESPONSE: The City of McMinnville completed their last Economic Opportunity Analysis (EOA) in 2013. As discussed above, the report indicates that there is a 35.8-acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designated some of the 235.9 acres of surplus Industrial land for commercial use. Since there is such a surplus of Industrial land that can be converted to a Commercial designation, the applicant’s proposal to reduce the amount of Commercial land from 11.3 acres to 6.62 acres will not significantly diminish the City’s ability to meet its commercial land needs.

The EOA provides specific recommendations to fulfill the City’s economic development objectives. One key objective in the report is to reduce out-shopping from this trade area by providing a full range of commercial services in McMinnville. Another strategic objective is to promote the downtown as the cultural, administrative service, and retail center of McMinnville. The applicant’s proposed reduction in Commercial designated land on the subject site to allow the development of smaller-scaled uses allowed by the C3 zone is consistent with these objectives. By reducing the amount of the Commercial designated land on the subject site, larger-scaled regional commercial uses will be encouraged to locate in the Downtown area, where revitalization efforts continue, and an oversupply of Industrial land is present.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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Policy 25.00 *Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.*

APPLICANT’S RESPONSE: There will be minimal impacts to adjacent land uses by the proposed C3 zoned parcel. It is appropriately located adjacent to a minor arterial on the south side and buffered from adjacent high density residential land by a full public street on all other sides. In addition, a power substation is sited to the east side of the commercial zoned land. The proposed commercial land location has readily available City utility services, including sanitary sewer services installed in 2018.

FINDING: SATISFIED. The City concurs with the applicant’s response, and adds that the reduction in the size of the Commercially designated land may result in less conflict with adjacent land uses based on the reduced footprint and potentially scale of development that would be available for the development of commercial uses.

Policy 26.00 *The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.*

APPLICANT’S RESPONSE: No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the C3 zoned area of the site will be appropriately scaled. As proposed with the amended planned development overlay, future development will contain at least 2-acres of commercial use and no more than 120 multifamily dwelling units. Existing commercial designated land on the site is located on a minor arterial and not in the central business district. The existing commercial land is capable of developing 10 acres of commercial use, or 100,000 square feet of commercial development which generates “heavy traffic”. That type of commercial should be located on arterials and in the central business district per this policy. The applicant’s attached traffic analysis supports proposed development plans for the site. The proposed commercial land area of just over 6 acres will have less intense traffic demands than would 10 acres. Future development plans for the commercial property will demonstrate that the commercial use will have sufficient internal circulation, parking, and service areas.

FINDING: SATISFIED. The City concurs with the applicant’s responses, and adds that although Baker Creek and Hill Road are minor arterials, due to the location of this property in a residential development, the City does not feel that it should be a large regional shopping facilities, but should be a neighborhood serving commercial center per Comprehensive Plan Policy #27, which states that, “Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.” By reducing the size of the comprehensive plan map commercially designated land in this area, it will help to ensure that the commercial development is compatible for a neighborhood commercial center. Additionally the reduction in allowable space for commercial uses will reduce the impacts of the future commercial uses on the surrounding transportation network and utility infrastructure.

In addition, the 2013 Economic Opportunities Analysis also included new suggested findings, on page 70-72, that the City could consider future neighborhood and community serving commercial lands in order to continue to support Goal IV 3 of the Comprehensive Plan, which is “To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future neighborhood

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and community serving commercial lands and discouraging strip development.” More specifically, the 2013 Economic Opportunities Analysis suggested that “appropriately locating future neighborhood and community serving commercial lands”. The proposed Comprehensive Plan Map Amendment will reduce the size of the commercial land to a size that is more suitable for neighborhood or community serving commercial lands, as described above.

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.

Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

APPLICANT’S RESPONSE: In 2001, the City adopted the Residential Land Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meet higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council’s land use decision.

While the 2001 analysis provides some insight into McMinnville’s on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City’s deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply.

While the current Housing Needs Analysis has not been acknowledged by the State, it still qualifies as a beneficial study and provides helpful information regarding McMinnville’s current and future housing needs. The study received grant funding from DLCD, and a condition of the grant award, this State agency prepared a scope of work and qualified the consultant Econorthwest to prepare the report. DLCD staff currently serves as a member of the project’s Technical Advisory Committee and has ensured that the study’s methodology follows Oregon Administrative Rule standards.

It is due to rising housing costs, as well as McMinnville’s persistent challenge to maintain an adequate residential land supply, that the City is currently updating its Buildable Lands Inventory and Housing Needs Analysis. These studies have identified how many acres of additional residential land must be added to the Urban Growth Boundary (UGB) to meet housing demands over the next 20-year planning period. The City has also identified new strategies to encourage the development of a greater variety of housing types including single-family detached homes, townhomes, mobile homes, condominiums, duplexes, apartments, and affordable housing options.

As demonstrated by the attached Preliminary Development Plans, the proposed project will facilitate the development of 280 small, medium, and large sized single-family lots within the Baker Creek North Planned Development area. The proposed planned development amendment to the overlay created by Ordinance 4633 will allow for the future development of up to 120 apartment units within the C3 zoned area as demand for commercial uses and housing determines. This will further help to address McMinnville's current housing needs. A future development application will be submitted for the development of the multi-family dwelling units on the C3 zoned portion of the site. As discussed throughout this narrative, the proposed map and planned development amendments are consistent with applicable residential policies and the land development regulations of the City.

FINDING: SATISFIED. The City concurs with the applicant's findings, but notes that the 2018 Buildable Lands Inventory referenced in the applicant's findings has not yet been acknowledged. In addition, Section 17.74.020 of the McMinnville Municipal Code states that when considering a comprehensive plan map amendment, "the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968)."

The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

Also, the City adds that the most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial land within the McMinnville Urban Growth Boundary. The deficit was identified at an amount of 35.8 acres, as shown in Figure 26 from the Economic Opportunities Analysis below:

Figure 26. Comparison of Land Demand to Supply (2013-33)

Acres by Plan Designation			
	Commercial	Industrial	Total Comments
Vacant Land Demand			Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6 Commercial retail & service need
Industrial	-	145.1	145.1 Manufacturing & related sectors
Institutional	2.2	8.0	10.2 62% of need w/per job method
Totals	166.8	153.2	319.9 Employment land demand
Available Land Supply			Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0 Revised per BLI update 7/13
Surplus/(Deficit)	(35.8)	235.9	200.1 As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10th of an acre.
Source: E. D. Hovee & Company, LLC.

The need for residential land is much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land.

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 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 71.05 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)

APPLICANT'S RESPONSE: As required, the applicant has addressed applicable policies of the Comprehensive Plan to demonstrate consistency with the proposed Zoning Map amendments. The 2001 McMinnville Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs. At the time, the needed residential acreage included 63.9 acres of additional R4 zoned land beyond what was available within the UGB. Although the City moved forward with an UGB expansion in 2011 to address its deficient residential land supply, the boundary amendment was shelved after LUBA remanded City Council's land use decision in 2011. As a result, residential land needs dating back to 2001 have yet to be addressed.

While the 2001 Residential Land Needs Analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply. As indicated by the attached Preliminary Development Plans, the applicant is proposing to rezone a portion of the site R4 to develop 280 dwelling units, helping to address the McMinnville's current housing needs (see Exhibit 3).

FINDING: SATISFIED. The City concurs with the applicant's findings. In addition, Section 17.74.020 of the McMinnville Municipal Code states that when considering a comprehensive plan map amendment, "the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968)."

Although the most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial land within the McMinnville Urban Growth Boundary (please see figure 26 below), the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a

need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

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The need for residential land is much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land.

- GOAL X 1:** TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.
- GOAL X 2:** TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Comprehensive Plan Map Amendment provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

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Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. General Provisions

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria.

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

17.74.020(A). *The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;*

APPLICANT'S RESPONSE: This Applicant's Statement has demonstrated how the proposed Comprehensive Plan Map and Zoning Map Amendment applications are consistent with applicable goals and policies of the Comprehensive Plan in the responses above under III. Findings A. of the McMinnville Comprehensive Plan.

FINDING: SATISFIED. The City concurs with the applicant's findings, and also refers to the findings provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusionary Findings) above.

17.74.020(B). *The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;*

APPLICANT'S RESPONSE: Several changes have occurred in the neighborhood or community to warrant the proposed amendments. First of all, the October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I designated Baker Creek Road adjacent to the

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site as a planned transit corridor. This makes it an appropriate action for the R-1 zoned parcel to be rezoned to R-4, as well as applying the R-4 zone to the remainder of the planned development site's area that does not have urban zoning. This type of residential zone will promote the type of density proposed with the planned development overlay and the type of density needed to support future transit service along this corridor. All of the lots are within ¼ mile of this planned transit corridor, providing consistency with Comprehensive Plan policies for this zoning classification.

It is the applicant's understanding, that a portion of the subject site was designated commercial at a time when a northwest expansion of the City's urban growth boundary was being pursued and a future commercial center was desired for this area of McMinnville. However, this expansion to the northwest did not materialize. This has left the site with an excess of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, who is a developer who has owned the site for almost four years after purchasing it from a bankruptcy trustee, attests to the lack of demand for so much commercial land through the lack of interest from others in the property for such uses. The commercially designated area is too large given the current pattern of development in McMinnville. A large commercial development is not appropriate and would drain economic activity from the downtown core and established commercial centers in McMinnville. The proposed planned development amendment and the amendment to the Comprehensive Plan Map will decrease the area designated commercial and will allow the property to more freely meet the market needs permitted under the C-3 zone. As discussed previously, development of the remaining commercial land will likely be a mix of neighborhood commercial and multi-family housing.

An additional change in the community is the successful development of the surrounding area with medium and high-density single-family housing. For example, the Baker Creek East and West development to the south, which was a modification of the original Shadden Claim planned development, improved the area with a gross housing density of 5.83 dwelling units per acre. The proposed Baker Creek North development is proposed to be 5.75 dwelling units per acre, so the proposed amendments allow the proposed development which is of a similar gross density to the adjacent developments.

The proposed amendments are also timely as the demand for housing increases. As the last large tracts of buildable land in the City are consumed, the proposed amendments will ensure that the subject site is efficiently developed with high density housing and provides housing diversity in an area that contains medium and low density neighborhoods (i.e. Oak Ridge, Michelbook Meadows, Adjacent new development to the northeast).

Approval of the amendments will allow for an orderly development of the area. The earlier phases of the planned development are along the south side of the site, where utilities exist and small and medium sized lots meet the current market needs. Later phases will allow for more housing diversity with small, medium, and large lots to serve the broad housing needs of the community. The new lots in the planned development, and the development of multi-family units on the commercial lot, will provide economic support for neighborhood commercial uses on the C-3 zoned parcel.

The City of McMinnville completed its last Economic Opportunity Analysis (EOA) in 2013. The report indicates that there is a 35.8 acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designate some of the 235.9 acres of surplus Industrial land for commercial use. Since this surplus of Industrial land can be converted to a Commercial designation, the applicant's proposal to reduce the amount of Commercial designated land from 11.3 acres to 6.62 acres will not diminish the City's ability to meet its commercial land needs.

In 2001, the City of McMinnville completed a Residential Land Needs Analysis for the 2000-2020 planning period and determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs. At the time, the needed residential acreage included 63.9 acres of additional R-4 zoned land beyond what was available within the UGB. Although the City moved forward with an UGB expansion in 2011 to address its deficient residential land supply, the boundary amendment was shelved after LUBA remanded City Council's land use decision in 2011. As a result, residential land needs dating back to 2001 have yet to be addressed.

Over the last two decades, the City's deficient residential land supply has continued to be a lingering problem and housing costs have risen to a point where they are now unattainable for many residents. To address these issues, the City is currently updating its Housing Needs Analysis. This study indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will allow the development of 891 dwelling units which can't be accommodated by the current R-4 land supply.

The applicant's proposal to zone 48.7 acres of the site R-4 will increase the density of existing Residential designated land to permit the develop additional housing in the community. As demonstrated by the attached Typical Lots Plan and Site Plan, the proposed Comprehensive Plan Map and Zoning Map Amendments will facilitate the development of 280 small, medium, and large sized single-family lots within the proposed planned development area. The proposed map amendments will also allow the future development of apartment units in addition to neighborhood commercial within the C-3 zoned portion of the site, further working to meet the housing needs of the community.

FINDING: SATISFIED. The City concurs with the applicant's findings. In addition, Section 17.74.020 of the McMinnville Municipal Code states that when considering a comprehensive plan map amendment, "the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968)."

Although the most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial land within the McMinnville Urban Growth Boundary (please see figure 26 below), the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

Figure 26. Comparison of Land Demand to Supply (2013-33)				
Acres by Plan Designation				
	Commercial	Industrial	Total	Comments
Vacant Land Demand				Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6	Commercial retail & service need
Industrial	-	145.1	145.1	Manufacturing & related sectors
Institutional	2.2	8.0	10.2	62% of need w/per job method
Totals	166.8	153.2	319.9	Employment land demand
Available Land Supply				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
Surplus/(Deficit)	(35.8)	235.9	200.1	As of 2033 forecast year
Notes:	All acreage figures are rounded to nearest 1/10 th of an acre.			
Source:	E. D. Hovee & Company, LLC.			

The need for residential land is much higher than the need for additional commercial land. The proposed Comprehensive Plan map amendment would address the residential land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan by adding an additional 4.68 acres of Residential land and still retaining 6.62 acres of Commercial land.

17.74.020(C). *Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.*

APPLICANT'S RESPONSE: This narrative and the attached plans show that utilities and services can be efficiently provided to serve the proposed and potential uses in the proposed residential and commercial zoning districts.

FINDING: SATISFIED. The City concurs with the applicant's findings, and would add that the City provided opportunity for review and comment by city departments, other public and private agencies and utilities, and McMinnville Water and Light to ensure the coordinated provision of utilities and services to the subject site based on the proposed land use request. 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. No comments were provided that were in opposition or identified any issues with providing utilities and services to the subject site for the intended use. At the time of development of the site, final development plans will be required to provide a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well.

CD

Attachments :

Attachment 1 – Application and Attachments



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 ZONE CHANGE FROM A MIX OF R-1 (SINGLE FAMILY RESIDENTIAL) and EF-80 (EXCLUSIVE FARM USE) TO C-3 (GENERAL COMMERCIAL) AND R-4 (MULTIPLE FAMILY RESIDENTIAL) AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF NW HILL ROAD AND NW BAKER CREEK ROAD

DOCKET: ZC 1-19 (Zone Change)

REQUEST: Approval to amend the zoning designations of a 55.32 acre property from its current mixture of both R-1 (Single Family Residential) zoning and remnant county EF-80 (Exclusive Farm Use) zoning from the time that the property was annexed into the city limits to R-4 (Multi-Family Residential) and C-3 (General Commercial). The requested amendment would rezone the southwestern portion of the site that is designated as Commercial on the Comprehensive Plan Map to C-3 (6.62 acres) and the remainder of the subject site to R-4 (48.7 acres).

LOCATION: The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records; Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit D in Instrument No. 201904874, Yamhill County Deed Records. The property is also identified as Tax Lots 105 and 107, Section 18, T. 4 S., R. 4 W., W.M. and portions of Tax Lots 100 and 106, Section 18, T. 4 S., R. 4 W., W.M.

ZONING: R-1 (Single Family Residential) & EF-80 (Exclusive Farm Use)

APPLICANT: Stafford Development Company, LLC

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: October 11, 2019

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE: An application for a Zone Change is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

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; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Zone Change (ZC 1-19) to the McMinnville City Council, **subject to conditions**.

RECOMMENDATION: APPROVAL WITH CONDITIONS

City Council: _____ Date: _____
 Scott Hill, Mayor of McMinnville

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

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

Attachments :

Attachment 1 – Application and Attachments

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. Staff has found the information provided to accurately reflect the current Zone Change request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

Subject Property & Request

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records; Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit D in Instrument No. 201904874, Yamhill County Deed Records. The property is also identified as Tax Lots 105 and 107, Section 18, T. 4 S., R. 4 W., W.M. and portions of Tax Lots 100 and 106, Section 18, T. 4 S., R. 4 W., W.M.

The application (ZC 1-19) is a request for a Zone Change to rezone a 55.32 acre property from its current mixture of both R-1 (Single Family Residential) zoning and remnant county EF-80 (Exclusive Farm Use) zoning from the time that the property was annexed into the city limits. The requested amendment would rezone the southwestern 6.62 acres of the site to C-3 (General Commercial), and the remaining 48.7 acres of the site to R-4 (Multiple Family Residential). The Zone Change request was submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Comprehensive Plan Map Amendment, Planned Development Amendment, Planned Development, Subdivision, and Landscape Plan Review process to allow for the development of a 280 lot subdivision and future commercial development.

Excerpts from Land Use Application Narrative and Findings:

The requested amendment will rezone two areas of the site. The applicant is proposing to zone a total of 48.7 acres of the site to an R4 designation. Of the 48.7 acres, the southwest 9.41 acres is existing R1 zoned land that will convert to R4 with this request. The remaining 39.29 acres to be zoned R4 currently has no urban zoning, only remnant County zoning. In addition, the requested map amendment will zone another 6.62 acres to C3, which also is an area that currently has no urban zoning, only remnant County zoning. The portion of the site to be zoned C3 conforms to the previously mentioned Comprehensive Plan Map amendment. [...]

The 6.62 acre portion of the site proposed to be zoned C-3 (General Commercial) is consistent with the property designated as Commercial on the Comprehensive Plan Map as reduced in size by the Comprehensive Plan Map Amendment request (Docket Number CPA 1-19) submitted for concurrent review with the proposed Zone Change.

See Vicinity Map (Figure 1), Existing Zoning (Figure 2), and Proposed Zoning (Figure 3) below.

Figure 1. Vicinity Map (Subject Site Area Approximate)



Attachments :

Attachment 1 – Application and Attachments

Figure 2. Existing Zoning

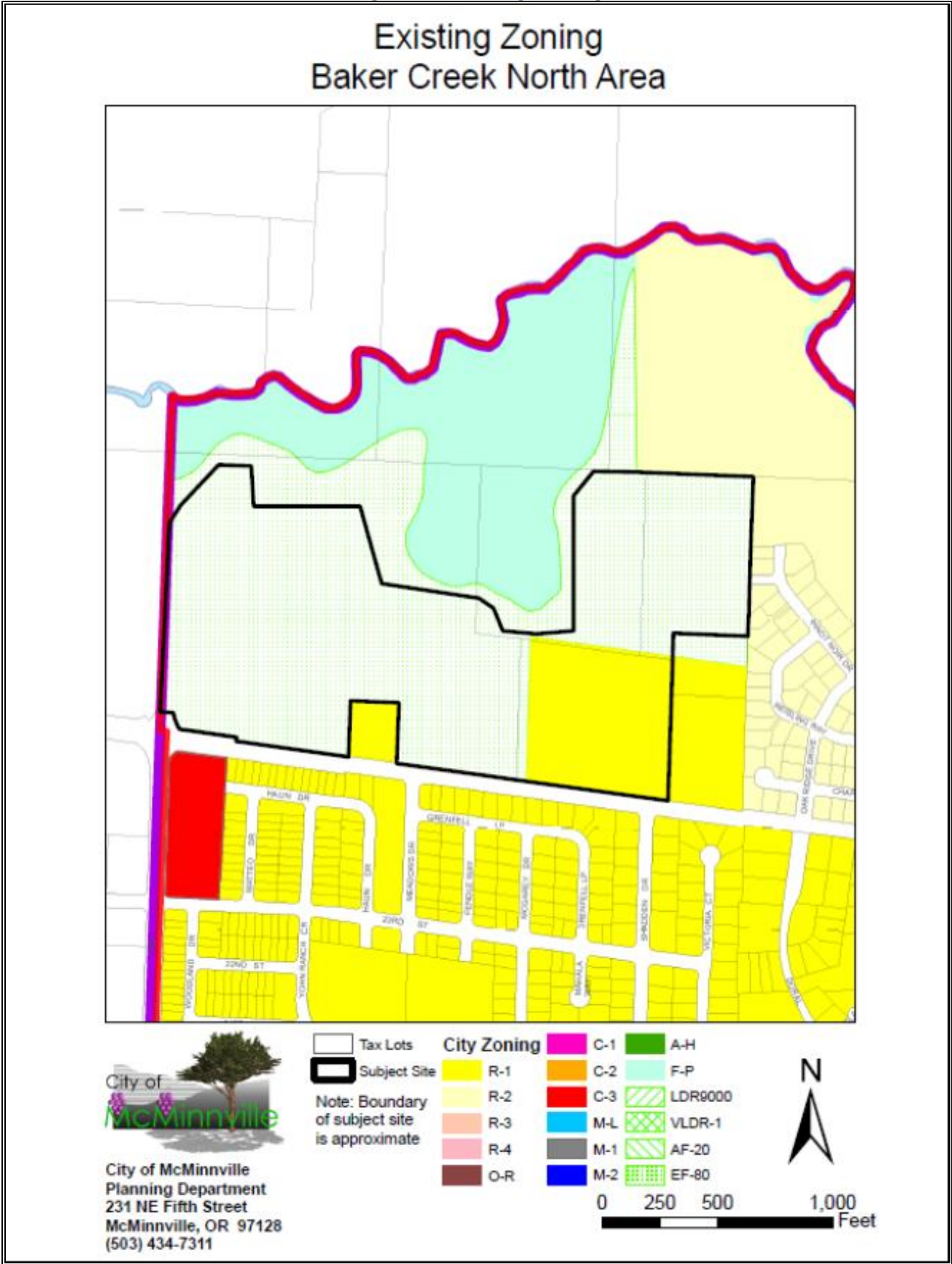
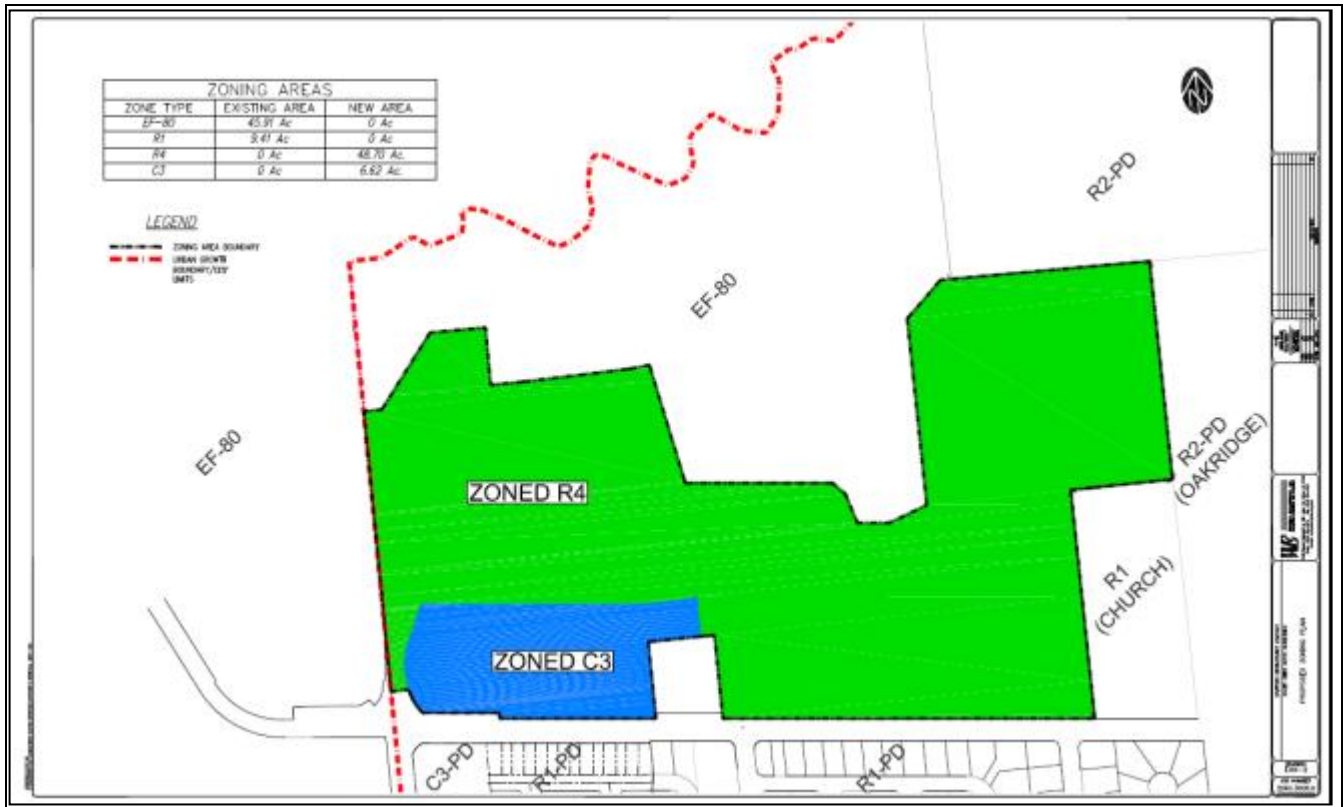


Figure 3. Proposed Zoning



Summary of Criteria & Issues

The application (ZC 2-19) is subject to Zone Change review criteria in Section 17.74.020 of the Zoning Ordinance. Requests to amend the Zoning Map are processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Zone Change requests in Section 17.74.020 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached

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which would have the effect of discouraging needed housing through unreasonable cost or delay.

The applicant has provided findings to support the request for a Zone Change. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. That the decision for approval of Zone Change (ZC 1-19) is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) and Planned Development Amendment (PDA 2-19) applications submitted for concurrent review are approved by the City Council.

III. ATTACHMENTS:

1. ZC 1-19 Application and Attachments (on file with the Planning Department)
2. McMinnville Water and Light Comments – Letter Dated November 15, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. The following comments were received:

- McMinnville Engineering Department

The Engineering Department provided comments, but they were applicable to the Planned Development and Tentative Subdivision applications that were submitted for concurrent review with the Comprehensive Plan Map Amendment request. The Engineering Department comments are included in the Decision Documents for the Planned Development and Tentative Subdivision land use applications.

- McMinnville Water and Light

Included as Attachment #2

- Oregon Department of State Lands

Sounds like you screened previously for wetlands and waters, found none and went forward. I did a quick check and we didn't have any records about these sites in our database. We would have no comment on the changes proposed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of

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the date of the Planning Commission public hearing on December 5, 2019, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.
2. The applicant submitted the Zone Change application (ZC 1-19) on April 30, 2019.
3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.
4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.
5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.
7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records; Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit D in Instrument No. 201904874, Yamhill County Deed Records. The property is also identified as Tax Lots 105 and 107, Section 18, T. 4 S., R. 4 W., W.M. and portions of Tax Lots 100 and 106, Section 18, T. 4 S., R. 4 W., W.M.

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2. **Size:** Approximately 55.32 acres
3. **Comprehensive Plan Map Designation:** Mix of Commercial and Residential
4. **Zoning:** R-1 (Single Family Residential) & EF-80 (Exclusive Farm Use)
5. **Overlay Zones/Special Districts:** Planned Development Overlay District (Ordinance No. 4633)
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** An area to the north of the subject site is located within Zone A of the 100-year floodplain of Baker Creek, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels, but is not part of this zone change application.
8. **Other Features:**
 - a. **Slopes:** A majority of the site is relatively flat, but the property begins to slope to the north along the northern edges of the subject site. This portion of the property slopes downward towards Baker Creek, which is located to the north of the subject site.
 - b. **Easements and Utilities:** A 60 foot wide easement, as identified in Film Volume 40, Page 851, Yamhill County Deed Records, for the benefit of the Bonneville Power Administration exists running south to north through the center portion of the site, in the general location of the existing electrical power transmission lines.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Zone Change are specified in Section 17.74.020 of the Zoning Ordinance.

Comprehensive Plan Volume II:

Per Section 17.74.020 (A) of the McMinnville Zoning Ordinance the application must be consistent with the goals and policies of the Comprehensive Plan;

The following Goals and Policies from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals and policies as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are

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sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMinnville's Economy in order to enhance the general well-being of the community and provide employment opportunities for its citizens.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMinnville as the commercial center of Yamhill County in order to provide employment opportunities, goods, and services for the city and county residents.

Policy 21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)

APPLICANT'S RESPONSE: This policy is supported by the applications for a Comprehensive Plan Map and Proposed Zoning Map amendment, along with the proposed Planned Development Amendment to replace the conditions of approval associated with the planned development overlay approved by Ordinance No. 4633. This will allow larger commercial uses to be developed and maintained in preferred business districts in the City. With the removal of Conditions 1 and 2 of the ordinance, at least 2-acres of neighborhood commercial use and no more than 120 multi-family dwelling units can be developed on the proposed commercial area of the site. With the proposed planned development amendment for Ordinance 4633, the boundary of the current planned development overlay will be reduced to the size of the proposed C3 designated area, which is equal to 6.62 acres. (see Exhibit 3).

The applicant reviewed City documents and found that the City's last Economic Opportunity Analysis (EOA) was completed in 2013. The study concluded that the Commercial land supply for the 2013-2033 planning period was deficient by 35.8 acres, while the Industrial land supply held a surplus. To adjust for the deficient Commercial land supply, the EOA recommends to re-designate excess industrial land for commercial use to make up for forecasted land needs. Since there are approximately 235.9 acres of Industrial land supply that can be converted to a Commercial designation, there is more than enough Industrial land to not only meet forecasted commercial land needs, but to also replace the proposed loss of commercial land on the subject site. Of the area removed from a commercial designation, about 2 acres is proposed right-of-way to support adjacent commercial and residential land use, so there is really only approximately 2.7 acres of functional land converted from commercial designation to residential.

As demonstrated by the attached Proposed Comprehensive Plan Map, the applicant is proposing to zone Commercial designated land at the intersection of NW Baker Creek Road and NW Hill Lane. The City has recently installed a roundabout at this location to serve as a new northwest gateway into McMinnville. This application does not include a specific development proposal for the C3 zoned land, however the intent is to facilitate future development of uses allowed in the C3 zone such as neighborhood commercial and multi-family

housing. Therefore, the C3 zoned parcel is appropriately sized as proposed to support the development of commercial uses typical of this zone.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings in regards to the proposed zoning of the Commercially designated 6.62 acres as C-3 (General Commercial). The proposed C-3 zoned area of the site is consistent with the area that is proposed to be designated as Commercial on the Comprehensive Plan Map, which is proposed under the Comprehensive Plan Map Amendment (CPA 1-19) that was submitted for concurrent review with this Zone Change request. The proposed zoning of C-3 will allow for the continued growth and diversification of McMinnville's economy, and will provide employment opportunities, goods, and services for residents in the surrounding area of the city.

The City also notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will define allowed commercial uses per the city's expressed need in neighborhood commercial serving areas.

Per Condition of Approval #1 this zone change will not be rendered unless PD 1-19 and PDA 2-19 are approved.

Policy 21.04 The City shall make infrastructure investments that support the economic development strategy a high priority, in order to attract high-wage employment.

APPLICANT'S RESPONSE: The City has recently constructed a roundabout at the intersection of NW Hill Road and NW Baker Creek Road and also improved NW Hill Road North south of Baker Creek Road, adjacent to the site. The Commercial designated land is located adjacent to these roadways where recent City investments have provided the site with adequate access to public transportation and utility facilities. The City has also recently made improvements to the City's Sanitary Sewer system's capacity to facilitate additional development. The housing and commercial development at this site as proposed will capitalize on those City investments to support further economic development in the form of good housing for the local economy's workforce and appropriately scaled commercial area.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 21.05 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan.

APPLICANT'S RESPONSE: The proposed C3 zoned area of the site is in an area already designated for commercial on the City's comprehensive plan. By allowing uses listed in the C-3 zone, development of the commercial area will occur according the City's comprehensive plan goals and policies.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings, and adds that the proposed C-3 zoned area of the site is consistent with the area that is proposed to be designated as Commercial on the Comprehensive Plan Map, which is proposed under the Comprehensive Plan Map Amendment that was submitted for concurrent review with this Zone Change request.

The City also notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will define allowed commercial uses per the city's expressed need in neighborhood commercial serving areas.

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Per Condition of Approval #1 this zone change will not be rendered unless PD 1-19 and PDA 2-19 are approved.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALLY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

APPLICANT'S RESPONSE: The proposed commercial area will maximize efficiency of land, as it is utilizing an area for commercial uses that is existing commercial designated land. The site is also not a strip of land, but rather a node at the intersection of two minor arterial streets.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings, and adds that the proposed C-3 (General Commercial) zone allows for the widest range and variety of commercial uses on the existing Commercially designated land, which maximizes the efficiency of the use of those lands.

Per Comprehensive Plan Policy #27, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers."

The City notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will define allowed commercial uses per the city's expressed need in neighborhood commercial serving areas.

Per Condition of Approval #1 this zone change will not be rendered unless PD 1-19 and PDA 2-19 are approved.

Policy 22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

APPLICANT'S RESPONSE: As mentioned above, the applicant is requesting a Planned Development Amendment to modify several conditions of approval associated with Ordinance No. 4633. The applicant is proposing to reduce the size of the existing C3-PD designation from 11.3 to 6.62 acres and increase the amount of Residential designated land with a concurrent Comprehensive Plan Map Amendment by the difference (see Exhibit 3). The City's 2013 EOA recommends to re-designate some of the 235.9 acres of excess industrial land to make up for forecasted commercial land needs. Much of the available excess industrial land is adjacent to the downtown core, therefore large-scale regional commercial uses can be efficiently sited in this location. By developing additional commercial uses near the downtown core, revitalization of unused industrial properties will occur. Conversely, with the reduction of C3-PD zoned area on the site, smaller-scaled commercial uses can be developed to serve the needs of Baker Creek North residents and other northwest neighborhoods in McMinnville.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The proposed C-3 (General Commercial) zone allows for the widest range and variety of commercial uses on the existing Commercially designated land, which maximizes the efficiency of the use of those lands. The City notes that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The applicant has submitted a Planned Development Amendment application for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633

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as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application.

Per Comprehensive Plan Policy #27 “Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.”

The City notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit allowed commercial uses per the city’s expressed need in neighborhood commercial serving areas.

Per Condition of Approval #1 this zone change will not be rendered unless PD 1-19 and PDA 2-19 are approved.

Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.

APPLICANT’S RESPONSE: The commercial area is a node and can be developed with appropriately scaled and clustered uses allowed by the C3 zone.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The Zone Change results in 6.62 acres of C-3 zoned property being oriented towards the intersection of NW Hill Road and NW Baker Creek Road. The C-3 zoned property will be in a node at that intersection which will not result in strip development along either street corridor.

Per Comprehensive Plan Policy #27 “Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.”

The City notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit allowed commercial uses per the city’s expressed need in neighborhood commercial serving areas.

Per Condition of Approval #1 this zone change will not be rendered unless PD 1-19 and PDA 2-19 are approved.

Policy 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)

APPLICANT’S RESPONSE: The City of McMinnville completed their last Economic Opportunity Analysis (EOA) in 2013. As discussed above, the report indicates that there is a 35.8-acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designated some of the 235.9 acres of surplus Industrial land for commercial use. Since there is such a surplus of Industrial land that can be converted to a Commercial designation, the applicant’s proposal to reduce the amount of Commercial land from 11.3 acres to 6.62 acres will not significantly diminish the City’s ability to meet its commercial land needs.

The EOA provides specific recommendations to fulfill the City’s economic development objectives. One key objective in the report is to reduce out-shopping from this trade area by providing a full range of commercial services in McMinnville. Another strategic objective is to

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promote the downtown as the cultural, administrative service, and retail center of McMinnville. The applicant's proposed reduction in Commercial designated land on the subject site to allow the development of smaller-scaled uses allowed by the C3 zone is consistent with these objectives. By reducing the amount of the Commercial designated land on the subject site, larger-scaled regional commercial uses will be encouraged to locate in the Downtown area, where revitalization efforts continue, and an oversupply of Industrial land is present.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings in regards to the C-3 zoning of the site allowing for the development of smaller-scaled uses on the area of the subject site designated as Commercial.

Per Comprehensive Plan Policy #27, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers."

The City notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit allowed commercial uses per the city's expressed need in neighborhood commercial serving areas.

Per Condition of Approval #1 this zone change will not be rendered unless PD 1-19 and PDA 2-19 are approved.

Policy 25.00 Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.

APPLICANT'S RESPONSE: There will be minimal impacts to adjacent land uses by the proposed C3 zoned parcel. It is appropriately located adjacent to a minor arterial on the south side and buffered from adjacent high density residential land by a full public street on all other sides. In addition, a power substation is sited to the east side of the commercial zoned land. The proposed commercial land location has readily available City utility services, including sanitary sewer services installed in 2018.

FINDING: SATISFIED. The City concurs with the applicant's responses, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to ensure that the proposed commercial uses minimize conflicts with adjacent land uses.

The applicant has submitted a Planned Development Amendment application for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application.

Per Comprehensive Plan Policy #27, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers."

This zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit allowed commercial uses

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per the city's expressed need in neighborhood commercial serving areas, and specific design and development standards have been recommended as part of that land-use approval to ensure compatibility with surrounding uses.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 26.00 The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.

APPLICANT'S RESPONSE: No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the C3 zoned area of the site will be appropriately scaled. As proposed with the amended planned development overlay, future development will contain at least 2-acres of commercial use and no more than 120 multifamily dwelling units. Existing commercial designated land on the site is located on a minor arterial and not in the central business district. The existing commercial land is capable of developing 10 acres of commercial use, or 100,000 square feet of commercial development which generates "heavy traffic". That type of commercial use should be located on arterials and in the central business district per this policy. The applicant's attached traffic analysis supports proposed development plans for the site. The proposed commercial land area of just over 6 acres will have less intense traffic demands than would 10 acres. Future development plans for the commercial property will demonstrate that the commercial use will have sufficient internal circulation, parking, and service areas.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's response, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to ensure that the proposed commercial uses are of a size and scale that is suitable for their location.

The applicant has submitted a Planned Development Amendment application (PDA 2-19) for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application.

Per Comprehensive Plan Policy #27, "Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers."

This zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit allowed commercial uses per the city's expressed need in neighborhood commercial serving areas, and specific design and development standards have been recommended as part of that land-use approval to ensure compatibility with surrounding uses.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 27.00 Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

APPLICANT'S RESPONSE: This commercial designated area is across the street from residential areas. No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the proposed C3 zoned area will be appropriately scaled as allowed by the C3 zone. There are residential areas around the commercial parcel and neighborhood oriented commercial uses of no less than 2 acres are proposed with the amendment to the planned development overlay, which will make future commercial uses less intensive than envisioned by the current Ordinance 4633.

FINDING: SATISFIED. The City concurs with the applicant's response, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to ensure that the proposed commercial uses are compatible with surrounding residential areas.

The applicant has submitted a Planned Development Amendment application (PDA 2-19) for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application.

Per this Comprehensive Plan Policy, the recommended land-use approval for PDA 2-19 contains many conditions that define the allowed commercial uses and the design and development standards for the commercial portion of the planned development that would ensure that the uses are neighborhood commercial serving uses and not large destination commercial uses.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 29.00 New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.

APPLICANT'S RESPONSE: No specific commercial use is proposed at this time. Consideration to land uses and traffic patterns will be given for any commercial uses proposed in the future on the proposed C3 zoned area, if access to arterials is sought. The proposed residential development plans internal circulation roads and access to the minor arterial Baker Creek Road at three points: 1) An extension of the north leg of Hill Road and Baker Creek Road roundabout in the form of a street proposed as Hill Lane, 2) An extension of Meadows Drive north from its current intersection with Baker Creek Road where new striping will be added for bike lanes, and 3) An extension of Shadden Drive north from its current intersection with Baker Creek Road where new striping will also be added for bike lanes. Both Meadows and Shadden drive will have additional pavement width on the west side of their sections to allow for a right turn lane.

FINDING: SATISFIED. The City concurs with the applicant's responses, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that

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regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to ensure that the proposed commercial development of the site is designed with adequate and functional access and circulation patterns to support the specific commercial development proposed in the future.

The applicant has submitted a Planned Development Amendment application for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application.

Per Comprehensive Plan Policy #27, which states that, “Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers,” this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit allowed commercial uses per the city’s expressed need in neighborhood commercial serving areas, and specific design and development standards have been recommended as part of that land-use approval to ensure compatibility with surrounding uses.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 30.00 Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.

APPLICANT’S RESPONSE: The C3 zoned area is located adjacent to NW Baker Creek Road, a minor arterial street. Future access to the commercial uses will not focus traffic through residential neighborhoods or reduce the carrying capacity of the adjacent streets. The traffic analysis provided with this application showed that, in the worst case scenario, the capacity of adjacent streets is sufficient.

FINDING: SATISFIED. The City concurs with the applicant’s response, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to ensure that the proposed commercial development of the site is designed with adequate and functional access and circulation patterns to support the specific commercial development proposed in the future. The applicant has submitted a Planned Development Amendment application for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application.

Policy 31.00 Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms.

APPLICANT’S RESPONSE: No specific commercial use is proposed at this time. A design to minimize bike and pedestrian conflicts and provide connections can be considered at the time of a future commercial development application. These travel modes are facilitated by the proposed semi-grid like street pattern of the adjacent residential developments and other pathways.

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FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's response, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to ensure that the proposed commercial development of the site is designed in a manner that minimizes bicycle and pedestrian conflicts and provides pedestrian connections to adjacent residential development.

The applicant has submitted a Planned Development Amendment application for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be addressed in the Decision Document for that land use application. A condition of approval in that land-use approval has been developed to address this Comprehensive Plan policy.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Proposal 6.00 A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.

APPLICANT'S RESPONSE: The submitted plans indicate that the applicant is not currently proposing to develop the C3 zoned portion of the site. Prior to development of the site, a commercial use development application will be submitted for review of the proposed site design, circulation, parking facilities, and landscaping features. The traffic study provided with this application demonstrates that in the worst case scenario, there is sufficient off-site capacity in the surrounding street network for future uses of the commercial site.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's response, and adds that a Planned Development Overlay District regulated by Ordinance No. 4633 does exist that regulates use and development of the portion of the subject site proposed to be zoned C-3. The future review of the specific development plans for the site, which is required by Ordinance No. 4633, will provide an opportunity to review the future commercial development area for all applicable policies and regulations.

The applicant has submitted a Planned Development Amendment application for concurrent review with this Zone Change request, and any amendments to Ordinance No. 4633 as a result of the Planned Development Amendment request will be address in the Decision Document for that land use application. A condition of approval in that land-use approval has been developed to address this Comprehensive Plan policy.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

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.

Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing

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shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

APPLICANT'S RESPONSE: In 2001, the City adopted the Residential Land Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meet higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

While the 2001 analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply.

While the current Housing Needs Analysis has not been acknowledged by the State, it still qualifies as a beneficial study and provides helpful information regarding McMinnville's current and future housing needs. The study received grant funding from DLCD, and a condition of the grant award, this State agency prepared a scope of work and qualified the consultant Econorthwest to prepare the report. DLCD staff currently serves as a member of the project's Technical Advisory Committee and has ensured that the study's methodology follows Oregon Administrative Rule standards.

It is due to rising housing costs, as well as McMinnville's persistent challenge to maintain an adequate residential land supply, that the City is currently updating its Buildable Lands Inventory and Housing Needs Analysis. These studies have identified how many acres of additional residential land must be added to the Urban Growth Boundary (UGB) to meet housing demands over the next 20-year planning period. The City has also identified new strategies to encourage the development of a greater variety of housing types including single-family detached homes, townhomes, mobile homes, condominiums, duplexes, apartments, and affordable housing options.

As demonstrated by the attached Preliminary Development Plans, the proposed project will facilitate the development of 280 small, medium, and large sized single-family lots within the Baker Creek North Planned Development area. The proposed planned development amendment to the overlay created by Ordinance 4633 will allow for the future development of up to 120 apartment units within the C3 zoned area as demand for commercial uses and housing determines. This will further help to address McMinnville's current housing needs. A future development application will be submitted for the development of the multi-family dwelling units on the C3 zoned portion of the site. As discussed throughout this narrative, the proposed map and planned development amendments are consistent with applicable residential policies and the land development regulations of the City.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed zoning of 48.7 acres of the subject site to the R-4 zone will allow for more opportunity for a variety of housing types and the development of quality housing for all residents of McMinnville. Additionally, the applicant refers to the most recently acknowledged Residential

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Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

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.

APPLICANT'S RESPONSE: In order to create a more intensive and energy efficient pattern of residential development, the applicant is requesting approval of a Zoning Map Amendment to zone 9.41 acres of existing R1 zoned land and 39.29 acres of currently unzoned land to an R4 classification. The attached Preliminary Development Plans demonstrate that all of the R4 zoned land will be included within the proposed Baker Creek North Planned Development.

The submitted plans illustrate that the planned development will provide an urban level of private and public services. The submitted planned development application includes a request to modify several City Code standards so that unique and innovative single-family detached housing can be developed on the subject site that is land intensive. The plans demonstrate that the proposed housing provides a more compact urban form, is more energy efficient, and provides more variety in housing types than are developed in the R4 zone with a standard subdivision.

The amendment to the planned development overlay ordinance to allow no more than 120 multifamily dwelling units on the commercial parcel will also help facilitate the development of more efficient housing in the area.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings, but notes that the specific development plan is associated with a Planned Development application (PD 1-19) submitted for concurrent review with this Zone Change request. Any findings for the Planned Development will be addressed in the Decision Document for that land use application.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

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.

APPLICANT'S RESPONSE: The site is adjacent to NW Baker Creek Road, an area where urban services are already available, and near NW Hill Road, where the City has recently made improvements to urban services to accommodate development in McMinnville.

FINDING: SATISFIED. The City concurs with the applicants findings.

Policy 69.00 The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

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APPLICANT'S RESPONSE: This is a directive to the City and not an approval criterion. The planned development ordinance which is being used in this application appears to integrate the proposed housing and commercial uses as proposed in the amended planned development in a compatible framework.

FINDING: SATISFIED. The City concurs with the applicant's findings. Further, as the applicant has noted and is outlined both above and later in this report, the proposal addresses McMinnville's current identified need for, and severe shortage of, lands zoned for multi-family housing in the City. As the applicant notes, the acreage can accommodate the immediate need for such dwelling units, currently unable to be constructed within the City because of the the City's limited current R4 land supply, without doing so at the expense of long-term planning for either Commercial or Industrial land needs.

Policy 71.05 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)

APPLICANT'S RESPONSE: As required, the applicant has addressed applicable policies of the Comprehensive Plan to demonstrate consistency with the proposed Zoning Map amendments. The 2001 McMinnville Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs. At the time, the needed residential acreage included 63.9 acres of additional R4 zoned land beyond what was available within the UGB. Although the City moved forward with an UGB expansion in 2011 to address its deficient residential land supply, the boundary amendment was shelved after LUBA remanded City Council's land use decision in 2011. As a result, residential land needs dating back to 2001 have yet to be addressed.

While the 2001 Residential Land Needs Analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply. As indicated by the attached Preliminary Development Plans, the applicant is proposing to rezone a portion of the site R4 to develop 280 dwelling units, helping to address the McMinnville's current housing needs (see Exhibit 3).

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed zoning of 48.7 acres of the subject site to the R-4 zone will allow for more opportunity for the development of needed housing types. Additionally, the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

Policy 71.09 *Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:*

APPLICANT’S RESPONSE: Much of the proposed planned development area north of Augustine, Charles and Wessex, respectively, will be developed with blocks in a medium-density range (4-8 dwelling units per net acre) like most of McMinnville. Those lots south of Augustine, Charles, and Wessex, respectively, have density ranges by block from about 10 to 15 units a net acre. Bringing the overall site to just over 8 dwelling units per net acre.

FINDING: NOT APPLICABLE. This policy is applicable to the Planned Development and Subdivision land use applications submitted for concurrent review with this Zone Change request, but is not specifically applicable to the Zone Change as the Zone Change request on its own does not require a development plan that would specify density of the actual residential development.

Policy 71.09 *Medium and High-Density Residential (R-3 and R-4) – [...]*
 1. *Areas that are not committed to low density development;*

APPLICANT’S RESPONSE: The applicant is requesting approval of a Zoning Map Amendment to change 9.41 acres of existing R1 zoned land to an R4 classification. The 2001 McMinnville Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that 63.9 acres of additional R4 zoned land should be added the UGB. As mentioned above, the City is currently conducting a Housing Needs Analysis and has found that McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB for the 2018-2041 planning period.

When the City’s UGB last expansion effort was undertaken in 2011, a Court of Appeals remand prevented 320.2 acres of identified buildable residential land need from being included in the UGB. Since a future UGB expansion effort could have similar challenges, some existing low-density residential land should be changed to medium and high-density designations. The proposed R4 zoning of the 9.41 acres of existing R1 zoned land will permit an increase in residential density, helping to address the City’s critical need for additional housing units without expanding the City’s UGB.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city’s urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

Policy 71.09 *Medium and High-Density Residential (R-3 and R-4) – [...]*
 2. *Areas that have direct access from collector or arterial streets;*

APPLICANT’S RESPONSE: The attached Preliminary Development Plans indicate that the proposed R4 zoned portion of the site, and the C-3 zone area, are located directly adjacent to NW Baker Creek Road, a minor arterial street (see Exhibit 3). The proposed planned development is provided consolidated access onto NW Baker Creek Road from the proposed extensions of NW Hill Lane, NW Meadows Drive, and NW Shadden Drive.

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FINDING: SATISFIED. The City concurs with the applicants findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;

APPLICANT’S RESPONSE: The submitted Preliminary Development Plans indicate that the proposed R4 zoned area of the site is not constrained by environmental factors such as topography, flooding, or poor drainage. The proposed planned development is located outside of the riparian corridor along Baker Creek north of the site, where a 100-year floodplain limits development.

FINDING: SATISFIED. The City concurs with the applicants findings, and clarifies that the areas proposed to be zoned R-4 are south of the existing 100-year floodplain.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

4. Areas where the existing facilities have the capacity for additional development;

APPLICANT’S RESPONSE: The Existing Conditions Plan demonstrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant worked with City staff to confirm sewer and other utility capacity exists. The submitted plan also indicates that NW Hill Road’s transportation facilities have recently been upgraded and a roundabout has been installed at the intersection with NW Baker Creek Road adjacent to the site. The City is adding center turn lane striping to Baker Creek Road. These transportation facilities can accommodate future development of the subject site as well as other developable properties in McMinnville’s northwest quadrant. This is further demonstrated by the transportation study provided with this application.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant’s findings. However, the City notes that the applicant provided a traffic analysis report that modeled the buildout of a specific development plan that is associated with a Planned Development application (PD 1-19) and Planned Development Application (PDA 2-19) submitted for concurrent review with this Zone Change request. That development plan includes 280 single family homes, and the traffic analysis report only analyzed the transportation network’s capacity for the development of those 280 homes and the adjacent commercial parcel.

The traffic analysis is based on the figures provided in the Traffic Analysis Report for Baker Creek North Development (dated July 2019) that accompanied the land use application materials. That memo cited the Institute of Traffic Engineers (ITE) Trip Generation Manual and the number of trips that would be generated by each individual single family dwelling. The average daily trips for a single family dwelling unit is 9.44 trips per unit (ITE 210). As the traffic analysis report and the accompanying Transportation Planning Rule memo assumed the development of only 280 single family dwelling units on the subject site and development on the adjacent commercial parcel, the analysis assumed 2,643 average daily trips generated by the development of the subject site.

The R-4 zone would allow for denser development than is proposed in the Planned Development application submitted for concurrent review. Because the traffic analysis report does not provide an analysis of the impacts of the maximum level of development of the subject site if the zone change to R-4 (Multiple-Family Residential) was approved, a condition of approval is included to tie this land-use approval with the subsequent approval of PD 1-19 and PDA 2-19.

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Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

5. Areas within one-quarter mile of existing or planned public transportation; and

APPLICANT’S RESPONSE: The proposed R4 zoned area and C3 zoned area are currently located within ¼ mile of planned public transportation as described in the October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I (see also response to Policy 70.01 above).

APPLICANT’S RESPONSE TO POLICY 71.01: The Baker Creek North site is located within a ¼ mile of the north side of a planned transit corridor. The October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I, which was adopted on 10/18/18, shows the area of Baker Creek North as adjacent to a planned transit corridor in Figure 2-11 (page 2-18), Figure 6-18 and 6-19 (pages 6-26 and 6-27 respectively).

The area is labeled as 1b. Baker Creek Road and Hill Road on the TDP’s Figure 2-11 Potential Future Transit Service Areas. Route “5” is labeled as a future route serving Baker Creek Road on the TDP’s Figure 6-18 System Map and Figure 6-19 McMinnville map, both subtitled Near-Term, Short-Term and Mid-Term Changes. Finally, the TDP’s page 6-31 shows this planned new transit corridor as Project ID number SL9.

The significance of the proximity of the Baker Creek North site being within ¼ mile of this transit corridor is that that area is not limited by the 6 units per acre density applied to areas outside of ¼ mile of a planned transit corridor by Policy 71.01. The proposed planned development amendment condition to allow no more than 120 dwelling units would allow multi-family to be dispersed into this area. This area is also within a ¼ mile of the transit corridor, so it is not limited by the 6 units per acre policy.

The submitted Preliminary Development Plans indicate that 280 single-family dwellings will be constructed within the site’s 48.7 acre planned development. Virtually the entire planned development site is inside the transit corridor, less than ¼ miles away from Baker Creek Road. The planned development area has a gross density of 5.75 units per acre, and a net density of 8.16 dwelling units per net acre. Therefore, the planned densities meet this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.

APPLICANT’S RESPONSE: There are no low density residential areas adjacent to the Baker Creek North site that are planned for high density residential uses.

There is a church and a residential development known as Oak Ridge east of the site that was developed with an R2-PD overlay zone. There is also a proposed development northeast of the site, which is a new residential development and a modification of an old approved development. These areas are not low density even though underlying zoning may be R-2 because net density is over 4 units per acre, classifying them as medium density developments per Policy 71.09 above. The proposed lots in this area of Baker Creek North Planned Development are larger, therefore they will not be development at a higher density. The attached Preliminary Development Plans demonstrate that the proposed lots adjacent to the Oak Ridge development are extra deep to retain the mature trees along this boundary. The trees and extra deep rear

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yards will help buffer this existing development, regardless of how density is measured for the adjacent development.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City does not concur with the applicant's findings, primarily in that the zoning classification of the land to the northeast is R-2 (Single Family Residential) which is described as "Low Density Residential Development" in Policy 71.06 of the McMinnville Comprehensive Plan. However, the City finds that the size of the proposed R-4 zoned portion of the site allows the opportunity for buffering from these low density residential areas. The specific development plan referenced by the applicant is associated with a Planned Development application submitted for concurrent review with this Zone Change request. Any findings for the Planned Development will be addressed in the Decision Document for that land use application. However, without the development characteristics within the Planned Development described by the applicant, the applicant has not demonstrated that the R-4 zoned area can be buffered from adjacent low density residential areas. Therefore, a condition of approval is included to ensure that the decision for approval of the Zone Change request is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) application is approved by the City Council.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development:

1. *Areas which are not committed to low or medium density development;*

APPLICANT'S RESPONSE: In 2001, the City adopted the McMinnville Housing Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meeting higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application in 2011. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

As mentioned above in response to Policy 71.09 1., the City is currently conducting a Housing Needs Analysis and has found that an additional 449 acres should be added to the UGB to meet housing needs over the next 20 year planning period. When the City's last attempt to expand the UGB occurred in 2011, a Court of Appeals remand prevented 320.2 acres of identified buildable residential land need from being included in the UGB. Since only a portion of the current housing need can currently be accommodated by Residential designated land within the UGB, some low-density residential land will need to be changed to medium and high-density designations. The proposed R4 zoned portion of the site, most of which has not yet received urban zoning, is not currently committed to low or medium density housing. This area and the 9.41 acres zoned R1 that will change to R-4 classification will allow a needed increase in residential density, helping to address the City's critical need for additional housing units. These factors make this area appropriate for high density residential development.

FINDING: SATISFIED. The City concurs with the applicant's findings and adds that the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

2. *Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;*

APPLICANT'S RESPONSE: As mentioned above in response to Policy 71.09 2., there are no established low-density residential areas adjacent to the site. To the south of the site, the proposed planned development is buffered from existing residential areas with an R1-PD zone overlay by NW Baker Creek Road, a minor arterial street. To the east of the site is the Oak Ridge Subdivision, which has been developed with medium-sized lots in the R2-PD zone overlay. The proposed development has extra deep lots adjacent to the Oak Ridge lots to allow existing trees to remain in the rear yards as a buffer. Mitigation measures to buffer the proposed development are not required since there are no low-density residential areas adjacent to the site.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City does not concur with the applicant's findings, primarily in that the zoning classification of the land to the northeast is R-2 (Single Family Residential) which is described as "Low Density Residential Development" in Policy 71.06 of the McMinnville Comprehensive Plan. However, the City finds that the size of the proposed R-4 zoned portion of the site allows the opportunity for buffering from these low density residential areas. The specific development plan referenced by the applicant is associated with a Planned Development application submitted for concurrent review with this Zone Change request. Any findings for the Planned Development will be addressed in the Decision Document for that land use application. However, without the development characteristics within the Planned Development described by the applicant, the applicant has not demonstrated that the R-4 zoned area can be buffered from adjacent low density residential areas. Therefore, a condition of approval is included to ensure that the decision for approval of the Zone Change request is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) application is approved by the City Council.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

3. *Areas which have direct access from a major collector or arterial street;*

APPLICANT'S RESPONSE: As mentioned above in response to Policy 71.09 4., the proposed R4 zoned portion of the site is located directly adjacent to NW Baker Creek Road, an arterial street. The proposed planned development is provided with consolidated access to NW Baker Creek Road, a minor arterial street, from the proposed extensions of NW Hill Lane, NW Meadows Drive, NW Shadden Drive. Therefore, the proposed access is appropriate for the high-density development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

4. *Areas which are not subject to development limitations;*

APPLICANT'S RESPONSE: The development site is appropriate for high-density development since it is not constrained by development limitations.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

5. Areas where the existing facilities have the capacity for additional development;

APPLICANT'S RESPONSE: The submitted Existing Conditions Plan illustrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant completed analysis in conjunction with the City which concluded sewer capacity exists to serve the site. The submitted plan also indicates that NW Hill Road's transportation facilities were recently upgraded with the addition of a roundabout at the intersection with NW Baker Creek Road. Center turn lanes on Baker Creek Road were also added by the City. The transportation improvements were designed to accommodate future development of the subject site and other developable properties in the northwest area of McMinnville. Sufficient existing capacity of facilities adjacent to the site make it appropriate for high density residential development. This is further evidenced by the traffic analysis provided by the applicant with this application.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings. However, the City notes that the applicant provided a traffic analysis report that modeled the buildout of a specific development plan that is associated with a Planned Development application (PD 1-19) and Planned Development Application (PDA 2-19) submitted for concurrent review with this Zone Change request. That development plan includes 280 single family homes, and the traffic analysis report only analyzed the transportation network's capacity for the development of those 280 homes and the adjacent commercial parcel.

The traffic analysis is based on the figures provided in the Traffic Analysis Report for Baker Creek North Development (dated July 2019) that accompanied the land use application materials. That memo cited the Institute of Traffic Engineers (ITE) Trip Generation Manual and the number of trips that would be generated by each individual single family dwelling. The average daily trips for a single family dwelling unit is 9.44 trips per unit (ITE 210). As the traffic analysis report and the accompanying Transportation Planning Rule memo assumed the development of only 280 single family dwelling units on the subject site and development on the adjacent commercial parcel, the analysis assumed 2,643 average daily trips generated by the development of the subject site.

The R-4 zone would allow for denser development than is proposed in the Planned Development application submitted for concurrent review. Because the traffic analysis report does not provide an analysis of the impacts of the maximum level of development of the subject site if the zone change to R-4 (Multiple-Family Residential) was approved, a condition of approval is included to tie this land-use approval with the subsequent approval of PD 1-19 and PDA 2-19.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

6. Areas within a one-half mile wide corridor centered on existing or planned public transit routes;

APPLICANT'S RESPONSE: As discussed above in response to Policy 71.09 5., all of the proposed R-4 zoned and C-3 zoned areas are located within one-half mile of planned public transit routes. This proximity to planned public transit routes makes this area appropriate for high density residential development.

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FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

7. Areas within one-quarter mile from neighborhood and general commercial shopping centers;

APPLICANT'S RESPONSE: The applicant is proposing a Zoning Map amendment to designate 6.62 acres within the C3 zone in the southwest corner of the site, conforming to the Commercial Comprehensive Plan designation for that parcel. This proximity to a commercial designated land qualifies this site for high density residential development, and the proposed R4 zoning classification requested.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

8. Areas adjacent to either private or public permanent open space;

APPLICANT'S RESPONSE: Included with the proposed Baker Creek Planned Development are numerous common open space areas with amenities that will serve a variety of recreational needs in the community. The submitted plans indicate that the proposed open space areas are located in various portions of the site to permit both active and passive recreation uses for all. Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, park benches, trails and paths, and more. The proposed open space areas have been sited to extend the City's network of park facilities by connecting to the existing BPA powerline trail. The proposed park improvements will allow the trail to extend north. As indicated by the attached landscape plans, the proposed paved trails will connect to an unpaved off-site trail within the donated park land. The open space tracts and donated park land, if owned by the City, will be excellent assets to the City's park system. Proximity to the proposed open spaces make this subject site suitable for high density residential development per this Policy.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The private and public open space referenced by the applicant are included within the proposed development plans that are associated with a Planned Development application submitted for concurrent review with this Zone Change request. Any findings for the Planned Development will be addressed in the Decision Document for that land use application. However, without those private and public open spaces within the Planned Development, the subject site is not adjacent to either private or public permanent open space. Therefore, a condition of approval is included to ensure that the decision for approval of the Zone Change request is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) application is approved by the City Council.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Policy 79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning

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classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.

APPLICANT’S RESPONSE: The applicant is proposing concurrent Comprehensive Plan Map and Zoning Map amendments to designated 48.7 acres of the site within the R4 district. The attached plans indicate that the Baker Creek Planned Development is located within the proposed R4 zoned portion of the site and will have a net density of 8.16 dwelling units/acre. There are no topographic or utility capacity constraints which limit the subject site’s development potential. Water and sewer services are available adjacent to the site and can be extended to serve the development with on-site improvements constructed and paid for by the developer. Some phases of the development can be served by gravity sanitary sewer, but development of other phases include service from a pump station on proposed Tract “G” in Phase 1B. The applicant is not proposing to modify the allowed net density range of 8-30 dwelling units/acre allowed in the R4 zone with this application. See comments below under MMC Section 17.21.

FINDING: NOT APPLICABLE. This policy is applicable to the Planned Development and Subdivision land use applications submitted for concurrent review with this Zone Change request, but is not specifically applicable to the Zone Change as the Zone Change request on its own does not require a development plan that would specify density of the actual residential development.

Policy 80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.

APPLICANT’S RESPONSE: The applicant is proposing to retain existing trees and wooded areas in common open space tracts and those preservable trees in rear yards where feasible as shown on the Landscape Plans.

FINDING: NOT APPLICABLE. This policy is applicable to the Planned Development and Subdivision land use applications submitted for concurrent review with this Zone Change request, but is not specifically applicable to the Zone Change as the Zone Change request on its own does not require a development plan that would specify the actual residential development.

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.

APPLICANT’S RESPONSE: Pedestrian and bikeway paths are provided to connect the large active open spaces in the residential areas with convenient routes between residential blocks. The proposed paths and sidewalks also connect to the existing powerline trail which leads to a neighborhood park to the south and provides access to views of the adjacent significant natural space to the north of the site.

FINDING: NOT APPLICABLE. This policy is applicable to the Planned Development and Subdivision land use applications submitted for concurrent review with this Zone Change request, but is not specifically applicable to the Zone Change as the Zone Change request on its own does not require a development plan that would specify the actual residential development.

Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping

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centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.

APPLICANT'S RESPONSE: The site is located along NW Baker Creek Road, a minor arterial street, and within a planned public transit route (see also comments above under Policy 70.01). The proposed zoning and uses are consistent with this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 92.00 High-density housing developments shall be encouraged to locate along existing or potential public transit routes.

APPLICANT'S RESPONSE: As discussed above (see also comments under Policy 70.01), this proposed housing development is located along a potential public transit route per current transit planning documents. The applicant is proposing to develop high density housing along this potential public transit route, meeting this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 92.01 High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use.

APPLICANT'S RESPONSE: No portion of the site is located near incompatible uses such as railroad lines, heavy industrial uses, or other potential nuisance areas.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 92.02 High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation.

APPLICANT'S RESPONSE: To the extent possible, this proposed housing development meets this policy. It is within reasonable walking distance to proposed on-site common open space parks and across the street from an existing City park property and trail system beginning at Meadows Drive at Baker Creek Road (with a planned neighborhood park improvement currently under construction south of this existing City park property and west of the existing trail). There is a future school site planned about ¼ miles south of the site on Hill Road. The applicant is proposing a planned development amendment to provide 6.62 acres of Commercial designated land at the corner of Hill Road and Baker Creek Road. The adjacent minor arterial is also planned for future public transportation.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant's findings and adds that this zone change request is contingent upon the approval of a Planned Development application (PD 1-19) and Planned Development Amendment (PDA 2-19) that will have conditions of approval to respond to this Comprehensive Plan Policy.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

Urban Policies

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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). (as amended by Ord. 4796, October 14, 2003)*
- 5. Deleted as per Ord. 4796, October 14, 2003.*

APPLICANT'S RESPONSE: As shown on the preliminary utility plans, each proposed phase of the development will improve public facilities to provide an adequate level of urban services as required by this policy. In coordination with the City, the applicant has confirmed that adequate sanitary sewer capacity exists. Storm sewer improvements will be installed with each phase of the planned development. Streets will be built to City standards as shown by the plans. Water services for the proposed residential uses will be extended to the site from adjacent main lines.

FINDING: SATISFIED. The City concurs with the applicant's findings, and would add that the City provided opportunity for review and comment by city departments, other public and private agencies and utilities, and McMinnville Water and Light to ensure the coordinated provision of utilities and services to the subject site based on the proposed land use request. 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. No comments were provided that were in opposition or identified any issues with providing utilities and services to the subject site for the intended use. At the time of development of the site, final development plans will be required to provide a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Comprehensive Plan Map Amendment provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. General Provisions

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria.

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

17.74.020(A). The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;

APPLICANT'S RESPONSE: This Applicant's Statement has demonstrated how the proposed Comprehensive Plan Map and Zoning Map Amendment applications are consistent with applicable goals and policies of the Comprehensive Plan in the responses above under III. Findings A. of the McMinnville Comprehensive Plan.

FINDING: SATISFIED. The City concurs with the applicant's findings, and also refers to the findings provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusionary Findings) above.

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17.74.020(B). *The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;*

APPLICANT’S RESPONSE: Several changes have occurred in the neighborhood or community to warrant the proposed amendments. First of all, the October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I designated Baker Creek Road adjacent to the site as a planned transit corridor. This makes it an appropriate action for the R-1 zoned parcel to be rezoned to R-4, as well as applying the R-4 zone to the remainder of the planned development site’s area that does not have urban zoning. This type of residential zone will promote the type of density proposed with the planned development overlay and the type of density needed to support future transit service along this corridor. All of the lots are within ¼ mile of this planned transit corridor, providing consistency with Comprehensive Plan policies for this zoning classification.

It is the applicant’s understanding, that a portion of the subject site was designated commercial at a time when a northwest expansion of the City’s urban growth boundary was being pursued and a future commercial center was desired for this area of McMinnville. However, this expansion to the northwest did not materialize. This has left the site with an excess of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, who is a developer who has owned the site for almost four years after purchasing it from a bankruptcy trustee, attests to the lack of demand for so much commercial land through the lack of interest from others in the property for such uses. The commercially designated area is too large given the current pattern of development in McMinnville. A large commercial development is not appropriate and would drain economic activity from the downtown core and established commercial centers in McMinnville. The proposed planned development amendment and the amendment to the Comprehensive Plan Map will decrease the area designated commercial and will allow the property to more freely meet the market needs permitted under the C-3 zone. As discussed previously, development of the remaining commercial land will likely be a mix of neighborhood commercial and multi-family housing.

An additional change in the community is the successful development of the surrounding area with medium and high-density single-family housing. For example, the Baker Creek East and West development to the south, which was a modification of the original Shadden Claim planned development, improved the area with a gross housing density of 5.83 dwelling units per acre. The proposed Baker Creek North development is proposed to be 5.75 dwelling units per acre, so the proposed amendments allow the proposed development which is of a similar gross density to the adjacent developments.

The proposed amendments are also timely as the demand for housing increases. As the last large tracts of buildable land in the City are consumed, the proposed amendments will ensure that the subject site is efficiently developed with high density housing and provides housing diversity in an area that contains medium and low density neighborhoods (i.e. Oak Ridge, Michelbook Meadows, Adjacent new development to the northeast).

Approval of the amendments will allow for an orderly development of the area. The earlier phases of the planned development are along the south side of the site, where utilities exist and small and medium sized lots meet the current market needs. Later phases will allow for more housing diversity with small, medium, and large lots to serve the broad housing needs of the community. The new lots in the planned development, and the development of multi-family units

on the commercial lot, will provide economic support for neighborhood commercial uses on the C-3 zoned parcel.

The City of McMinnville completed its last Economic Opportunity Analysis (EOA) in 2013. The report indicates that there is a 35.8 acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designate some of the 235.9 acres of surplus Industrial land for commercial use. Since this surplus of Industrial land can be converted to a Commercial designation, the applicant's proposal to reduce the amount of Commercial designated land from 11.3 acres to 6.62 acres will not diminish the City's ability to meet its commercial land needs.

In 2001, the City of McMinnville completed a Residential Land Needs Analysis for the 2000-2020 planning period and determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs. At the time, the needed residential acreage included 63.9 acres of additional R-4 zoned land beyond what was available within the UGB. Although the City moved forward with an UGB expansion in 2011 to address its deficient residential land supply, the boundary amendment was shelved after LUBA remanded City Council's land use decision in 2011. As a result, residential land needs dating back to 2001 have yet to be addressed.

Over the last two decades, the City's deficient residential land supply has continued to be a lingering problem and housing costs have risen to a point where they are now unattainable for many residents. To address these issues, the City is currently updating its Housing Needs Analysis. This study indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will allow the development of 891 dwelling units which can't be accommodated by the current R-4 land supply.

The applicant's proposal to zone 48.7 acres of the site R-4 will increase the density of existing Residential designated land to permit the develop additional housing in the community. As demonstrated by the attached Typical Lots Plan and Site Plan, the proposed Comprehensive Plan Map and Zoning Map Amendments will facilitate the development of 280 small, medium, and large sized single-family lots within the proposed planned development area. The proposed map amendments will also allow the future development of apartment units in addition to neighborhood commercial within the C-3 zoned portion of the site, further working to meet the housing needs of the community.

FINDING: SATISFIED. The City concurs with the applicant's findings. The City clarifies that the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

It should also be noted that per the McMinnville City Code section 17.74.020, when the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

17.74.020(C). *Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.*

APPLICANT’S RESPONSE: This narrative and the attached plans show that utilities and services can be efficiently provided to serve the proposed and potential uses in the proposed residential and commercial zoning districts.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The City concurs with the applicant’s findings, and would add that the City provided opportunity for review and comment by city departments, other public and private agencies and utilities, and McMinnville Water and Light to ensure the coordinated provision of utilities and services to the subject site based on the proposed land use request. 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. No comments were provided that were in opposition or identified any issues with providing utilities and services to the subject site for the intended use. At the time of development of the site, final development plans will be required to provide a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well.

The City also notes that the applicant provided a traffic analysis report that modeled the buildout of a specific development plan that is associated with a Planned Development application (PD 1-19) and Planned Development Application (PDA 2-19) submitted for concurrent review with this Zone Change request. That development plan includes 280 single family homes, and the traffic analysis report only analyzed the transportation network’s capacity for the development of those 280 homes and the adjacent commercial parcel.

The traffic analysis is based on the figures provided in the Traffic Analysis Report for Baker Creek North Development (dated July 2019) that accompanied the land use application materials. That memo cited the Institute of Traffic Engineers (ITE) Trip Generation Manual and the number of trips that would be generated by each individual single family dwelling. The average daily trips for a single family dwelling unit is 9.44 trips per unit (ITE 210). As the traffic analysis report and the accompanying Transportation Planning Rule memo assumed the development of only 280 single family dwelling units on the subject site and development on the adjacent commercial parcel, the analysis assumed 2,643 average daily trips generated by the development of the subject site.

The R-4 zone would allow for denser development than is proposed in the Planned Development application submitted for concurrent review. Because the traffic analysis report does not provide an analysis of the impacts of the maximum level of development of the subject site if the zone change to R-4 (Multiple-Family Residential) was approved, a condition of approval is included to tie this land-use approval with the subsequent approval of PD 1-19 and PDA 2-19.

Per Condition of Approval #1 this zone change will not be rendered unless that PD 1-19 and PDA 2-19 is approved.

CD

Attachments :

Attachment 1 – Application and Attachments



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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT TO AMEND THE CONDITIONS OF APPROVAL AND REDUCE THE SIZE OF AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF NW HILL ROAD AND NW BAKER CREEK ROAD AND AMEND THE EXISTING CONDITIONS OF APPROVAL

DOCKET: PDA 2-19 (Planned Development Amendment)

REQUEST: Approval to amend an existing Planned Development Overlay District to reduce the size of the existing Planned Development Overlay District to the size of a proposed 6.62 acre C-3 (General Commercial) site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site.

LOCATION: The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867, Yamhill County Deed Records. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M.

ZONING: C-3 (General Commercial)

APPLICANT: Stafford Development Company, LLC

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: October 11, 2019

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE: An application for a Planned Development Amendment is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA: The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must

conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline is February 8, 2019.

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; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. The matter was also referred to the Oregon Department of Land Conservation and Development. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Planned Development Amendment (PDA 2-19) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

RECOMMENDATION: APPROVAL WITH CONDITIONS

City Council: _____ Date: _____
 Scott Hill, Mayor of McMinnville

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

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

Attachments :

Attachment 1 – Application and Attachments

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. Staff has found the information provided to accurately reflect the current Planned Development Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

Subject Property & Request

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M.

The application (PDA 2-19) is a request for a Planned Development Amendment to reduce the size of the existing Planned Development Overlay District governed by Ordinance 4633 to the size of a proposed 6.62 acre C-3 (General Commercial) site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site. The Planned Development Amendment request was submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Comprehensive Plan Map Amendment, Zone Change, Planned Development, Subdivision, and Landscape Plan Review to allow for the development of a 280 lot subdivision and future commercial development.

Excerpts from Land Use Application Narrative and Findings:

“The applicant is requesting to amend the boundary of the planned development overlay, as previously delineated by Ordinance 4633, to correspond to the current boundary of Parcel A of this application. Furthermore, the applicant requests to replace the two conditions of approval of the planned development overlay created under Ordinance 4633 with the following conditions:

1. No more than 120 multi-family units may be developed on the site.
2. At least 2-acres of neighborhood commercial uses shall be developed on the site.

The proposed conditions of approval would allow for a future development application to include a request for neighborhood commercial and multi-family residential uses allowed in the C3 zone.”

See Vicinity Map (Figure 1), Ordinance No. 4633 Planned Development Boundary (Figure 2), and CPA 1-19 Commercially Designated Area - Proposed Site Plan (Figure 3) below.

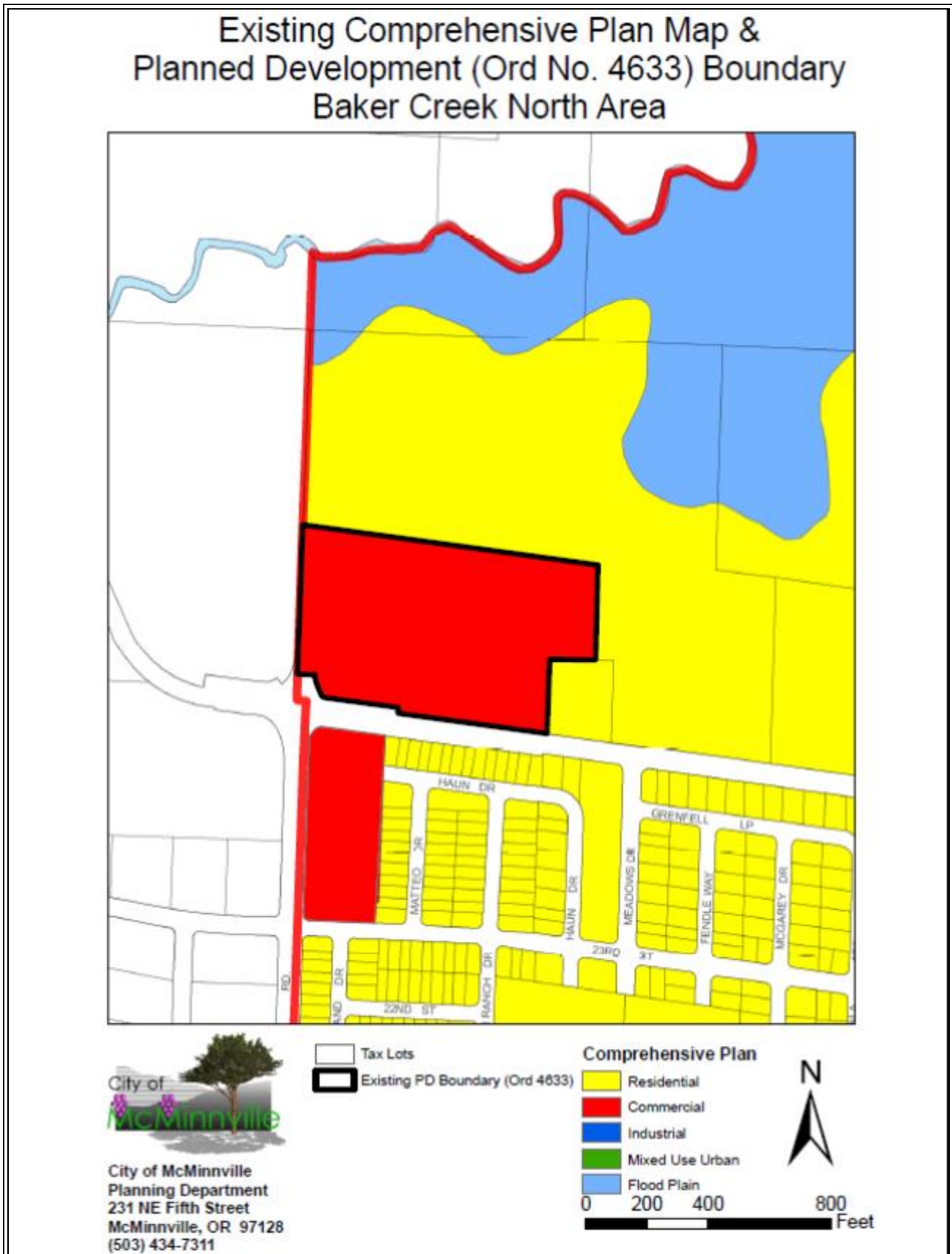
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Attachment 1 – Application and Attachments

Figure 1. Vicinity Map (Subject Site Area Approximate)



Figure 2. Ordinance No. 4633 Planned Development Boundary

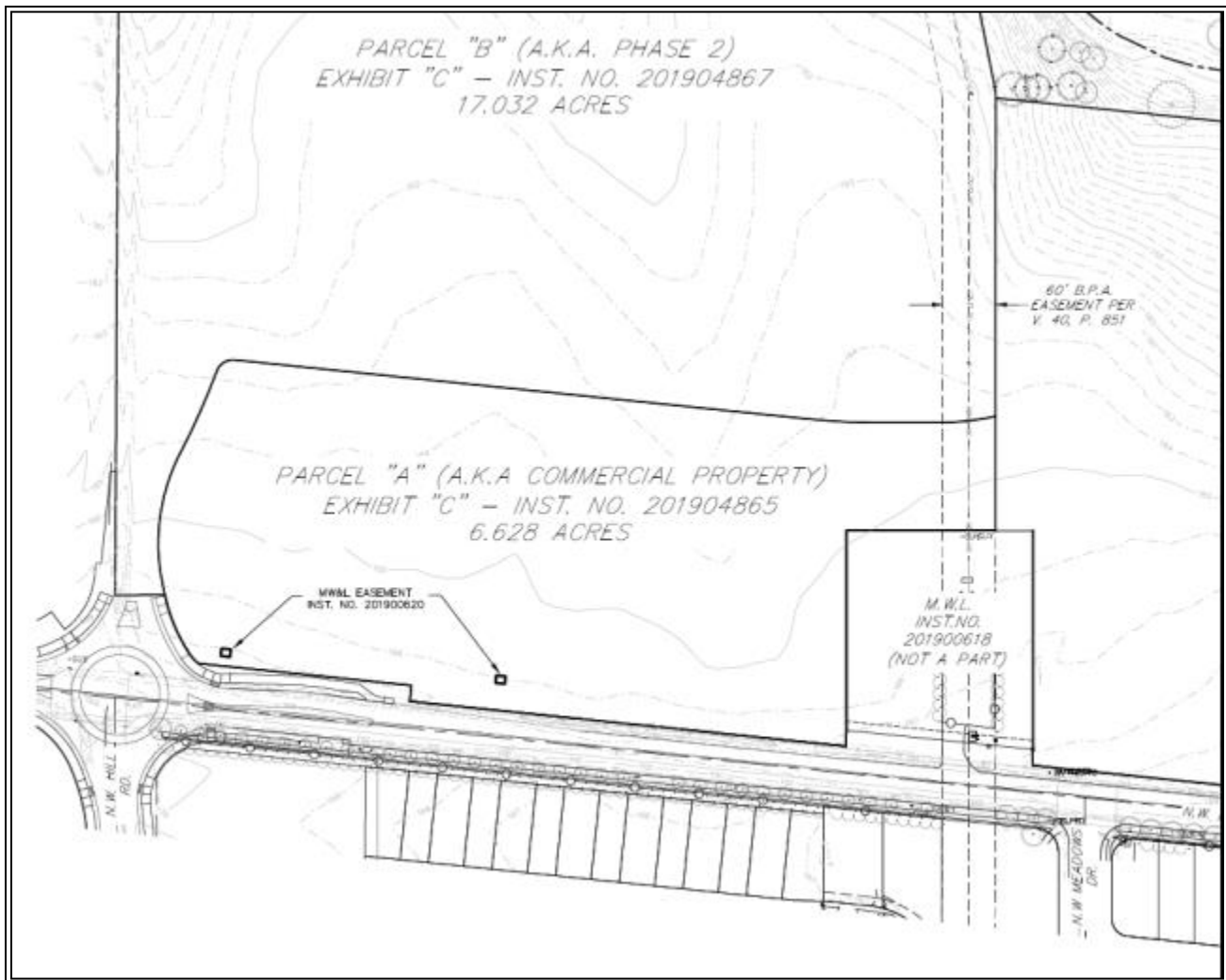


Attachments :

Attachment 1 – Application and Attachments

Figure 3. CPA 1-19 Commercially Designated Area

***Note – Parcel A identifies proposed reduced size of Planned Development Overlay District**



Background

Excerpts from Land Use Application Narrative and Findings:

"Ordinance 4633 was approved in October of 1996 resulting in the commercial designation of 11.3 acres of the site and a commercial planned development overlay (C3-PD) which restricts development with two conditions of approval.

* * *

The applicant is requesting to amend the boundary of the planned development overlay, as previously delineated by Ordinance 4633, to correspond to the current boundary of Parcel A of this application. Furthermore, the applicant requests to replace the two conditions of approval of the planned development overlay created under Ordinance 4633 with the following conditions:

1. No more than 120 multi-family units may be developed on the site.
2. At least 2-acres of neighborhood commercial uses shall be developed on the site.

Attachments:

Attachment 1 – Application and Attachments

The proposed conditions of approval would allow for a future development application to include a request for neighborhood commercial and multi-family residential uses allowed in the C3 zone.

It is the applicant's understanding that this area was designated commercial at a time when expansion of the City's urban growth boundary (UGB) westward was being pursued and this commercial area was hoped to be a large commercial center for McMinnville's (north)westward expansion. This UGB expansion to the northwest did not materialize. This has left the site with a glut of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, being a developer who has owned the site for almost four years, and having purchased it from a bankruptcy trustee, attests to this lack of demand for so much commercial land based on the lack of interest from others in the property for such uses. The commercially designated area is too large for the current pattern of development in McMinnville. A large commercial development is not appropriate since it would drain economic activity from the downtown commercial core and other established commercial centers in McMinnville. The proposed planned development amendment as established by Ordinance No. 4633, and an amendment to the Comprehensive Plan Map to decrease the area designated commercial as proposed, will allow the remaining commercial area to be regulated under current C3 zone standards. This will allow the property to more freely meet the market needs for uses allowed by the C3 zone, supporting a mix of uses such as neighborhood commercial and needed multi-family housing. The proposed amended planned development conditions will ensure this outcome."

Clarification of Land Use History

Ordinance 4633, which is the subject of this Planned Development Amendment, was adopted on October 6, 1996, and adopted a Comprehensive Plan Map Amendment of approximately 12.34 acres of land as a Commercial designation (Section 2 of Ordinance No. 4633), and also placed a Planned Development Overlay District on the same property (Section 3 of Ordinance No. 4633). These actions were processed under land use application docket number CPA 2-96.

The Comprehensive Plan Map Amendment reviewed and approved under docket number CPA 2-96 and Ordinance 4633 was applied for in response to another Comprehensive Plan Map Amendment and Planned Development request reviewed under land use application dockets CPA 1-96 and ZC 1-96. Applications CPA 1-96 and ZC 1-96 were associated with land south of Baker Creek Road, and amended the Comprehensive Plan Map designation of some of that land from Commercial to Residential and also approved a Planned Development Overlay District south of Baker Creek Road.

Ordinance 4633, which adopted a Comprehensive Plan Map Amendment of approximately 12.34 acres of land as a Commercial designation, and placed a Planned Development Overlay District on the same property, was approved with two conditions of approval. Those conditions of approval were identified in Section 3 of Ordinance 4633 in association with the Planned Development Overlay District and read as follows:

1. That development of the site is subject to the requirements of McMinnville Ordinance No. 4605, Section 2(a) – (g).
2. That no multiple-family residential use shall be allowed on the site.

The first condition of approval references a section within Ordinance 4605. However, Ordinance 4605 does not contain subsections (a) – (g) within Section 2, and Ordinance 4605 was associated with the approval of the annexation of property near Highway 18 and Old Sheridan Road into the City of McMinnville. Upon further inspection, condition #1 in Ordinance 4633 was intended to reference Section 2 (a) – (g) of Ordinance 4506, and it appears that there was a clerical error in the drafting of the language within Ordinance 4633. The staff report on file with the McMinnville Planning Department for

Attachments :

Attachment 1 – Application and Attachments

docket number CPA 2-96 includes references to Ordinance 4506, and Ordinance 4506 is also attached to the staff report. The staff report suggests that the conditions of approval from Ordinance 4506 be applied to the site that was the subject of CPA 2-96 and eventually approved by Ordinance 4633.

The applicant is requesting that the two existing conditions of approval within Ordinance 4633 be removed and replaced with the new conditions of approval referenced above as a Planned Development Amendment. The City does not believe that Ordinance No. 4626 is applicable to this review, but does agree that the applicant has the right to apply to amend the Planned Development Overlay conditions of approval in Ordinance No. 4633. This will be discussed in more detail in the findings for applicable policies and review criteria in Section VII (Conclusionary Findings) below.

Finally, the Planned Development Overlay District regulated by Ordinance 4633 was more recently amended by Ordinance 5076, which reduced the size of the Planned Development Overlay District to the existing 11.3 acres that are included in the Baker Creek North site. The reduction of the size of the Planned Development Overlay District resulted in the removal of the McMinnville Water and Light substation property from the overlay district. Therefore, the remaining 11.3 acres of the Planned Development Overlay District within the Baker Creek North site is the entirety of the remaining Planned Development Overlay District.

Of these 11.3 acres, CPA 1-19 (Comprehensive Plan Map Amendment application), if approved and is being considered as part of this project bundle of land-use decision, would amend the Comprehensive Plan Map for the commercially designated land associated with the Planned Development Overlay in Ordinance No. 4633 (as amended by Ordinance No. 5076) from 11.3 acres to 6.62 acres.

Summary of Criteria & Issues

The application (PDA 2-19) is subject to Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. 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.

The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Planned Development Amendments in Section 17.74.070 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- 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;

Attachments :

Attachment 1 – Application and Attachments

- 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.

The applicant has provided findings to support the request for a Planned Development Amendment. These will be discussed in detail in Section VII (Conclusionary Findings) below.

Generally, the purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

Consideration of a planned development request is discretionary in nature and includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard land use application against the applicable zoning requirements. In this case, the subject site is already regulated by an existing Planned Development (Ordinance No. 4633) and the request is to reduce the size of the Planned Development Overlay District to the size of the commercially designated area identified by the comprehensive plan map amendment (CPA 1-19) associated with this development project, 6.62 acres that will be rezoned to C-3 (General Commercial) with a zoning map amendment request (ZC 1-19) also associated with this development project, and amend the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site.

The requests for a Comprehensive Plan Map Amendment and Zone Change were submitted for concurrent review with this Planned Development Amendment request, which if all approved, would result in the reduced Planned Development Overlay District having a Commercial designation on the Comprehensive Plan Map and being zoned C-3.

II. CONDITIONS:

1. Ordinance 4633 is repealed in its entirety.
2. That up to 120 multiple family dwelling units are allowed within the Planned Development Overlay District, but only if the multiple family units are integrated with neighborhood commercial uses. "Integrated" means that uses are within a comfortable walking distance and are connected to each other with direct, convenient and attractive sidewalks and/or pathways. This integration of multiple family units and neighborhood commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.
3. For the purposes of this Planned Development Overlay District, allowed neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, "Restaurant" shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. No retail uses should exceed 10,000 square feet in size, except for grocery stores. The applicant may request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

Attachments:

Attachment 1 – Application and Attachments

4. Detailed development plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The detailed development plans shall identify the following site design components:
 - a. That the future commercial development of the site is designed with shared access points and shared internal circulation. Parking and vehicle drives shall be located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
 - b. Parking shall be oriented behind the buildings or on the sides. Surface parking shall not exceed 110% of the minimum parking requirements for the subject land uses. Shared parking is encouraged. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; and a significant bicycle corral that is connected to the BPA bicycle/pedestrian trail. Parking lot landscaping will meet or exceed city standards.
 - c. Buildings shall be oriented towards the surrounding right-of-ways and must have at least one primary entrance directly fronting a public right-of-way. Building facades shall be designed to be human scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the surrounding neighborhoods. Special attention should be paid to roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets, plazas, the public parks and the adjacent neighborhood. No building shall exceed a height of 45 feet without a variance. If any building is proposed to exceed 35 feet, the building shall be designed with a step back in the building wall above 35 feet to reduce the visual impact of the height of the building.
 - d. Pedestrian connections shall be provided between surrounding sidewalks and right-of-ways. The plans shall also identify how the development provides pedestrian connections to adjacent residential development and the BPA Bike/Pedestrian Trail system located adjacent and to the east of the site.
 - e. The commercial development shall maximize connectivity with the BPA Bike/Pedestrian Trail and the other adjacent public parks but minimize bicycle and pedestrian conflicts within the site.
 - f. Sidewalks and/or plazas will be provided with weather protection (e.g. awnings/canopies). Appropriate pedestrian amenities such as space for outdoor seating, trash cans, sidewalk displays, outdoor café seating and public art will also be provided.
 - g. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. All public right-of-ways adjacent to the site will be improved with street tree planting as required by Chapter 17.58 of the MMC.
 - h. The plan must provide a community gathering space that is easily accessible via pedestrian and bicycle access from all of the uses within the commercial development as well as the adjacent BPA Bike/Pedestrian Trail. If multiple family dwelling units are developed on the site, a minimum of 10 percent of the site must be designated as usable open space. The usable open space will be in addition to the minimum 14 percent of the site that must be landscaped, and may be combined with the community gathering space required for the commercial uses. The usable open space shall be in a location of the site that is easily accessible from all buildings and uses, shall not be located in a remnant area of the site, and shall not be disconnected from buildings by parking or driving areas.
 - i. That signs located within the planned development site be subject to the following limitations:

1. All signs, if illuminated, must be indirectly illuminated and nonflashing, and the light source may not be visible from any public right of way and may not shine up into the night sky;
2. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
3. Internally illuminated, signs on roofs, chimney and balconies, and off-site signage are prohibited.
4. Each building may have a maximum of two signs to identify the name and street address of the building. These signs must be integral to the architecture and building design and convey a sense of permanence. Typically these sign are secondary or tertiary building elements as seen on historic urban buildings. Maximum sign area shall be no more than 6 square feet. Maximum sign height shall be 18 feet above the sidewalk to the top of the sign.
5. Each building may have one directory sign immediately adjacent to a front/main or rear entry to the building. A directory sign is allowed at each entry to a common space that provides access to multiple tenants. Directory signs shall be limited to 12 square feet in area and their design shall integrate with the color and materials of the building.
6. One freestanding monument sign shall be permitted within 20 feet of each driveway access to a public right-of-way. The maximum sign area shall be 24 square feet. Monument signs must be positioned to meet the City's clear vision standards. The maximum height from the ground of the monument sign shall be 6 feet.
7. Each building may have a total of two signs per tenant identifying the leased/occupied space. These signs must be located on the façade containing the primary entry or façade immediately adjacent to the primary entry to the tenant's space. In all cases these signs must be on a wall attached to the space occupied by the tenant. Tenants may select from the following sign types: Awning, Project/Blade or Wall.

A. Awning Sign

- i. Maximum sign area shall be 6 square feet on the main awning face or 3 square feet of the awning valance.
- ii. Lettering may appear but shall not dominate sloped or curved portions, and lettering and signboard may be integrated along the valance or fascia, or free-standing letters mounted on top of and extending above the awning fascia.
- iii. Lettering and signboard may be integrated along the valance or awning fascia.

B. Projecting and Blade Sign

- i. Maximum sign area shall be 4 square feet (per side).
- ii. The sign must be located with the lower edge of the signboard no closer than 8 feet to the sidewalk and the top of the sign no more 14 feet above the sidewalk.
- iii. For multi-story buildings, at the ground floor tenant space signage, the top signboard edge shall be no higher than the sill or bottom of the average second story window height.
- iv. Distance from building wall to signboard shall be a maximum of 6 inches.
- v. Maximum signboard width shall be 3 feet with no dimension to exceed 3'.
- vi. Occupants/tenants above the street level are prohibited from having projecting blade signage.

C. Wall Signs

- i. Maximum sign area shall be a maximum of 10 square feet. For small tenant spaces the ARC may limit sign size to less than 10 square feet.
 - ii. The sign shall be located on the tenant's portion of the building. Maximum sign height for multiple story buildings shall be 14 feet above the sidewalk to the top of the sign. The maximum sign height for single story buildings is 18 feet above the sidewalks to the top of the sign. The measurement is from the top of the sign to the lowest point on the sidewalk directly below the sign.
 - iii. Applied lettering may be substituted for wall signs. Lettering must fit within the size criteria above.
 - j. Outside lighting must be directed away from residential areas and public streets.
5. No use of any retail commercial use shall normally occur between the hours of 1:00 a.m. and 5:00 a.m.
 6. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 - a. Off-street parking and loading;
 - b. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation;
 - c. Seating for food and beverage establishments; and
 - d. Food carts.
 7. Prior to any future development of the site, a traffic impact analysis shall be provided. The traffic impact analysis shall include an analysis of the internal circulation system, the shared access points, and the traffic-carrying capacity of all adjacent streets and streets required to provide eventual access to Baker Creek Road.
 8. The minimum commercial development shall be five acres. Five acres of this site must retain ground floor commercial uses, allowing multiple family development to occur on the remainder of the site and as part of a mixed-use development. The five acres of commercial development will be calculated based upon all of the development requirements associated with the commercial development including any standards related to the mixed-use residential development.

III. ATTACHMENTS:

1. PDA 2-19 Application and Attachments (on file with the Planning Department)
2. McMinnville Water and Light Comments – Letter Dated November 15, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast,

Attachments:

Attachment 1 – Application and Attachments

Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. The following comments were received:

- McMinnville Engineering Department

The Engineering Department provided comments, but they were applicable to the Planned Development and Tentative Subdivision applications that were submitted for concurrent review with the Comprehensive Plan Map Amendment request. The Engineering Department comments are included in the Decision Documents for the Planned Development and Tentative Subdivision land use applications.

- McMinnville Water and Light

Included as Attachment #2

- Oregon Department of State Lands

Sounds like you screened previously for wetlands and waters, found none and went forward. I did a quick check and we didn't have any records about these sites in our database. We would have no comment on the changes proposed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.
2. The applicant submitted five land use applications (CPA 1-19, ZC 1-19, PD 1-19, S 1-19, L 12-19) on April 26, 2019.
3. Those application materials were deemed incomplete on May 30, 2019. One of the reasons for the applications being deemed incomplete is that they impacted the land regulated by Planned Development Overlay District Ordinance No. 4633, and the applicant had not addressed the Planned Development Amendment review process or criteria. The applicant submitted revised application materials on September 11, 2019, which included the Planned Development Amendment request.
4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.
5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier

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Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.
7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records, and a portion of Exhibit C in Instrument No. 201904867. The property is also identified as a portion of Tax Lot 100, Section 18, T. 4 S., R. 4 W., W.M
2. **Size:** Approximately 11.3 acres.
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** EF-80 (Exclusive Farm Use)
5. **Overlay Zones/Special Districts:** Planned Development Overlay District (Ordinance No. 4633)
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:** The site is generally flat, with a minor slope to the north. There are no significant or distinguishing natural features associated with this property.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

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10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)

APPLICANT'S RESPONSE: This policy is supported by the applications for a Comprehensive Plan Map and Proposed Zoning Map amendment, along with the proposed Planned Development Amendment to replace the conditions of approval associated with the planned development overlay approved by Ordinance No. 4633. This will allow larger commercial uses to be developed and maintained in preferred business districts in the City. With the removal of Conditions 1 and 2 of the ordinance, at least 2-acres of neighborhood commercial use and no more than 120 multi-family dwelling units can be developed on the proposed commercial area of the site. With the proposed planned development amendment for Ordinance 4633, the

boundary of the current planned development overlay will be reduced to the size of the proposed C3 designated area, which is equal to 6.62 acres. (see Exhibit 3).

The applicant reviewed City documents and found that the City's last Economic Opportunity Analysis (EOA) was completed in 2013. The study concluded that the Commercial land supply for the 2013-2033 planning period was deficient by 35.8 acres, while the Industrial land supply held a surplus. To adjust for the deficient Commercial land supply, the EOA recommends to re-designate excess industrial land for commercial use to make up for forecasted land needs. Since there are approximately 235.9 acres of Industrial land supply that can be converted to a Commercial designation, there is more than enough Industrial land to not only meet forecasted commercial land needs, but to also replace the proposed loss of commercial land on the subject site. Of the area removed from a commercial designation, about 2 acres is proposed right-of-way to support adjacent commercial and residential land use, so there is really only approximately 2.7 acres of functional land converted from commercial designation to residential.

As demonstrated by the attached Proposed Comprehensive Plan Map, the applicant is proposing to zone Commercial designated land at the intersection of NW Baker Creek Road and NW Hill Lane. The City has recently installed a roundabout at this location to serve as a new northwest gateway into McMinnville. This application does not include a specific development proposal for the C3 zoned land, however the intent is to facilitate future development of uses allowed in the C3 zone such as neighborhood commercial and multi-family housing. Therefore, the C3 zoned parcel is appropriately sized as proposed to support the development of commercial uses typical of this zone.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2 and #8. The amendment of the boundary of the Planned Development Overlay District is necessary to respond to the approval of the Comprehensive Plan Map Amendment and Zone Change on the subject site that were found to meet all applicable Comprehensive Plan goals, policies, and review criteria. The amendment of the boundary results in a reduction of the Planned Development Overlay District size to correspond with the 6.62 acre site that is designated as Commercial and zoned C-3 (General Commercial).

The suggested amendment of the existing conditions of approval could reduce the amount of the site being developed with commercial uses and services to only 2 acres of the site, with the remainder of the site being used as multifamily. To ensure that the site is still utilized for commercial use, a condition of approval is included to allow for multiple family dwelling units within the Planned Development Overlay District, but only if the multiple family units are integrated with commercial uses and that the minimum commercial acreage be increased to five acres. This integration of multiple family units and commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.

For the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, "Restaurants" shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. The condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

Policy 21.04 The City shall make infrastructure investments that support the economic development strategy a high priority, in order to attract high-wage employment.

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APPLICANT’S RESPONSE: The City has recently constructed a roundabout at the intersection of NW Hill Road and NW Baker Creek Road and also improved NW Hill Road North south of Baker Creek Road, adjacent to the site. The Commercial designated land is located adjacent to these roadways where recent City investments have provided the site with adequate access to public transportation and utility facilities. The City has also recently made improvements to the City’s Sanitary Sewer system’s capacity to facilitate additional development. The housing and commercial development at this site as proposed will capitalize on those City investments to support further economic development in the form of good housing for the local economy’s workforce and appropriately scaled commercial area.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 21.05 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan.

APPLICANT’S RESPONSE: The proposed C3 zoned area of the site is in an area already designated for commercial on the City’s comprehensive plan. By allowing uses listed in the C-3 zone, development of the commercial area will occur according the City’s comprehensive plan goals and policies.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2 and #8. Multi-family is an allowed use in the C-3 zone. However, the City would still like to see neighborhood serving commercial in this area that is large enough to serve the northwest residential development of McMinnville, approximately 1000 homes. In order to ensure that the 6.62 acres still has a significant amount of commercial development, two conditions of approval are included that will allow multiple family dwelling units as requested by the applicant, but only if the multiple family units are integrated with commercial uses, and that the minimum amount of acreage for commercial development is five acres and not two acres as requested by the applicant. This integration of multiple family units and commercial uses will ensure the provision of commercial uses and services that are not presently available to residents surrounding the subject site.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALLY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

APPLICANT’S RESPONSE: The proposed commercial area will maximize efficiency of land, as it is utilizing an area for commercial uses that is existing commercial designated land. The site is also not a strip of land, but rather a node at the intersection of two minor arterial streets.

FINDING: SATISFIED WITH CONDITION OF APROVALS #2, #3 and #8. The proposed Planned Development Amendment would reduce the size of the Planned Development Overlay District. However, the amendment of the boundary of the Planned Development Overlay District is necessary to respond to the approval of the Comprehensive Plan Map Amendment and Zone Change on the subject site that were found to meet all applicable Comprehensive Plan goals, policies, and review criteria. The amendment of the boundary results in a reduction of the Planned Development Overlay District size to correspond with the 6.62 acre site that is designated as Commercial and zoned C-3 (General Commercial).

The suggested amendment of the existing conditions of approval could reduce the amount of the site that could provide commercial uses and services to only 2 acres of the site, with the remainder of the site being used as multifamily. The integration of multifamily units could

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actually maximize the efficiency of the existing commercially designated land, if designed appropriately. To ensure that the development of the site maximizes the efficiency of the commercial land that is being reduced in size, two conditions of approval are included to allow for multiple family dwelling units within the Planned Development Overlay District, but only if the multiple family units are integrated with commercial uses and that the minimum amount of acreage for commercial development is five acres and not two acres as requested by the applicant. This integration of multiple family units and commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.

Additionally, per Comprehensive Plan Policy #27, “Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.” As such, a condition of approval has also been provided that defines neighborhood commercial uses to ensure that this planned development amendment still achieves the city’s vision of neighborhood serving commercial development in this northwest residential area, preserving the larger commercial land uses for C3 zones land along major commercial corridors. For the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, “Restaurants” shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. The condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

Policy 22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

APPLICANT’S RESPONSE: As mentioned above, the applicant is requesting a Planned Development Amendment to modify several conditions of approval associated with Ordinance No. 4633. The applicant is proposing to reduce the size of the existing C3-PD designation from 11.3 to 6.62 acres and increase the amount of Residential designated land with a concurrent Comprehensive Plan Map Amendment by the difference (see Exhibit 3). The City’s 2013 EOA recommends to re-designate some of the 235.9 acres of excess industrial land to make up for forecasted commercial land needs. Much of the available excess industrial land is adjacent to the downtown core, therefore large-scale regional commercial uses can be efficiently sited in this location. By developing additional commercial uses near the downtown core, revitalization of unused industrial properties will occur. Conversely, with the reduction of C3-PD zoned area on the site, smaller-scaled commercial uses can be developed to serve the needs of Baker Creek North residents and other northwest neighborhoods in McMinnville.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2 and #3. The amendment of the existing conditions of approval could reduce the amount of the site that could provide commercial uses and services to only 2 acres of the site, with the remainder of the site being used as multifamily. The integration of multifamily units could actually maximize the efficiency of the existing commercially designated land, if designed appropriately. To ensure that the development of the site maximizes the efficiency of the commercial land that is being reduced in size, a condition of approval is included to allow for multiple family dwelling units within the Planned Development Overlay District, but only if the multiple family units are integrated with commercial uses. This integration of multiple family units and commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.

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Additionally, per Comprehensive Plan Policy #27, “Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector and arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.” As such, a condition of approval has also been provided that defines neighborhood commercial uses to ensure that this planned development amendment still achieves the city’s vision of neighborhood serving commercial development in this northwest residential area, preserving the larger commercial land uses for C3 zones land along major commercial corridors. For the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, “Restaurants” shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. The condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.

APPLICANT’S RESPONSE: The commercial area is a node and can be developed with appropriately scaled and clustered uses allowed by the C3 zone.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #4. The Planned Development Amendment results in the reduced 6.62 acres of Commercial property still being oriented towards the intersection of NW Hill Road and NW Baker Creek Road. Based on the size of the Commercial property, it can be developed in such a way as to not result in strip development along either street corridor. To ensure that the development of the site is in the form of a cluster or node, a condition of approval is included to require that the site be developed with shared access points and shared internal circulation, and that the buildings be oriented towards the surrounding right-of-ways. To reduce auto-oriented building design, standards are included to require parking to be located behind or on the sides of buildings, limit the amount of off-street parking, encourage shared parking arrangements, include building façade features that are human scale and pedestrian oriented, and require pedestrian connections between the buildings and the surrounding sidewalks, trails, and right-of-ways.

The condition of approval specifies that these site design components shall be included in the development plans required by other existing conditions of approval to be provided for review and approval by the Planning Commission.

Policy 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)

APPLICANT’S RESPONSE: The City of McMinnville completed their last Economic Opportunity Analysis (EOA) in 2013. As discussed above, the report indicates that there is a 35.8-acre deficit of Commercial designated land for the 20-year planning horizon. To address this need, the report recommends that the City re-designated some of the 235.9 acres of surplus Industrial land for commercial use. Since there is such a surplus of Industrial land that can be converted to a Commercial designation, the applicant’s proposal to reduce the amount of Commercial land from 11.3 acres to 6.62 acres will not significantly diminish the City’s ability to meet its commercial land needs.

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The EOA provides specific recommendations to fulfill the City's economic development objectives. One key objective in the report is to reduce out-shopping from this trade area by providing a full range of commercial services in McMinnville. Another strategic objective is to promote the downtown as the cultural, administrative service, and retail center of McMinnville. The applicant's proposed reduction in Commercial designated land on the subject site to allow the development of smaller-scaled uses allowed by the C3 zone is consistent with these objectives. By reducing the amount of the Commercial designated land on the subject site, larger-scaled regional commercial uses will be encouraged to locate in the Downtown area, where revitalization efforts continue, and an oversupply of Industrial land is present.

FINDING: SATISFIED. While the proposal does reduce the size of the Planned Development Overlay District, it does still result in a 6.62 acre Commercial property, which is large enough to support commercial uses and services that would be available to residents in the northwest area of the city.

Policy 25.00 Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.

APPLICANT'S RESPONSE: There will be minimal impacts to adjacent land uses by the proposed C3 zoned parcel. It is appropriately located adjacent to a minor arterial on the south side and buffered from adjacent high density residential land by a full public street on all other sides. In addition, a power substation is sited to the east side of the commercial zoned land. The proposed commercial land location has readily available City utility services, including sanitary sewer services installed in 2018.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 - 7. The existing Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. The applicant is proposing to limit the use of the property to "neighborhood commercial uses" and multifamily units. While the intent of the "neighborhood commercial uses" may be to limit conflicts and impacts on adjacent residential land uses, "neighborhood commercial uses" are not defined in the McMinnville Municipal Code. Therefore, a condition of approval is included to define that, for the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, "Restaurant" shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. The condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

The City also finds that the location and design of buildings that will contain the commercial uses in the Planned Development Overlay District can significantly reduce any potential conflict or impact on adjacent residential land uses. Therefore, a condition of approval is included to require that detailed development plans be provided for review and approval by the Planning Commission. Existing conditions of approval in Ordinance 4633 already required that development plans would be provided for review and approval by the Planning Commission. Existing conditions of approval in Ordinance 4633, as amended as described in other findings in this Decision Document, also include requirements that will result in the reduction of any potential conflict or impact on adjacent residential land uses, including requirements for landscaping a minimum of 14% of the site, limiting building height to 45 feet (with a requirement that building walls be stepped back if above 35 feet), including building siting and façade standards, limiting lighting and signage on the site, and restricting hours of operation for the commercial uses.

Policy 26.00 *The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.*

APPLICANT’S RESPONSE: No specific commercial use is proposed at this time. Any commercial uses proposed in the future on the C3 zoned area of the site will be appropriately scaled. As proposed with the amended planned development overlay, future development will contain at least 2-acres of commercial use and no more than 120 multifamily dwelling units. Existing commercial designated land on the site is located on a minor arterial and not in the central business district. The existing commercial land is capable of developing 10 acres of commercial use, or 100,000 square feet of commercial development which generates “heavy traffic”. That type of commercial should be located on arterials and in the central business district per this policy. The applicant’s attached traffic analysis supports proposed development plans for the site. The proposed commercial land area of just over 6 acres will have less intense traffic demands than would 10 acres. Future development plans for the commercial property will demonstrate that the commercial use will have sufficient internal circulation, parking, and service areas.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 - 7. The City concurs with the applicant’s responses. However, the City adds that the existing Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. To ensure that future commercial uses are appropriately scaled and integrated with the surrounding area, a condition of approval is included to define that, for the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, “Restaurant” shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. The condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

The City also finds that the location and design of buildings that will contain the commercial uses in the Planned Development Overlay District can significantly reduce any potential conflict or impact on adjacent residential land uses. Therefore, a condition of approval is included to require that detailed development plans be provided for review and approval by the Planning Commission. Existing conditions of approval in Ordinance 4633 already required that development plans would be provided for review and approval by the Planning Commission. Existing conditions of approval in Ordinance 4633, as amended as described in other findings in this Decision Document, also include requirements that will result in the reduction of any potential conflict or impact on adjacent residential land uses, including requirements for landscaping a minimum of 14% of the site, limiting building height to 45 feet (with a requirement that building walls be stepped back if above 35 feet), including building siting and façade standards, limiting lighting and signage on the site, and restricting hours of operation for the commercial uses.

Policy 27.00 *Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.*

APPLICANT’S RESPONSE: This commercial designated area is across the street from residential areas. No specific commercial use is proposed at this time. Any commercial uses

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proposed in the future on the proposed C3 zoned area will be appropriately scaled as allowed by the C3 zone. There are residential areas around the commercial parcel and neighborhood oriented commercial uses of no less than 2 acres are proposed with the amendment to the planned development overlay, which will make future commercial uses less intensive than envisioned by the current Ordinance 4633.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2, #3 and #4. The existing Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. The applicant is proposing to limit the use of the property to “neighborhood commercial uses” and multifamily units. While the intent of the “neighborhood commercial uses” may be to limit conflicts and impacts on adjacent residential land uses, “neighborhood commercial uses” are not defined in the McMinnville Municipal Code. Therefore, a condition of approval is included to define that, for the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, “Restaurant” shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. The condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

Policy 29.00 New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.

APPLICANT’S RESPONSE: No specific commercial use is proposed at this time. Consideration to land uses and traffic patterns will be given for any commercial uses proposed in the future on the proposed C3 zoned area, if access to arterials is sought. The proposed residential development plans internal circulation roads and access to the minor arterial Baker Creek Road at three points: 1) An extension of the north leg of Hill Road and Baker Creek Road roundabout in the form of a street proposed as Hill Lane, 2) An extension of Meadows Drive north from its current intersection with Baker Creek Road where new striping will be added for bike lanes, and 3) An extension of Shadden Drive north from its current intersection with Baker Creek Road where new striping will also be added for bike lanes. Both Meadows and Shadden drive will have additional pavement width on the west side of their sections to allow for a right turn lane.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #4 & 6. The Planned Development Overlay District is located on an arterial street, and no specific commercial development plan has been provided by the applicant. In order ensure that the future commercial development of the site does not negatively impact traffic patterns in the area and is designed with adequate access and internal circulation systems, a condition of approval is included to require that a traffic impact analysis be provided prior to any future development of the site. The traffic impact analysis shall analyze proposed access points to the commercial site, the functionality of the internal circulation system, and the impacts of the traffic patterns created by the commercial development on the surrounding streets.

In addition, a condition of approval is included to require that the property within the Planned Development Overlay District be developed with shared access points and a shared internal circulation system.

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Policy 30.00 Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.

APPLICANT'S RESPONSE: The C3 zoned area is located adjacent to NW Baker Creek Road, a minor arterial street. Future access to the commercial uses will not focus traffic through residential neighborhoods or reduce the carrying capacity of the adjacent streets. The traffic analysis provided with this application showed that, in the worst case scenario, the capacity of adjacent streets is sufficient.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #6. No specific commercial development plan has been provided by the applicant. The Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. In order ensure that the future commercial development of the site is not designed to route excessive traffic through adjacent residential neighborhoods or exceed the traffic-carrying capacity of adjacent streets, a condition of approval is included to require that a traffic impact analysis be provided prior to any future development of the site.

Policy 31.00 Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms.

APPLICANT'S RESPONSE: No specific commercial use is proposed at this time. A design to minimize bike and pedestrian conflicts and provide connections can be considered at the time of a future commercial development application. These travel modes are facilitated by the proposed semi-grid like street pattern of the adjacent residential developments and other pathways.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #4. No specific commercial development plan has been provided by the applicant. In order ensure that the future commercial development of the site is designed to minimize bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development, a condition of approval is included to require that detailed development plans be provided for review and approval by the Planning Commission. The detailed development plans shall identify how the future commercial development minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development. The Planned Development Overlay District is also located adjacent to the future northern extension of the BPA trail system, which provides bicycle and pedestrian access to many residential areas in the northwest area of the city. The detailed development plans shall identify how the commercial development connects to the BPA trail system. Other site design requirements, referenced in findings for Policy 24.00 and 29.00, require that the commercial property within the Planned Development Overlay District be developed with shared access points and a shared internal circulation system, which will also reduce bicycle/pedestrian conflicts on the right-of-ways around the perimeter of the site.

Proposal 6.00 A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.

APPLICANT'S RESPONSE: The submitted plans indicate that the applicant is not currently proposing to develop the C3 zoned portion of the site. Prior to development of the site, a commercial use development application will be submitted for review of the proposed site design, circulation, parking facilities, and landscaping features. The traffic study provided with

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this application demonstrates that in the worst case scenario, there is sufficient off-site capacity in the surrounding street network for future uses of the commercial site.

FINDING: SATISFIED. The proposed Planned Development Amendment retains the Planned Development Overlay District at the northeast corner of the intersection of NW Hill Road and NW Baker Creek Road, which is an existing entrance to the City. Other conditions of approval referenced in findings above and below will allow for future review of site design prior to any future commercial development.

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.

Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

APPLICANT’S RESPONSE: In 2001, the City adopted the Residential Land Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meet higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council’s land use decision.

While the 2001 analysis provides some insight into McMinnville’s on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City’s deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply.

While the current Housing Needs Analysis has not been acknowledged by the State, it still qualifies as a beneficial study and provides helpful information regarding McMinnville’s current and future housing needs. The study received grant funding from DLCD, and a condition of the grant award, this State agency prepared a scope of work and qualified the consultant Econorthwest to prepare the report. DLCD staff currently serves as a member of the project’s Technical Advisory Committee and has ensured that the study’s methodology follows Oregon Administrative Rule standards.

It is due to rising housing costs, as well as McMinnville’s persistent challenge to maintain an adequate residential land supply, that the City is currently updating its Buildable Lands Inventory and Housing Needs Analysis. These studies have identified how many acres of additional residential land must be added to the Urban Growth Boundary (UGB) to meet housing demands over the next 20-year planning period. The City has also identified new strategies to encourage the development of a greater variety of housing types including single-family detached homes,

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townhomes, mobile homes, condominiums, duplexes, apartments, and affordable housing options.

As demonstrated by the attached Preliminary Development Plans, the proposed project will facilitate the development of 280 small, medium, and large sized single-family lots within the Baker Creek North Planned Development area. The proposed planned development amendment to the overlay created by Ordinance 4633 will allow for the future development of up to 120 apartment units within the C3 zoned area as demand for commercial uses and housing determines. This will further help to address McMinnville's current housing needs. A future development application will be submitted for the development of the multi-family dwelling units on the C3 zoned portion of the site. As discussed throughout this narrative, the proposed map and planned development amendments are consistent with applicable residential policies and the land development regulations of the City.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant's findings in regards to the fact that the suggested amendment to allow up to 120 multiple family dwelling units within the Planned Development Overlay District will provide an increased opportunity for the development of a variety of housing types, specifically multiple family housing. The condition of approval does require that the multiple family units be integrated with the commercial uses also allowed within the Planned Development Overlay District. This integration ensures that commercial uses are included on the site, as described above in findings for commercial Comprehensive Plan goals and policies.

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.

APPLICANT'S RESPONSE: In order to create a more intensive and energy efficient pattern of residential development, the applicant is requesting approval of a Zoning Map Amendment to zone 9.41 acres of existing R1 zoned land and 39.29 acres of currently unzoned land to an R4 classification. The attached Preliminary Development Plans demonstrate that all of the R4 zoned land will be included within the proposed Baker Creek North Planned Development.

The submitted plans illustrate that the planned development will provide an urban level of private and public services. The submitted planned development application includes a request to modify several City Code standards so that unique and innovative single-family detached housing can be developed on the subject site that is land intensive. The plans demonstrate that the proposed housing provides a more compact urban form, is more energy efficient, and provides more variety in housing types than are developed in the R4 zone with a standard subdivision.

The amendment to the planned development overlay ordinance to allow no more than 120 multifamily dwelling units on the commercial parcel will also help facilitate the development of more efficient housing in the area.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant's findings, and adds that a condition of approval is included to allow for up to 120 multiple family dwelling units within the Planned Development Overlay District. The condition of approval does require that the multiple family units be integrated with the commercial uses also allowed within the Planned Development Overlay District. This integration ensures that commercial uses are included on the site, as described above in findings for commercial Comprehensive Plan goals and policies.

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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.

APPLICANT’S RESPONSE: The site is adjacent to NW Baker Creek Road, an area where urban services are already available, and near NW Hill Road, where the City has recently made improvements to urban services to accommodate development in McMinnville.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant’s findings, and adds that a condition of approval is included to allow for up to 120 multiple family dwelling units within the Planned Development Overlay District. The condition of approval does require that the multiple family units be integrated with the commercial uses also allowed within the Planned Development Overlay District. This integration ensures that commercial uses are included on the site, as described above in findings for commercial Comprehensive Plan goals and policies. This integration will also encourage a compact form of urban development in an area where services are available to support that type of development.

Policy 69.00 The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

APPLICANT’S RESPONSE: This is a directive to the City and not an approval criterion. The planned development ordinance which is being used in this application appears to integrate the proposed housing and commercial uses as proposed in the amended planned development in a compatible framework.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant’s findings. The City adds that a condition of approval is included to allow for up to 120 multiple family dwelling units within the Planned Development Overlay District. The condition of approval does require that the multiple family units be integrated with the commercial uses also allowed within the Planned Development Overlay District. This integration ensures that commercial uses are included on the site, as described above in findings for commercial Comprehensive Plan goals and policies. This integration will also encourage the integration of housing and commercial uses into a compatible framework within the Planned Development Overlay District.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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.

APPLICANT’S RESPONSE: None.

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FINDING: SATISFIED. The process for a Comprehensive Plan Map Amendment provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. General Provisions

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

Chapter 17.33 General Commercial Zone

Section 17.33.010 Permitted Uses. In a C-3 zone, the following uses and their accessory uses are permitted:

1. All uses and conditional uses permitted in the C-1 and C-2 zones, except those listed in Section 17.33.020;

APPLICANT'S RESPONSE: Although no development proposal has been submitted for the C-3 zoned portion of the site, the applicant intends to develop neighborhood commercial uses on a portion of this parcel in the future. As required, only uses which are permitted will be developed on the parcel.

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FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 and #3. The existing Planned Development Overlay District is surrounded by land that is either developed or guided for residential use. The applicant is proposing to limit the use of the property to “neighborhood commercial uses” and multifamily units. While the intent of the “neighborhood commercial uses” may be to limit conflicts and impacts on adjacent residential land uses, “neighborhood commercial uses” are not defined in the McMinnville Municipal Code. Therefore, a condition of approval is included to define that, for the purposes of this Planned Development Overlay District, neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, “Restaurant” shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. Only the permitted uses in Section 17.27.010 of the MMC and “Restaurants” shall be allowed as commercial uses within the Planned Development Overlay District. However, the condition of approval allows for the applicant to request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.

Section 17.33.010 Permitted Uses. In a C-3 zone, the following uses and their accessory uses are permitted:

1. Multiple-family dwelling subject to the provisions of the R-4 zone;

APPLICANT’S RESPONSE: Again, no development proposal has been submitted for the C-3 zoned portion of the site. The submitted Lot Type Plan illustrates that only the R-4 zoned portion of the site is included within the boundary of the Baker Creek North Planned Development (see Exhibit 3). The applicant intends in the future to develop some apartment units on a portion of the C-3 zoned area of the site, however this will occur with the submittal of a future land use application. Approval of the request to amend the planned development established by Ordinance No. 4633 will facilitate this future uses which are consistent with the requirements of this code.

FINDING: SATISFIED WITH CONDITION #2. A condition of approval is included to allow for up to 120 multiple family dwelling units within the Planned Development Overlay District. The condition of approval does require that the multiple family units be integrated with the commercial uses also allowed within the Planned Development Overlay District. This integration ensures that commercial uses are included on the site, as described above in findings for commercial Comprehensive Plan goals and policies.

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.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. While none of the listed changes are specifically applicable, the Planning Director has determined that the proposed Planned Development Amendment, which reduces the size of the Planned Development Overlay District and amends existing conditions of approval, is considered to be a Major amendment and is therefore subject to Section

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17.72.120, as addressed herein. The applicant has provided a Planned Development Amendment request to be reviewed by the Planning Commission in accordance with Section 17.72.120.

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:

17.74.070(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;*

APPLICANT’S RESPONSE: This application does not propose to depart from standard regulation requirements of commercial and residential development within the commercial lot, thus this application demonstrates this item is addressed.

APPLICANT’S RESPONSE TO SECTION 17.51.030(C)(1): As mentioned previously, the applicant is requesting to modify several Conditions of Approval associated with Ordinance 4633, which is an existing Planned Development Overlay that applies to 12.34 acres of the subject site. The proposed planned development amendment requests the removal of Condition 1, which is carried over from Ordinance 4605, Section 2(a-g) when Ordinance 4633 was enacted. When Ordinance 4633 was adopted, the City had envisioned a UGB expansion in the NW quadrant. Since the boundary amendment wasn’t realized, a large regional commercial area was no longer needed on this area of town. However, certain assumptions were made about the scale and intensity of a future commercial use on the site when Condition 1 was approved in 1996. It was also unanticipated at the time that similar development review provisions and design standards would later be incorporated into the McMinnville Zoning Ordinance (MZO). The following section of the Applicant’s Statement address why the provisions of Condition 1 are no longer necessary, duplicative with current C-3 standards, and inconsistent with intended neighborhood uses on the site:

Condition 1 of Ordinance 4633, Referencing Ordinance 4506 – Section 2(a-g)

Section 2(a) - Under 17.58.100 of the MZO, the existing development code already requires landscape plans to be reviewed by the Landscape Review Committee for commercial, industrial, parking lots, and multi-family developments. Also, with the proposed street plan, the entire lot would be surrounded by public streets and a power substation, so the hedge screening is not applicable. As such, this section is not needed.

Section 2(b) - Under Section 17.72.090, detailed elevations, layouts, landscaping, parking, lighting plans are required to be submitted to the Planning Director for review. Therefore, this portion of the condition is inconsistent with current City code standards.

Section 2(c) - The applicant is considering neighborhood commercial uses for the C-3 zoned portion of the site. Since a convenience market could be established with the commercial development, prohibiting retail commercial activity from 12:30 a.m. to 6 a.m. would create an issue for neighborhood residents.

Section 2(d) - The C-3 zone permits the development of structures up to 80-ft. high, while the condition only allows 35 feet high buildings. The applicant envisions the development of buildings up to 50-ft. high, with neighborhood commercial uses on the ground floor and multi-family units on the upper floors. Therefore, this section is inconsistent with current code standards and will prevents the parcel from being efficiently developed.

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Section 2(e) - Per Section 17.56.050, exterior lighting plans are currently required for commercial uses and must be directed away from property lines. Therefore, this element of the condition is not required.

Section 2(f) - The City adopted its current sign regulations in 2008, with subsequent revisions during the past 10 years. The current sign code fully addresses this portion of Condition 1; therefore, it is no longer needed.

Section 2(g) - Under Section 17.33.040 outside storage must be enclosed by a sight-obscuring fence. Any additional outdoor use restrictions could be determined and applied as conditions of approval when a future design review application is submitted for the neighborhood commercial development.

In addition to Condition 1, the applicant is also requesting to eliminate Condition 2 from the Planned Development Overlay that was enacted by Ordinance 4633. Condition 2 prohibits residential uses within the area of the site that is currently designated as Commercial on the Comprehensive Plan Map. As discussed above, there is currently a 700 acre shortage of residential zoned land when addressing housing needs in McMinnville during the 2021-2041 planning period. With the proposed Comprehensive Plan Map and Zoning Map Amendments, 6.62 acres of 12.34 acres currently regulated by Ordinance 4633 will be zoned C-3, while the remaining 5.72 acres will be zoned R-4. The applicant is intending to submit a future land use application for the C-3 zoned parcel to permit the development of a mixed-use development with neighborhood commercial and multi-family units. The apartments will help address the need for 1,537 additional multi-family units in the community and will provide economic support for the planned neighborhood commercial use.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 - 8. The proposed Planned Development Amendment would reduce the size of the Planned Development Overlay District. However, the amendment of the boundary of the Planned Development Overlay District is necessary to respond to the approval of the Comprehensive Plan Map Amendment and Zone Change on the subject site that were found to meet all applicable Comprehensive Plan goals, policies, and review criteria. The amendment of the boundary results in a reduction of the Planned Development Overlay District size to correspond with the 6.62 acre site that is designated as Commercial and zoned C-3 (General Commercial), as identified in the Comprehensive Plan Map Amendment and Zone Change that were submitted for concurrent review with the Planned Development Amendment. There are special objectives of the proposed development that warrant the amendment of the Planned Development Overlay District to reduce its size. In particular, the Comprehensive Plan Map Amendment and Zone Change result in a portion of the existing Planned Development Overlay District property being designated as Residential on the Comprehensive Plan Map and being zoned R-4 (Multiple Family Residential). The existing Planned Development Overlay is a Commercial Planned Development. As the portion of the site north of the 6.62 acre Commercial designation is now designated and zoned for residential use, the removal of the site from the Commercial Planned Development is warranted and necessary.

In regards to the existing conditions of approval, those existing conditions of approval are found to be the standard regulation requirements for the existing Planned Development Overlay District because they were adopted by Ordinance 4633 and currently regulate the development of the property. Therefore, amendments to those existing conditions of approval, as suggested by the applicant, may be approved only if there are special physical conditions or objectives of a development that warrant a departure from the standard regulation requirements. The City finds that some amendment of the conditions of approval are warranted given the special objectives of the development and changes in circumstances from the time that the existing

Planned Development Overlay District was adopted in 1996. Those amendments and changes are described below. The conditions of approval were also reorganized to capture other conditions of approval, as described above, and to better describe the requirements for the development and future use of the site.

The existing conditions of approval, and the City's findings for whether they are still applicable, are as follows:

Section 2(a) - That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines where adjacent to residentially zoned lands.

The applicant stated that landscaping is already required by Section 17.58.100 of the MMC. However, the reference to that section of the code is for street tree planting requirements. It is accurate that Section 17.57.030 requires landscaping in the C-3 zone. Also, Section 17.57.070(A) requires a minimum of 7% landscaping for commercial development and 25% landscaping for multiple family development. However, the existing Planned Development Overlay District condition of approval requires a minimum of 14% landscaping of the site, which exceeds the minimum requirement for commercial development in the MMC. This identifies that there was an intention at the time of the adoption of Ordinance 4633 that more of the site would be landscaped than what would be required by the underlying zoning.

Also, if multiple family units are developed on the site, the MMC requires 25% of the portion of the site that is used as multiple family to be landscaped. However, there is no clear standard in the MMC for the amount of landscaping required for mixed-use buildings that contain both commercial and residential uses. Therefore, the existing condition of approval remains and requires a minimum of 14 percent of the site to be landscaped. However, language is added to a condition of approval to require that usable open space be provided within the Planned Development Overlay District if multiple family dwelling units are developed on the site to provide open space for residents. The condition specifies that a minimum of 10 percent of the site must be designated as usable open space. The usable open space may be combined with the community gathering space required for the commercial uses, as described in the same condition of approval.

The City does concur that an arborvitae hedge or visual screen may not be an appropriate planting along the property lines adjacent to residential zones, based on the intended development of the surrounding area. Therefore, the condition of approval is amended to remove that language, but keep the language that requires an emphasis on landscaping placed at the street frontage. Also, the condition of approval is amended to state that all adjacent public right-of-ways will be improved with street tree planting as required by Chapter 17.58 of the MMC.

Section 2(b) - Detailed plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible.

The applicant has stated that Section 17.72.090 of the MMC requires detailed elevations, layouts, landscaping, parking, lighting plans to be submitted to the Planning Director for review. However, that is only accurate if certain development plans are proposed, such as a development that meets the applicability requirements of the Large Format Commercial

Development Standards in Chapter 17.56.030 of the MMC. In order to ensure that detailed development plans are submitted for review and approval by the Planning Commission, this condition of approval remains. The condition of approval has been amended to reflect other required conditions of approval based on commercial Comprehensive Plan policies, as described above. Also, Section 17.51.010(B) states that "...the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved." Therefore, the condition of approval requiring the submittal of detailed development plans is consistent with the MMC.

Section 2(c) - No use of any retail commercial use shall normally occur between the hours of 12:30 a.m. and 6:00 a.m.

The applicant has stated that prohibiting retail commercial activity from 12:30 a.m. to 6 a.m. would create an issue for neighborhood residents. However, the City finds that the limitation of the hours of the proposed neighborhood commercial uses would assist in mitigating any potential negative impacts of the future commercial uses on the surrounding areas that are either developed or guided for residential use. Therefore, the condition of approval remains but has been amended to 1:00 a.m. to 5:00 a.m..

Section 2(d) - No building shall exceed the height of 35 feet.

The applicant has stated that the building height of 35 feet would be restrictive to the development of mixed-use buildings with neighborhood commercial uses on the ground floor and multiple family dwelling units on the upper floors. The City concurs with the applicant, and also notes that other conditions of approval described above in this Decision Document require the integration of multiple family dwelling units with commercial uses through the development of mixed-use buildings or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission. Therefore, the condition of approval related to building height is amended to limit the height of buildings to 45 feet, as described by the applicant. The condition of approval specifies that if buildings are proposed to exceed 35 feet, that they are designed with a step back in the building wall to reduce the visual impact of the height of the building.

Section 2(e) - That if outside lighting is to be provided, it must be directed away from residential areas and public streets.

The applicant has stated that lighting plans are required for commercial uses. However, that is only accurate if certain development plans are proposed, such as a development that meets the applicability requirements of the Large Format Commercial Development Standards in Chapter 17.56.030 of the MMC. Therefore, in order to ensure that lighting is controlled and not causing negative impacts on surrounding residential areas, this condition of approval remains.

Section 2(f) - That signs located within the planned development site be subject to the following limitations:

- 1) All signs must be flush against the building and not protrude more than 12 inches from the building face, except that up to two free standing monument-type signs not more than six feet in height and which meet the requirements of (2) and (3) below are allowed;*
- 2) All signs, if illuminated, must be indirectly illuminated and nonflashing;*
- 3) No individual sign exceeding thirty-six (36) square feet in size shall be allowed.*

The City finds that the general sign regulations in Chapter 17.62 of the MMC would allow for much more signage in a C-3 zone than what the existing condition of approval allows. In order to minimize visual impacts on surrounding residential areas, the City has updated this condition of approval to reflect a neighborhood commercial development.

Section 2(g) - All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:

- 1) Off-street parking and loading*
- 2) Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.*

In order to minimize visual impacts on surrounding residential areas, this condition of approval remains. The City finds that this condition of approval is more conducive for the neighborhood commercial uses proposed by the applicant, and has added food and beverage outdoor seating and food carts to the exemptions to encourage outside gathering spaces and activities.

In regards to the allowance of multiple family dwelling units on the site, the City concurs with the applicant's findings that there is a shortage of land for residential use in the City of McMinnville and a need for additional multiple family development to support future population growth. The City also notes that per the findings in the zone change request associated with this project (ZC 1-19) that this is an ideal location for multiple family development. However, the City has also planned for at least five acres of commercial development in this area since Ordinance 4506 was adopted on December 10, 1991. The need for neighborhood serving commercial development in this area has carried forward into subsequent Ordinances, including Ordinance 4633 and the 2013 Economic Opportunities Analysis. Recognizing the need to maintain space for commercial development and to accommodate additional multiple family development, the City will require that five acres of this site retain ground floor commercial uses, allowing multiple family development to occur on the remainder of the site and as part of a mixed-use development. Increasing the height restriction of Ordinance 4633 from 35 feet to 45 feet helps to support mixed-use development as well. The five acres of commercial development will be calculated based upon all of the development requirements associated with the commercial development including any standards related to the mixed-use residential development.

The City finds that conditions within the City of McMinnville have changed significantly since the time the Planned Development Overlay District was originally adopted in 1996. Since that time, the City has completed studies and analyses of the availability of land for the development of residential uses. The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit. The City has also completed more recent updates to the Residential Buildable Lands Inventory, which was reference by the applicant. While that analysis has not yet been acknowledged, it also identifies a need for additional land for the development of residential uses. The proposed amendment to allow multiple family dwelling units on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

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

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APPLICANT'S RESPONSE: The Comprehensive Plan Map is proposed to be amended concurrently and consistent with the planned development area proposed in this Planned Development Amendment application. This narrative addresses how the Comprehensive Plan Map and Zoning Map amendments and the commercial and residential uses within the proposed planned development amendment area are consistent with the Comprehensive Plan objectives by providing neighborhood commercial and needed residential housing.

APPLICANT'S RESPONSE TO SECTION 17.51.030(C)(2): The applicant is requesting concurrent approval of the proposed amendments to Ordinance No. 4633, an amendment to the Comprehensive Plan Map to change a portion of the Commercial designated land to Residential, and a zone change to designate portions of the area regulated by the ordinance as C-3 and R-4. The applicant is also requesting approval of a zone change to designate the remainder of the Baker Creek North Planned Development area R-4. As discussed in the above narrative, the proposed land use actions and resulting development are consistent with applicable Comprehensive Plan goals, policies, and objectives of the area.

FINDING: SATISFIED. The City concurs with the applicant's findings, and also refers to the findings provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusionary Findings) above.

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

APPLICANT'S RESPONSE: The area of the planned development amendment is surrounded by existing and proposed streets. Thus, access and services will be available to adjoining parcels from and through those streets. Upon future development of the planned development amendment site with the commercial C3-PD overlay, public right-of-way along Baker Creek Road will be improved and dedicated to the City and a public utility easement along street frontages will be granted. Documents to affect the dedication and granting of right-of-way and easements will be recorded in the local County records.

FINDING: SATISFIED WITH CONDITION #4 & #7. The City concurs with the applicant's findings, and adds that a condition of approval is included to allow for the review and approval of the access and internal circulation of the commercial development site. A condition of approval is also included to require a traffic impact analysis that will analyze proposed access points to the commercial site, the functionality of the internal circulation system, and the impacts of the traffic patterns created by the commercial development on the surrounding streets. The traffic impact analysis will also ensure that the future commercial development of the site is not designed to route excessive traffic through adjacent residential neighborhoods or exceed the traffic-carrying capacity of adjacent streets. The condition of approval requires that the traffic impact analysis be provided prior to any future development of the site.

17.74.070(D). *The plan can be completed within a reasonable period of time;*

APPLICANT'S RESPONSE: The plan to amend the planned development can be completed in a reasonable amount of time. The amendment will be done as soon as the City passes ordinances to affect the change.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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APPLICANT’S RESPONSE: The site of the planned development amendment is adjacent to a minor arterial with capacity planned in the City’s Transportation Plan adequate to serve the area with over ten acres of commercial use. The applicant’s traffic analysis shows this. The proposed use is 6.62 acres with no less than 2 acres of neighborhood commercial and no more than 120 multi-family dwelling units. The intensity of the proposed uses in the application are less than the intensity of the commercial use planned for in the City’s plans under the current planned development scenario. Therefore, development of the site as the amendment proposes will not overload the streets, rather the impact will be lighter than planned for by the City.

FINDING: SATISFIED WITH CONDITION #4 & #7. The City concurs with the applicant’s findings, and adds that a condition of approval is included to allow for the review and approval of the access and internal circulation of the commercial development site. A condition of approval is also included to require a traffic impact analysis that will analyze proposed access points to the commercial site, the functionality of the internal circulation system, and the impacts of the traffic patterns created by the commercial development on the surrounding streets. The traffic impact analysis will also ensure that the future commercial development of the site is not designed to route excessive traffic through adjacent residential neighborhoods or exceed the traffic-carrying capacity of adjacent streets. The condition of approval requires that the traffic impact analysis be provided prior to any future development of the site.

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

APPLICANT’S RESPONSE: The area amended by the planned development has street frontage, sanitary sewer service and other utilities available as shown on the plans that are adequate for development of the site. No development of the site is proposed at this time.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and would add that the City provided opportunity for review and comment by city departments, other public and private agencies and utilities, and McMinnville Water and Light to ensure the coordinated provision of utilities and services to the subject site based on the proposed land use request. 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. No comments were provided that were in opposition or identified any issues with providing utilities and services to the subject site for the intended use. At the time of development of the site, final development plans will be required to provide a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well.

17.74.070(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.*

APPLICANT’S RESPONSE: No development of the site is proposed at this time. However, neighborhood commercial and multi-family impacts are those anticipated for typical urban development. Noise, air, and water pollutants from the site will no impact surrounding properties. Surrounding properties are buffered from the site by public streets.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

CD

Attachments:

Attachment 1 – Application and Attachments



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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT OVERLAY DISTRICT TO ALLOW FOR THE DEVELOPMENT OF A 280 LOT RESIDENTIAL SUBDIVISION WITH MODIFICATIONS FROM THE UNDERLYING ZONING REQUIREMENTS AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF NW HILL ROAD AND NW BAKER CREEK ROAD

DOCKET: PD 1-19 (Planned Development)

REQUEST: Approval of a Planned Development Overlay District to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on 48.7 acres of R-4 (Multiple Family Residential) land with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities.

LOCATION: The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

ZONING: R-4 (Multiple Family Residential)

APPLICANT: Stafford Development Company, LLC

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: October 11, 2019

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE: An application for a Planned Development Amendment is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA: The applicable criteria for a Planned Development are specified in Section 17.51.030(C) of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline is February 8, 2020.

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; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. The matter was also referred to the Oregon Department of Land Conservation and Development. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Planned Development Amendment (PD 1-19) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

RECOMMENDATION: APPROVAL WITH CONDITIONS

City Council: _____ Date: _____
 Scott Hill, Mayor of McMinnville

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

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

Attachments :

Attachment 1 – Application and Attachments

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. Staff has found the information provided to accurately reflect the current Planned Development request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

Subject Property & Request

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

The application (PD 1-19) is a request for approval of a Planned Development Overlay District to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on 48.7 acres of R-4 (Multiple Family Residential) land with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities.

The Planned Development request was submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Subdivision, and Landscape Plan Review to allow for the development of the 280 lot subdivision proposed in the Planned Development plans and future commercial development.

Excerpts from Land Use Application Narrative and Findings:

“This requested new planned development is for a residential community of 48.7 acres with 280 lots for single-family detached dwelling units. As described above, the applicant is proposing to zone this area R-4, therefore this portion of the site will be designated with an R4-PD planned development overlay. [...]

Site Description

All of the subject parcels are currently vacant from an urban perspective, but have been actively farmed, primarily with grass seed. The site generally slopes down from the south to north, although a small area drains surface water to the southeast. The entire site is on top of a long bluff and out of the 100-year floodplain and away from any local drainage. The site is located north of Baker Creek Road, generally west of Shadden Drive, and east of the intersection of Baker Creek Road and Hill Road where there is a new roundabout. The project will extend proposed NW Hill Lane from the roundabout, and extend NW Meadows Drive, NW Shadden Drive, and NW Blake Street into the site from their current termini at intersections and street stubs. The applicant's road profiles and details indicate a half street improvement will be installed along the NW Baker Creek Road frontage from Meadows Dr. to Shadden Dr, and new streets within the development will be fully improved to meet City standards.

Housing

Attachments :

Attachment 1 – Application and Attachments

Consistent with Housing Element goals and policies of the Comprehensive Plan, the proposed Planned Development will include a mix of housing types to meet the diverse needs of McMinnville residents. The applicant's Typical Lots sheet demonstrates that the requested R-4 zoning will allow the construction of various small, medium, and large lot single-family detached dwelling units.

Open Spaces

Included with the planned development are 19 common open space tracts (Tract "A" - "S"). After the proposed open space tracts are developed with the proposed active and passive recreation amenities, the applicant is proposing to dedicate many of those tracts and facilities to the City of McMinnville as public parks. The applicant requests the City accept them when recording final plats for the phase of development containing the respective tracts. The common open space areas have been designed to meet a variety of recreational needs. They will serve as centers for community interaction within the community. They can also serve as resources for the general public, once accepted as park land by the City. Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, and park benches, trails and paths, and more. The open space areas have been sited to extend the City's network of park facilities by extending the existing powerline trail north to proposed "Kent Street Trailheads", where users can connect to the nature trail to the north and paved urban off-street path network to the south and park areas. These tracts when owned by the City will be an excellent asset to the City's park system. They will also facilitate access to the City's planned Special Use Park to the north of the site, which will extend the natural trail east to allow connection to other segments leading ultimately to Tice Park as envisioned.

Modifications

Below is a list of adjusted development standards as requested through the planned development process:

- 1) Lots: The number in the proposed seven lot types (i.e. SFD-70) reflects the typical width of the lot (i.e. 70 feet typical width). "SFD" stands for "Single-Family Detached" dwelling, and the "a" in "SFDa" stands for a lot with a garage loaded from the alley.
 - Area - The proposed seven lot types provide an overall average lot area that exceeds 4,500 square feet per lot.
 - Overall average lot area for large and medium lot types SFD-70, SFD-60, SFD-50, SFD-45, & SFD-40, where the garage faces the street, will be at least 5,000 square feet per lot. This mimics the minimum lot size of a detached single-family dwelling in a standard subdivision.
 - Overall average lot area for small lot types SFD-30a & SFD-26a, where the garage faces an alley, will be at least 2,500 square feet per lot. This mimics the minimum lot size of a common wall construction single-family dwelling in a standard subdivision, even though this planned development approach requests these dwellings types detach from the common wall approach.
 - Orientation – Side property lines are oriented as much as practicable at 90 degrees to the roadway where the dwelling takes access. Approval will require lot orientation at the final plat to substantially conform to preliminary plat drawings PL-1 through PL-5.
- 2) Setbacks: Minimum setbacks in the planned development are illustrated on the Typical Lots exhibit for each of the seven lot types per the Lot Type Plan. Below are setbacks that **differ** from a standard subdivision. Setbacks that meet the code standard, like 20-foot setback to the face of the garage, are not listed below:
 - Internal side yard setbacks shall be 5 feet on SFD-70, SFD-60, SFD-50 and SFD-40 lots, one foot less than the standard.
 - Internal side yard setbacks shall be 4 feet on SFD-45 lots, two foot less than the standard.
 - Internal side yard setbacks shall be 3 feet on each side of the dwelling on SFD-30a and SFD-26a lots, instead of 0 feet and 6 feet as would be required if these lots were built with

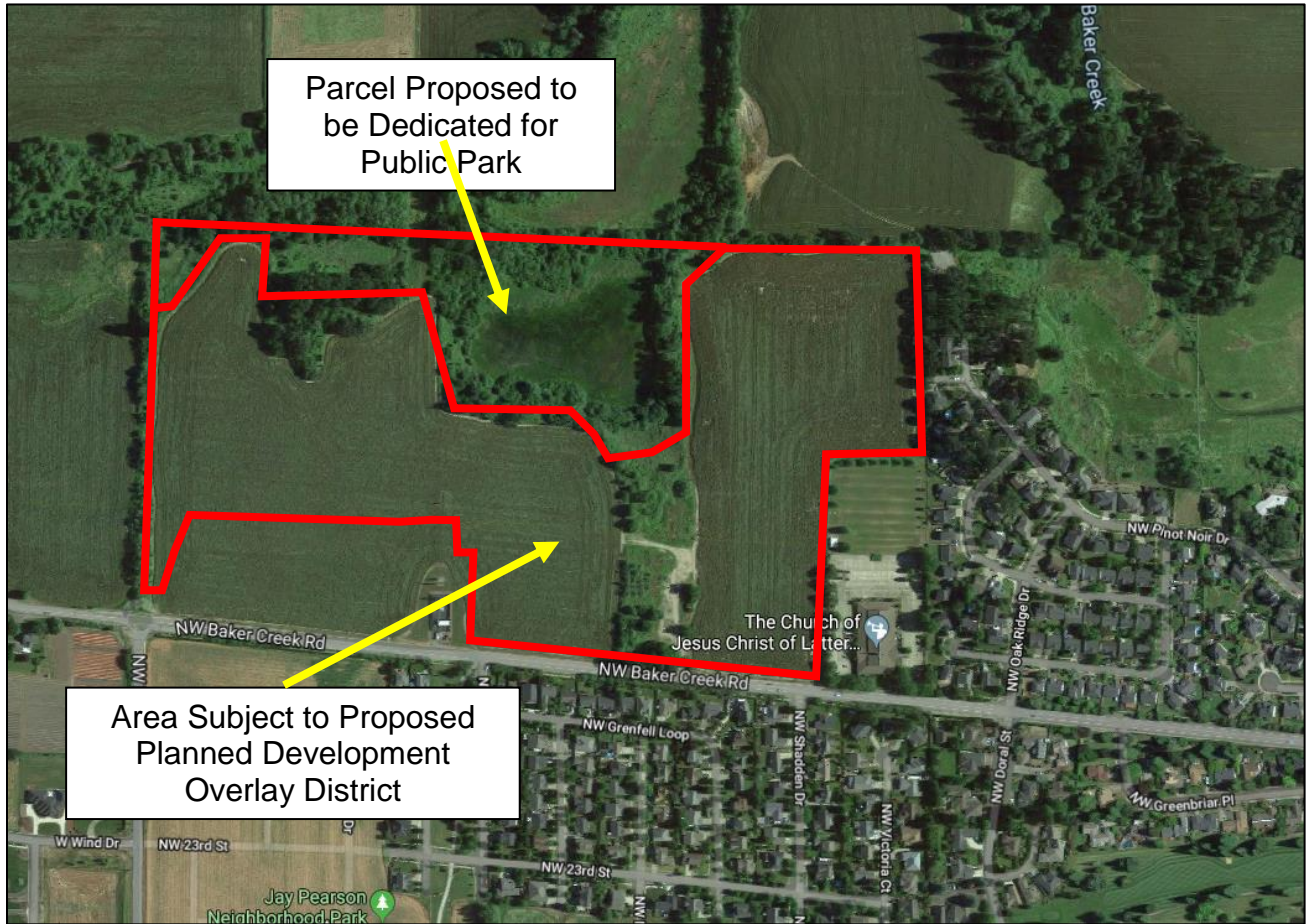
dwelling in a standard subdivision with common wall construction. This means, the proposed lot types will have the same amount of total side yard as a 2-unit town house lots in a standard subdivision, only no burdensome common wall.

- Rear building setback from an alley shall be 15 feet.
- 3) Frontage: Most lots have the minimum 25 feet of frontage on a public street required by code. The lots listed below do not and the request is for approval of the access as proposed.
 - Lot 131 has a flag pole with 20 feet of frontage on a public street.
 - Lot 270 has a flag pole with 20 feet of frontage on a public street with an easement over it for a private drive, which serves as a common access to serve both Lot 270 and adjacent Lot 269. As preferred by MZO Section 17.53.100C.3, Lot 269 does not have a proposed flag pole.
 - Lots 206-209 have no frontage or flag poles (as preferred by the code section stated above), rather they are served by a private drive that is in a 25-foot wide easement from a public street over the fronts of Lots 207-210.
 - Lots 21-32, 44-49, & 69-80 have more than 25 feet of frontage on a proposed public alley at the rear of the lot. In addition, the lots maintain over 25 feet of frontage on a proposed private open space tract with a pedestrian way (some end lots also have side yard frontage on a public street).
 - 4) Private Drives: The following lots are served by a common drive in an easement shown on the preliminary plat, rather than a driveway with frontage on a public street.
 - Lots 270 and 269, through an easement over Lot 270, see drawing PL-5.
 - Lots 206-210, through an easement over Lot 207-210, see drawing PL-3.
 - 5) Driveways: Modified driveway widths at the public street as shown on the proposed Site Plan drawings SP-1 through SP-5. Driveways are paired, where possible, to facilitate on-street parking between driveways and a street tree planted between them in the parking strip between the curb and sidewalk, where possible.
 - SFD-70 & SFD-60 lots have 30 feet wide driveways.
 - SFD-40 lots have 20 feet wide driveways.
 - SFD-45 lots have 18 feet wide driveways.
 - SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.
 - 6) Alleys: Both through alleys and dead end alleys (of less than 150 feet) are proposed, all with a right-of-way width of 22 feet.
 - 7) Blocks: Some blocks exceed the perimeter dimension standards, but are provided with mid-block pedestrian ways to ensure adequate circulation and access.
 - 8) Street Trees: Street tree spacing varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The planned development compensates for the increase in spacing in the following ways.
 - The planned development avoids the reduction in the allowed street trees that would occur through a strict application of the spacing standards. The applicant is proposing to encroach into the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-ft. spacing for requirement street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-34 lots, but may occur on other lots in the development.

- SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
 - Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
 - The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
 - Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.
- 9) Monument Signs: Two monument signs along Baker Creek Road are proposed with the dimensions described on drawing L9.0 Landscape Plan.
- One will be located in Phase 1A on the NW corner of Shadden Drive oriented to the east, and the other in Phase 1C on the NE corner of Meadows Drive oriented to the west as shown on the Site Plan drawing SP-1."

See Vicinity Map (Figure 1), Existing Zoning (as approved with concurrent zone change request) (Figure 2), Proposed Site Plan (Figure 3), and Proposed Park Dedication Parcel (Figure 4) below.

Figure 1. Vicinity Map (Subject Site Area Approximate)



Attachments :

Attachment 1 – Application and Attachments

Figure 2. Existing Zoning
***Note – Zoning shown as proposed with concurrent Zone Change request**

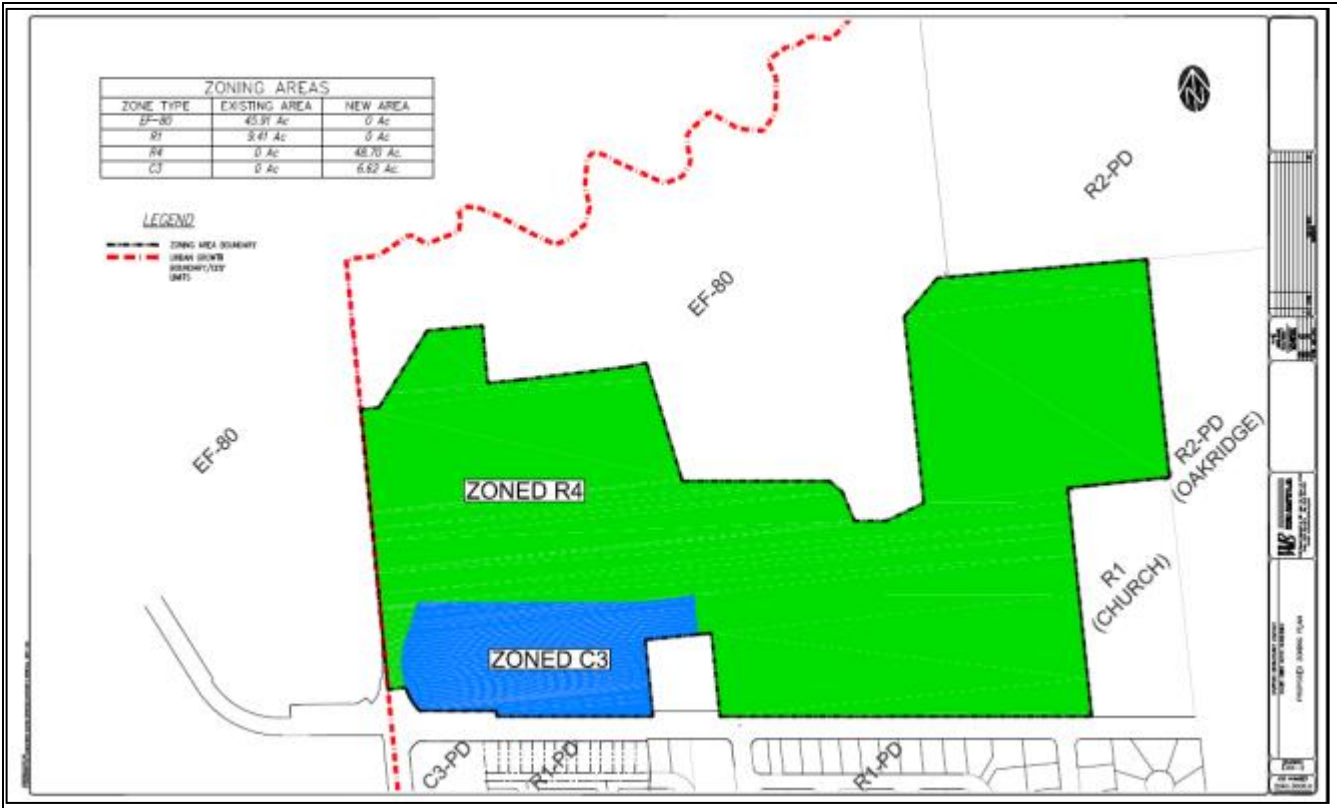
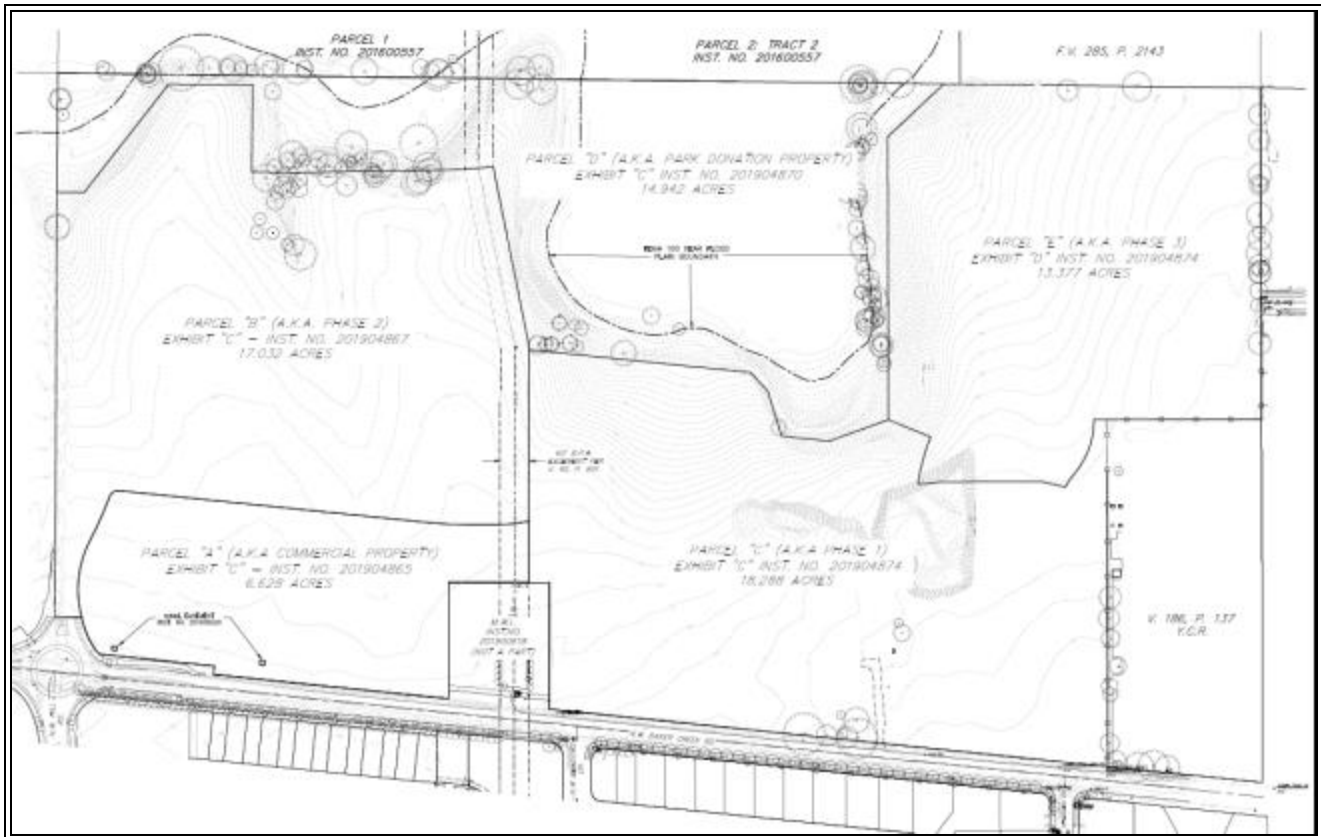


Figure 3. Proposed Site Plan



Figure 4. Proposed Park Dedication Parcel



Summary of Criteria & Issues

The application (PD 1-19) is subject to the Planned Development review criteria in Section 17.51.030(C) of the McMinnville Municipal Code. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for a Planned Development in Section 17.51.030(C) of the McMinnville Municipal Code require the Planning Commission to determine that:

1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
4. The plan can be completed within a reasonable period of time;
5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;

The applicant has provided findings to support the request for a Planned Development. These will be discussed in detail in Section VII (Conclusionary Findings) below.

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Per Section 17.51.030, the purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance, which reads,

“The purpose of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.”

Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard land use application against the applicable zoning requirements.

II. CONDITIONS:

1. That the Baker Creek North Tentative Subdivision plan shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the developer. The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
2. That the average lot size within the Baker Creek North subdivision shall be approximately 4,930 square feet.
3. That the setbacks for the lots within the Baker Creek North subdivision shall meet the setbacks required in the R-4 zone, with the following exceptions:
 - a. SFD-70, SFD-60, SFD-50, and SFD-40: Minimum 5 foot side yard setback
 - b. SFD-45: Minimum 4 foot side yard setback
 - c. SFD-30a and SFD-26a: Minimum 3 foot side yard setback
 - d. Lots 131-135 and Lots 269-280: Minimum 30 foot rear yard setback
4. Fences constructed within side yards shall provide a minimum clearance of three (3) feet from the electrical meter to maintain National Electric Safety Code (NESC) and National Electric

Attachments :

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Code (NEC) clearances.

5. That Tract G, Tract I, Tract J, Tract K, and Tract L will be dedicated to and accepted by the City as public parks and open space. The tracts shall be dedicated at such time as the subdivision phase that the tract is located within is platted. The City shall accept maintenance responsibility of Tract G, Tract I, Tract J, Tract K, and Tract L immediately at the time of dedication.
6. That the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be dedicated to the City at the time of the platting of subdivision Phase 2A or Phase 3A, whichever is earlier. The applicant shall also dedicate the trail easement proposed within the property to the north (Tract 2, Parcel 2, Instrument No. 201600557, Yamhill County Deed Records) at the time Parcel D is dedicated to allow for the greenway trail to connect to a planned extension of the greenway trail in the planned Oak Ridge Meadows subdivision. Parcel D and the easement described above, as well as all the required improvements within Parcel D and the easement shall be maintained by a Homeowner's Association (HOA) for the benefit of the public until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City prior to the dedication of the park land to the City of McMinnville.
7. That the tracts and parcel dedicated as public park and open space are improved to City standards prior to dedication to the City of McMinnville. Specifically, the following improvements are required in the following tracts and parcel:
 - a. Tract I – The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
 - b. Tract J - The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.
 - c. Tract K – The development of the beginning of the 12 foot wide paved multi-use trail that will continue into Tract L. The trail identified on Drawing L3.0 and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract K shall be improved with landscaping, benches, picnic tables, trash receptacles, and dog waste stations as identified on Drawing L3.0 and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville.

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- d. Tract L - The development of a 12 foot wide paved multi-use trail that will continue from the connection at Tract K north to the northern boundary of Tract L, where it will continue into Parcel D (Park Dedication Parcel) as identified on Drawing L4.0. The trail identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract L shall be improved with landscaping and lighting as identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 and approved as part of L 12-19 as part of this development project. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
 - e. Parcel D (Park Dedication Parcel) – The development of a 12 foot wide multi-use trail that will continue from the connection at the northern boundary of Tract L to a trailhead that is improved as identified on Drawing L4.0 and approved as part of L 12-19 as part of this development project. The trailhead shall be the terminus of the 12 foot wide multi-use trail identified and required within Tract I, Tract J, Tract K, and Tract L. In addition, a greenway trail shall be developed within Parcel D, starting at the trailhead described above, and continuing along the boundary of the area identified as 100-year floodplain. The greenway trail shall connect to the public park and greenway parcel approved and planned within the Oak Ridge Meadows subdivision to the northeast. The greenway trail shall be a bark chip bicycle/pedestrian trail throughout the greenway, constructed to City specifications. A development plan for the greenway with the trail system and any associated access ways (public or private) shall be submitted to the City for review and approval of the design and engineering prior to construction.
 - f. Tract G – This tract is identified for a sanitary sewer pump station. No specific improvements or landscaping were identified for this tract. Therefore, a landscape plan shall be provided for review by the Landscape Review Committee prior to any development of the tract. The proposed sanitary sewer pump station site also appears to be steeply graded. The pump station site will need to be designed with a site driveway that accommodates the Wastewater Services department’s service vehicles so that the pump station can be adequately maintained.
8. That the private open space and recreational tracts be improved or preserved as shown in the Planned Development plans. Specifically, the following improvements are required in the following tracts:
- a. Tract A – The stormwater detention facility, fencing, and landscaping identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.
 - b. Tract B – Between Lots 69-72 and Lots 29-32, the development of 10 foot wide paved sidewalks along the west and east edges of the tract, commercial grade play equipment, open lawn space, 4 benches, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project. Between Lots 25-28 and 21-24, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
 - c. Tract C – The development of the commercial grade play equipment, paved seating area with 3 benches, fencing, and landscaping as identified on Drawing L2.0 and Drawing L7.0 and approved as part of L 12-19 as part of this development project.

- d. Tract D – The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2 and approved as part of L 12-19 as part of this development project.
 - e. Tract E - The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
 - f. Tract F – The development of a 10 foot wide sidewalk along the southern edge of the tract, 3 benches, a minimum 22'x30' covered shelter structure with 5 picnic tables, a trash receptacle, a wood chip trail connecting from the paved sidewalk to the greenway trail required in Parcel D, and landscaping as identified on Drawing L2.0 and L8.0 and approved as part of L 12-19 as part of this development project.
 - g. Tract H - Between Lots 77-80 and 73-76, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0 and approved as part of L 12-19 as part of this development project.
 - h. Tract N – The preservation of all trees located with the tract, except those shown as being removed on Drawing L4.0. Prior to the removal of any additional tree within Tract N, a request for removal of the tree shall be provided to the Planning Director for review and approval. The request for removal shall be accompanied by an arborist's report.
 - i. Tract O – The preservation of existing natural vegetation and landscaping as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - j. Tract P – The development of a 10 foot wide paved sidewalk, bounded on the west side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - k. Tract Q - The development of a 10 foot wide paved sidewalk, bounded on the east side by landscaping, as identified on Drawing L3.0 and approved as part of L 12-19 as part of this development project.
 - l. Tract R – The improvement of a 10 foot wide paved sidewalk along the eastern portion of the tract, 2 benches on concrete pads near the south end of the tract, 2 benches on concrete pads near the north end of the tract, commercial grade plan equipment with 4 features, 2 picnic tables, and landscaping as identified on Drawing L4.0 and Drawing L9.0 and approved as part of L 12-19 as part of this development project.
 - m. Tract S – The improvement of a 10 foot wide gravel path bounded on both sides by landscaping as identified on Drawing L5.0 and approved as part of L 12-19 as part of this development project.
9. In order to provide better pedestrian access to the BPA trail extension within Tract L and the greenway trail in Parcel D (Park Dedication Parcel) from the lots within the northwestern portion of the site, a condition of approval is included to require that an easement or tract be created between Lot 130 and Lot 131 to connect from the intersection of Mercia Street and Harold Drive to the BPA trail within Tract L. The connection is also required to allow for an additional turn around point for McMinnville Water and Light vehicles to access the electric transmission easement. The easement or tract shall include a paved trail of a sufficient size and design to allow McMinnville Water and Light to access the electric transmission easement with heavy trucks and approximately eighty-five foot poles. The design and location of the connection should account for the weight of trucks, and account for turning radius needed to access the easement space with transmission length poles. At a minimum, the trail shall be constructed to the same improvement specifications as included in the contract documents for the "BPA Pathway Phase III Improvements" which are on file with the City of McMinnville. A development plan for the tract or easement, the improvements within the tract or easement,

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and any resulting change in lot dimensions or configuration within Phase 2A shall be submitted to the City for review and approval of the design and engineering prior to construction.

10. That the 10 foot wide meandering sidewalk be constructed within the Baker Creek Road right-of-way, as identified on Drawing SP-1 and Drawing L2.0 and approved as part of L 12-19 as part of this development project. The fencing proposed in Drawing L2.0 and Drawing L9.0 shall also be provided along the Baker Creek Road right-of-way.
11. That an enhanced crossing be provided where the BPA trail crosses Kent Street, between Tract J and Tract K. The enhanced crossing shall be similar in improvement to the enhanced crossings of the BPA trail at Wallace Road, Meadows Drive (south of the subject site), Cottonwood Drive, and 23rd Street.
12. Prior to any permits being issued for construction activities on the site, an additional geotechnical analysis of the area identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall be submitted to the City for review and approval. Should the additional analysis determine that the lots as proposed are not able to be developed, it shall be the applicant's responsibility to request an amendment to the Planned Development and the adopted site plan. The applicant will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
13. That all development of the site outside of the areas identified in Figure 3 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017 shall follow the recommendations in Section 6.1 through Section 7.1 of the "Preliminary Geotechnical Engineering Report" dated October 2, 2017.
14. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of streets, utilities, future residences, public and private park improvements, or other improvements. The inventory and report shall be provided prior to the release of construction or building permits within the planned area.

That existing trees with trunks wholly or partially within the planned area and greater than nine (9) inches DBH (Diameter at Breast Height) shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance. Trees greater than nine inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved subdivision, as identified in Drawing L 1.0, Drawing L4.0, Drawing L 5.0, Drawing L6.0, and the tree protection detail in Drawing L6.0 and approved as part of L 12-19 as part of this

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development project.

And that existing trees with trunks wholly or partially within Parcel D (Park Dedication Parcel), Tract N, Tract O, and the rear of Lots 131-135 and Lots 269-280 shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance.

15. That lots with less than 40 feet of street frontage shall be accessed from an alley / alley loaded.
16. That all alleys will be private. Any alley shall be created in the form of a tract or shared access easement. The tracts or easements created for alleys shall be maintained by the Homeowner's Association and/or the properties that utilize the alleys for access.
17. That Lots 206 – 210 shall be allowed to share one private access drive. The access drive shall be provided within an access easement and be maintained by the properties utilizing the access drive for access.
18. That driveways on each private lot shall be the maximum width requested by the applicant depending on the type of lot, but the driveway width shall be tapered down at the property line and not exceed the maximum 40 percent driveway width required by Section 12.20.030(B) between the property line and the street. The maximum driveway width on the private lot for each lot type shall be:
 - a. SFD-70 and SFD-60 Lots: 30 feet wide driveways
 - b. SFD-50 and SFD-40 Lots: 20 feet wide driveways
 - c. SFD-45 Lots: 18 feet wide driveways
 - d. SFD-30a & SFD-26a Lots: Driveways the same width of the dwelling, and only providing access from an alley
19. That the maximum block length within the Baker Creek North Planned Development shall be 645 feet and the maximum block perimeter shall be 2,325 feet.
20. 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 the Baker Creek North Planned Development, and to identify the standards that will apply to each dwelling unit constructed within the Planned Development.

This Architectural Pattern Book shall contain architectural elevations, details, materials, and colors for each building type. The review of the Architectural Pattern Book and the dwelling unit design standards described below shall apply to all building facades. At a minimum, the Architectural Pattern Book shall contain the following sections and the building plans submitted for review shall meet the following standards:

- a. Style and Massing
 - i. Façades shall provide vertical offsets, projections, or recesses to break up the building façade.
- b. Quality and Type of Exterior Materials
 - i. Façades shall include horizontal elements the entire width of the façade to mark the break between floors or along rooflines including band course, band molding, bellyband, or belt course.

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- ii. A minimum of two types of building materials shall be used on the front elevations.
- iii. All facades shall have trim, sashes and mullions on all windows and shall incorporate a paint scheme with three colors.
- iv. In addition, façades will include at least four of the following.
 - 1. Windows – mullions, trim, orientation, sashes
 - 2. Gables
 - 3. Dormers
 - 4. Architectural bays
 - 5. Awnings made of fabric, metal or wood-framed
 - 6. Change in wall planes
 - 7. Ground floor wall lights/sconces
 - 8. Transom windows
 - 9. Balconies or decks
 - 10. Columns or pilasters – not decorative
- c. Front Porches / Entry Areas
 - i. Front porches shall be at least 48 square feet in area, with a minimum dimension of 6 feet by 6 feet.
 - ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.
 - iii. Porch must include a raised platform, ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch.
- d. Roof Design and Materials
 - i. Use a variation in roof forms to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
 - ii. Limit continuous ridgelines to less than 40 feet in length and continuous eaves to 25 feet in length.
- e. Exterior Doors and Windows
 - i. Windows shall be provided on all façades and blank walls will be avoided.
- f. Garage Door Types
 - i. Pair garages where possible to maximize planting strip and potential for street trees.
 - ii. The length of a garage wall facing the street shall be no more than 50 percent of the street-facing building façade.
 - iii. Where the width of a street-facing building façade is 30 feet or less (SFD-45 and SFD-40 Lots), the garage wall facing the street may exceed 50 percent of the street-facing building façade if the building meets the following:
 - 1. The garage wall is not wider than the maximum width of the driveway allowed for the lot; and
 - 2. The building includes one of the following:
 - a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
 - b. A covered balcony above the garage that is:
 - i. At least the same length as the street-facing garage wall;
 - ii. At least 6 feet deep; and
 - iii. Accessible from the interior living area of the dwelling unit.

- iv. Garages shall be recessed from entrances, making the entrance more prominent than the garage.
 - g. Exterior Lighting
 - h. Sample Exterior Colors
 - i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.
21. 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. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.
22. Where sites are graded, the top of the exterior foundation must extend above the street gutter in compliance with the Building Code to facilitate storm drainage. Alternative elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

Where room on a property does not exist to slope the finished grade away from foundations as required by the Building Code to mitigate storm drainage, alternative diversion or drainage solutions must be provided subject to approval by the building official.

III. ATTACHMENTS:

1. PD 1-19 Application and Attachments (on file with the Planning Department)
2. McMinnville Water and Light Comments – Letter Dated November 15, 2019

IV. COMMENTS:

Agency Comments

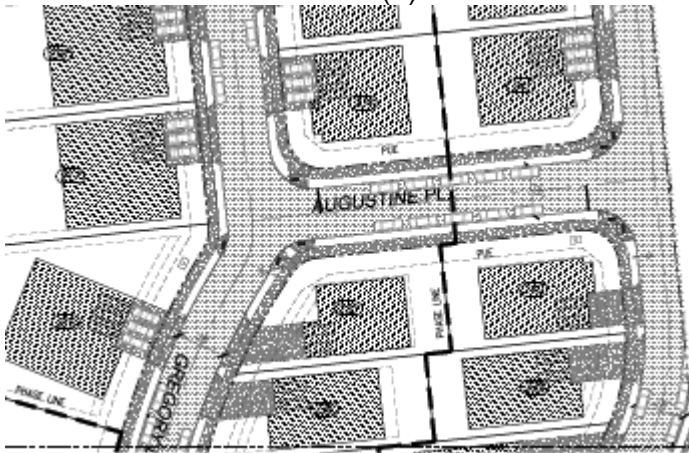
This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. The following comments were received:

- McMinnville Engineering Department
- McMinnville Municipal Code Section (MMC) 12.20.030(B) requires that the maximum width of driveways for properties with street frontage between 20 and 75 feet wide shall be not more than 40% of the frontage. The proposed lot configurations for SFD-70, SFD-60, and SFD-40, as shown on page EXH-5, do not meet the Ordinance standard. Additionally, a review of the Site Plan (SP) sheets indicates that the driveways for lots 117, 130, 131, 132, 202, 203, 224, 225, 228 and 271 do not comply with the Ordinance standard.
- MMC Section 12.20.070 indicates that if a driveway is constructed or installed on a corner lot, such driveway shall not be built closer than 30 feet from the point of intersection of the two curb lines projected ahead. A review of the Site Plan (SP) sheets indicates that the driveway for lot 35 may not comply with that standard.

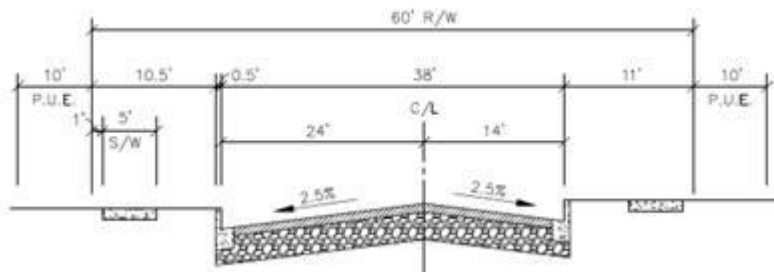
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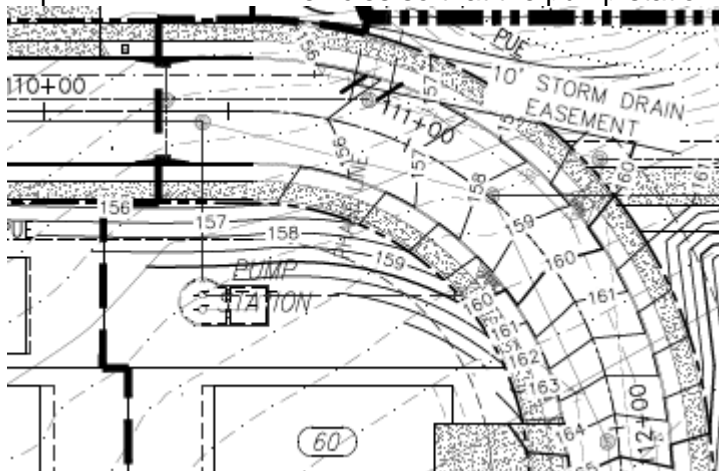
- The proposed intersection of Gregory & Augustine Streets shall be redesigned such that the intersection angle is as near to 90° as practical. The current “Y” configuration is not consistent with MMC Section 17.53.101(F):



- MMC 17.53.101(O) indicates that the public alley in the City's street standards applies to commercial and industrial districts, not to residential developments. Thus, the proposed alleys on the proposal shall be private, and shall be maintained by the adjacent property owners or the Home Owners Association.
- Meadows Dr and Shadden Dr are proposed to have an offset crown to accommodate a right turn lane (see cross-section below). We would prefer see the City's typical “Teepee” section so that the curb elevations match on each side of the street.



- The proposed sanitary sewer pump station site appears to be steeply graded. The pump station site will need to be designed with a site driveway that accommodates the Wastewater Services department's service vehicles so that the pump station can be adequately maintained:



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- All proposed storm drainage outfalls shall comply with the City's Storm Drainage Master Plan requirements, and sufficient access to the outfalls shall be constructed to accommodate City maintenance activities.
- Per the conclusions and recommendations of the provided "Preliminary Geotechnical Engineering Report", "additional analysis will be required to address Oregon Department of Geology and Minerals (DOGAMI) geologic hazard mapping in the northern portion of the site where engineered fill, residential homes, and public streets are proposed ear slopes extending to the wetland." The report notes that the "primary geotechnical concern associated with development at the site is the potential for slope instability in the northern portion of the site where the client has indicated that significant engineered fills will be proposed." The report further notes that a "slope stability analysis of the area should be conducted which would at a minimum include creation of geologic cross-sections with the proposed development in the northern portion of the site near the wetland slopes, and quantitative slope stability calculations which take into consideration the proposed surcharge loading of the engineered fill." It would be prudent for that work to be done prior to the approval of the proposed lot and street layouts, to ensure that those areas are buildable as proposed.
- Recognizing that street names are approved at a later date by the Planning Director, we did note that City already has a "Harold Court" and a "Emma Drive", and thus different street names for proposed "Harold Drive" and "Emma Street" should be chosen.
- Recognizing that street tree plans are reviewed and approved at a later date by the Planning Department and the Landscape Review Committee, we did note that several of the proposed tree locations will need to be adjusted due to probable conflicts with utilities and due to street sight distance concerns.

Additionally, the City's Public Works staff offer the following comments re: the proposed open space and park tracts:

NOTE: The comments provided by Publics Works staff below are based on the original development plans. The development plans were revised by the applicant on November 8, 2019, which revised the proposed improvements within the proposed open space and park tracts, some of which respond to the Public Works comments below. Dedications and improvements of the proposed open space tracts are described in findings and conditions of approval in this Decision Document.

- There are 19 tracts designated as open space in the proposal. One of these, tract G, is designated for a proposed pump station. Staff's understanding was that only tracts I, J, K and L were being considered for dedication to the City as public open space as part of this development, with developer built improvements constructed on them. However, in reviewing the narrative and findings information, it appears that the applicant is requesting that:
- Parcel D (14.92 acres) be accepted by the City as a future public park. This is flood plain property north of the planned development site, and the application notes that a chipped path would be constructed as an off-site improvement in conjunction with phase 2A and/or phase 3A of the subdivision.
- Tracts F, I, J, K, L, N, and S within the planned development are recommended by the applicant to be accepted by the City as public park land. The proposal shows various developer constructed improvements to be included with these tracts.

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- Park Donation: the applicant is requesting that the City accept Parcel D as part of this application. At this time, staff does not believe that the City has the maintenance capacity to take on additional new park acreage, and would not recommend accepting ownership or maintenance responsibility for this parcel.
- Open Space Tracts: Staff's understanding was that tracts I, J, K and L were to be improved as an extension of the BPA pedestrian path, with a concrete pathway, landscaping, pedestrian scale lighting and pedestrian benches. However, in looking at the proposal, I see some significant variation from that understanding:
- Tract I: shows turf, trees and a pathway (sidewalk). Staff's understanding was that this was to be 10' walk; it appears to be drawn as a typical 5' sidewalk.
- Tract J: shows dog park and skate park improvements. Staff's understanding was that this was to be a meandering 10' path with landscaping.
- Tract K: shows turf, trees, landscaping, with benches. This matches our understanding.
- Tract L: shows an offset 10' gravel pathway, and turf for a portion of the tract. The remaining portion is labelled as "existing grass field to remain", with a 10' gravel pathway. This is not similar to the existing BPA pathway design as per earlier discussion, and does not provide an accessible surface for pedestrians.
- As noted above, staff does not believe that the City has the current park maintenance capacity to take on any additional park land. That being said, the opportunity to extend the BPA pathway to the north and connect this development with park improvements to the south is recognized as an important opportunity. It is also recognized that maintenance of the extension will come at the expense of reduced maintenance in other existing facilities. Unfortunately, the proposed improvements on these tracts are not similar to the existing BPA pathway design, and include elements (skate park, dog park) that the City does not have the resources to maintain. So based on that, staff does not believe it would be in the City's best interests to accept these tracts as proposed. The plans for Tracts I, J, K, and L should be modified to match the City's development of the trail system in the rest of the BPA corridor to the south of Baker Creek Road.
- Tract F is shown as a sloped parcel overlooking the floodplain to the north, with a chipped path future connection to the floodplain. Other improvements shown include a shelter, landscaping, turf, trees and park amenities. Staff does not believe the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.
- Tract N is shown as open space. From the narrative, it appears this is proposed as open space to preserve existing trees. Staff does not believe that the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.
- Tract S is shown as a proposed pedestrian connection from Edgar Street to the proposed floodplain park donation. Staff would see this as a pedestrian connection that would be provided and maintained by the developer. Should in the future the floodplain property become the City's, staff would see maintenance access coming from the north end of the BPA path extension and would not need Tract S for maintenance access. Thus, and it should remain private with maintenance by the Home Owners Association.

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- From the application materials, it appears that the remaining tracts (excepting tract G) are not being considered for City ownership as public open space and would be owned and maintained by the developer/HOA.
- Some tract specific comments for areas not proposed for City ownership:
- Tract A is shown as a detention pond space with an adjacent soccer/basketball court. While not really in our purview (since we won't own tract A), staff would suggest that this be reconsidered. The city typically requires that detention ponds be fenced. Placing a facility where stray balls could find their way over the fencing into the pond, could well encourage users to climb the fencing and enter the pond area to retrieve their ball, which would not be a safe use of the space.
- Tract B is shown as an active open space with a playground. The tract is adjacent to Baker Creek Road, which is a fairly busy roadway. Again, although outside our purview, staff would suggest that consideration is given to securing this tract in such a way as to limit the potential for young park users to wander out near Baker Creek Road. The open space amenities, including play structures, benches, tables, and pathways should be accessible.
- Tract F shows benches, a shelter and tables. Although outside our purview (since we won't own Tract F), the improvements, including the pedestrian walk improvements, should be ADA accessible.
- McMinnville Water and Light
Included as Attachment #2
- Oregon Department of State Lands
Sounds like you screened previously for wetlands and waters, found none and went forward. I did a quick check and we didn't have any records about these sites in our database. We would have no comment on the changes proposed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.
2. The applicant submitted the Zone Change application (ZC 1-19) on April 30, 2019.
3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.
4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.

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5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.
7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.
2. **Size:** The Planned Development Overlay District is proposed to be approximately 48.7 acres in size. The proposal includes the dedication of a 14.92 acre parcel adjacent to the proposed Planned Development Overlay District, which is proposed to be dedicated as a public park.
3. **Comprehensive Plan Map Designation:** Planned Development Area: Residential. Park Dedication Parcel: Residential and Floodplain
4. **Zoning:** Planned Development Area: R-4 (Multiple Family Residential). Park Dedication Parcel: EF-80 (Exclusive Farm Use) and F-P (Flood Plain)
5. **Overlay Zones/Special Districts:** None.
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, is located within Zone A of the 100-year floodplain of

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Baker Creek, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels.

8. **Other Features:**

- a. **Wetlands:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, contains wetlands
- b. **Slopes:** A majority of the site is relatively flat, but the property begins to slope to the north along the northern edges of the subject site. This portion of the property slopes downward towards Baker Creek, which is located to the north of the subject site.
- c. **Easements and Utilities:** A 60 foot wide easement, as identified in Film Volume 40, Page 851, Yamhill County Deed Records, for the benefit of the Bonneville Power Administration exists running south to north through the center portion of the site, in the general location of the existing electrical power transmission lines.

9. **Utilities:**

- a. **Water:** Water service is available to the subject site.
- b. **Electric:** Power service is available to the subject site.
- c. **Sewer:** Sanitary sewer service is available to the subject site.
- d. **Stormwater:** Storm sewer service is available to the subject site.
- e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

- 10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Planned Development are specified in Section 17.51.030(C) of the McMinnville Municipal Code.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Volume I Background Element is the main body or text of the McMinnville Comprehensive Plan. Included in this volume are all the inventories and research documentation on which the goals and policies were based. The requirements of the statewide goals for inventory information and land use related projections (e.g. population and housing) are also contained in this volume.

Comprehensive Plan Volume I:

The following citations from Volume I Background Element of the McMinnville Comprehensive Plan is applicable to the request:

Chapter V. Housing and Residential Development – Residential Development – Design Considerations:

The final segment in this section examines the requirements which currently must be met in all new residential developments. Those requirements include the provision of a minimum level of public facilities and services and the retention or creation of parklands and open space. In addition to these requirements, the Citizens' Advisory Committee's subcommittees examined several other design considerations not currently required—including energy-efficient subdivision designs and the

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provision of bike and pedestrian paths—for their possible application to future residential developments. Each of these design considerations is explored below:

PUBLIC FACILITIES AND SERVICES REQUIREMENTS

The land division ordinance, as well as other codes, set the minimum requirements for the provision of public facilities and services for new residential developments. Those requirements include the provision of sanitary sewerage collection lines, storm drainage systems, street improvements, and water service. Not only are the minimum requirements set in these ordinances, but the responsibilities of both the city and the developer for providing these facilities and services are established.

It is important that the design standards for these public improvements be adequate to handle the expected levels of development without adding unnecessary costs to the price of housing. It is noted in the transportation element of this plan that street improvement standards, especially for local discontinuous streets, should be reevaluated to allow some flexibility in improvement requirements. Still, the provision of at least a minimum level of these services must remain a priority consideration.

APPLICANT'S RESPONSE: The plans demonstrate that the provision of public facilities and services will occur concurrently with the phased development. As required, the facilities have been designed to handle the needs of the proposed development and meet requirements set forth by the McMinnville Zoning Ordinance and Public Works standards. The Applicant has received concurrence from City staff that system capacity exists for the extension of utilities service. Traffic capacity is demonstrated in the Traffic Analysis Report included with this application.

FINDING: SATISFIED. The City concurs with the applicant's findings.

OPEN SPACE AND PARKLANDS

Open space is established in residential developments in several ways. First, the setbacks which apply in all residential zones are designed, in part, to leave a portion of each lot in open area for landscaping. In a single-family residential zone, these setbacks can reserve over 50 percent of the lot area for open space. Second, these requirements in the landscape ordinance, which apply to multiple-family developments, currently require up to 25 percent of the area to be landscaped and/or to be left in large recreational open spaces. Planned developments, finally, can combine open spaces into more efficient and usable land areas by clustering development.

Parklands are provided for through the requirements of the land division ordinance, which requires a dedication of land, or money in lieu of land, to the public. As currently written, the ordinance sets a fee per unit for those developments which have not dedicated land. The ordinance does not apply to new lots created through partitioning procedures or to mobile home park developments. The city should review the ordinance to determine the advisability of requiring these future residential units to contribute to the park funds.

APPLICANT'S RESPONSE: With approval of the proposed Comprehensive Plan Amendment, and Zoning Map Amendment applications, the applicant requests concurrent approval of the Baker Creek North Planned Development. The planned development includes the creation of 19 common open space tracts. Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, park benches, and paths. Some of the tracts within the planned development are proposed for dedication to the City for future park land. The proposed tracts efficiently provide open space and recreation amenities, permitting the proposed reductions in lot sizes and in required setbacks, and the clustering of residential uses within the planned development.

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In addition to the common open space tracts, the applicant is proposing to donate an additional 14.9 acres of park land adjacent to Baker Creek for a Special Use park.

FINDING: SATISFIED. Open space and park areas are provided in the Planned Development, and will be described in more detail in the findings for Policy 75.00 and Policy 76.00 below.

Chapter V. Housing and Residential Development – Residential Development – Land Use Controls:

The traditional tools for land use development—zoning and subdivision ordinances—have been employed almost exclusively in McMinnville. The zoning ordinance controls the land uses permitted within a designated area and such other concerns as minimum lot sizes, setbacks of structures from property lines, and density. The subdivision ordinance controls the actual division of land into lots, and the provision of public facilities and amenities (e.g., parklands)—the actual design of a development.

On the whole, these land development techniques have been successful, accepted by both public and private interests. However, with changes in development technology and changing social and economic patterns, traditional zoning is being viewed as an antiquated method of land use control. Some of the problems associated with zoning include:

- 1) It is arbitrary, with lines on a map bestowing great economic windfalls to a few landowners.
- 2) The uses allowed in certain zones (primarily commercial and industrial) often bear little relationship to the effect a land use would leave on surrounding property. For instance, certain commercial uses may be entirely compatible with residential neighborhoods, but only allowed in commercial zones.

APPLICANT’S RESPONSE: The applicant is requesting approval of several map amendment applications to address current economic trends in McMinnville that are related to the above-mentioned residential development goals and policies. This includes the use of the planned development process to deal with “traditional zoning...being...an antiquated method of land use control.” This process allows residential development that more closely meets the needs of the community and housing market.

When the existing C3-PD designation was applied to 11.3 acres of the subject site in 1996, there was an expectation that a large UGB expansion would occur in the northwest quadrant of the City and a large regional commercial complex should be developed on the property. It was thought that residential use of the land should be prohibited to reserve it for commercial use. However, this UGB expansion effort was abandoned by the City 2011. In 2013, the City completed its Economic Opportunity Analysis (EOA), which recommends that the City re-designate some of its 235.9 acres of surplus Industrial land for regional commercial uses near the City’s downtown core. Consistent with current economic needs of the community, the proposed Planned Development Amendment, Comprehensive Plan Map Amendment, and Zoning Map Amendment will reduce the amount of Commercial designated land to 6.62 acres, which is more appropriately sized for commercial uses. The proposed planned development amendment removing conditions created by Ordinance 4633 will ensure that no less than 2 acres is used for neighborhood commercial and that no more than 120 multi-family dwelling units are created on the remainder of the commercial land area.

The proposed Comprehensive Plan Map and Zoning map amendments also address current housing needs in the community. In 2001, the McMinnville Housing Needs Analysis determined that an additional 449 buildable acres of residential land needed to be added to the UGB to

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accommodate projected land needs for the 2000-2020 planning period. However, as indicated above, the City's last UGB expansion effort was unsuccessful. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently completing its Housing Needs Analysis. The updated analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. The attached Preliminary Development Plans indicate that the applicant is proposing to rezone a portion of the site to R4 to develop 280 dwelling units, helping to address the McMinnville's current housing needs, and the proposed C3 zone with a planned development overlay will allow for multi-family dwellings to further address this urgent housing need (see Exhibit 3).

FINDING: SATISFIED. The applicant has submitted Comprehensive Plan Map Amendment and Zone Change applications for concurrent review with this Planned Development request. Findings for the Comprehensive Plan Map Amendment and Zone Change are addressed in the Decision Documents for those land use applications.

- 3) As methods of housing construction and subdivision design change to meet market demand, zoning restrictions often inhibit the new trend.

In reaction to these problems, planners have devised alternate methods of land use controls which try to circumvent the shortcomings of zoning and provide a more equitable method of dispersing land development rights. Some of these techniques include:

Performance Standards

A method whereby certain standards concerning traffic generation, noise levels, open space requirements, etc., are set, and as long as any development meets those standards, the use is allowed.

APPLICANT'S RESPONSE: Concurrent with the map amendments, the applicant is requesting approval of a Planned Development application. The applicant has addressed the planned development approval criteria with this narrative to demonstrate how the proposal meets applicable performance standards as well or better than residential developments that are approved under typical subdivision standards.

FINDING: SATISFIED. The Planned Development standards are achieved, as described in findings for other applicable Comprehensive Plan policies and review criteria below.

Density Bonus Incentive Zoning

A variation of traditional zoning that permits the modification of standards to allow developers greater leeway in land use utilization provided that some other public good is offered as a tradeoff. For instance, a developer may be allowed to build additional units on the land as long as a certain amount of open space is provided or a bikeway system is developed.

In McMinnville, the alternative to traditional zoning has been the use of the planned development concept.

APPLICANT'S RESPONSE: As mentioned above, the applicant is requesting approval of a Planned Development application with the proposed map amendments. As demonstrated by the attached preliminary development plans, the applicant is not proposing to exceed the maximum density of the R-4 zoning district. The applicant also intends to apply the base zone density to the commercial area of the site, whose amended planned development condition would allow no more than 120 multi-family dwelling units.

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FINDING: SATISFIED. The City concurs with the applicant’s findings.

Planned Developments

The planned development (PD) is a method by which creative, large-scale development of land is encouraged for the collective benefit of the area’s future residents. Unlike conventional zoning, planned developments allow for varying of lot sizes, flexibility in design, and integration of different building types such as townhouses, multi-family units, and single-family homes. In addition, amenities such as common open areas, playgrounds, and recreation centers may be provided to the development’s residents. Typically, structures in a planned development are clustered in such a manner as to achieve the same overall density that would have been achieved if the developer had laid out the project in a conventional grid lotting pattern.

Since the PD concept encompasses planning on the level of a “community” or “neighborhood” area rather than on the basis of “single” or “individual” lots, the elements of the development can have a close relationship to each other. Numerous studies have shown that construction cost of roads can be less for the developer (many PDs require less roads than conventional developments), and municipal services can also be provided at less cost.

McMinnville’s zoning ordinance allows planned developments in two ways—as an overlay over an area in which conditions for approval for development are specified and as an overlay which accompanies a specific development plan submitted by a developer. As written, the planned development provisions are intended to provide specific benefits to a development (e.g., developed parks, retention of unique natural areas, etc.) while allowing developments to achieve the overall density of the underlying zone. The flexibility of these provisions is attractive to developers. It is important that the City continue to scrutinize planned development designs to insure that amenities are being provided in excess of what is normally required. It is also imperative that the conditions attached to these planned developments, especially as they concern the technical aspects of the development (including those requirements of the underlying zone) are carefully considered and then specified.

Based on the information presented on land use controls, the City finds that:

- 1) The traditional tools for land use development—the zoning and subdivision ordinances—have been used almost exclusively in McMinnville until recently.
- 2) A number of alternative development tools are available for land use control; these tools merit future consideration by the City. They include: performance standards, transferable development rights, the purchase of development rights, and density bonus incentive zoning.

APPLICANT’S RESPONSE: As stated above, the proposed map amendments will allow approval of Baker Creek North, a residential planned development that maintains the density of the underlying R-4 zone. The attached preliminary development plans demonstrate that housing will be clustered for efficient provision of transportation and utilities facilities. The proposed open space tracts will function as community gathering spaces and will address both active and passive recreational needs of the neighborhood. Proposed recreational facilities also include the development of an off-site trail within 14.9 acres of donated park land north of the development. As such, the proposed amenities on-site and off-site improvements on the donated land are being provided in excess of what is normally required under traditional subdivision and zoning ordinances. These benefits associated with the proposed planned development will be provided without a request for transferable development rights, the purchase of development rights, or density bonus incentive zoning.

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FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

3) The planned development provisions of the zoning ordinance have been used extensively in McMinnville. Advantages of planned developments include:

- Less expense in development and maintenance than the conventional grid design if properly designed. More efficient use of streets and sewers can allow savings to accrue not only to the housing consumer, but also to the local government body which must ultimately service the new population's needs.
- Opportunities for the development to design with flexibility, incorporating street patterns and residential arrangements which effectively utilize the land and can protect unique natural areas.

APPLICANT'S RESPONSE: The applicant is proposing use of the City's planned development provisions to create attainable housing opportunities for a variety of income levels. The proposed mix of small, medium, and large lot single-family dwellings will address the diverse housing needs of the community. As demonstrated by the attached preliminary development plans, efficient provision of transportation and utility services will be achieved by the proposed street layout and the use of alleys. Smaller yards and increased density along the south side of the site is consistent with the goals of the transit corridor along Baker Creek Road, while larger lots in the northern portion of the site provide a buffer for the natural area associated with the donated special use park land.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

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

APPLICANT'S RESPONSE: The Baker Creek North Planned Development provides several public benefits in addition to varied housing options. The mix of housing types will promote social inclusion and a more diverse street scape, adding to homes and property values, as opposed to a monotonous cookie cutter pattern of a standard subdivision approach. Smaller yards and clustering of density along the south side of the project adjacent to the transit corridor will allow for more reduction of resource consumption in terms of yard maintenance costs and use of alternative transportation modes such as walking or biking, and eventually transit use, once added as planned by local authorities.

The attached Landscape Plans demonstrate that 19 open space tracts are proposed to be developed with pedestrian pathways and recreation amenities. The recreational spaces will be attractively landscaped as shown on the landscaping plans included in the application materials. Proposed amenities including multiple play structures, picnic shelter, picnic tables, and park benches. The community spaces will support active and passive recreation interests and promote social interaction among the residents.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans

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are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

- 5) When planned developments are utilized, it is important that those requirements which are varied in the zoning ordinance are carefully considered and that new requirements are clearly specified.

APPLICANT’S RESPONSE: As required, the applicant has addressed how the proposed Code standard modifications are offset by the proposed amenities. The requested modifications are detailed in this narrative and include variations from the minimum lot size, setback, and frontage requirements. The applicant is also proposing to include common drives, paired driveways, alleys, pedestrian accessways, and modified street tree spacing within the planned development.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and notes that the specific requirements that are varied in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

ADDITIONAL DESIGN CONSIDERATIONS

Two specific areas of concern were examined by the Citizens’ Advisory Committee’s subcommittees in relation to residential development designs.

The incorporation of solar access review into the land division ordinance received favorable reaction. Such review could require that all subdivision designs seek to maximize access to the sun through orientation of both streets and lots. This requirement has been used in other cities without causing major development problems. By orienting streets and lots towards the optimal access to the sun, the City would not be requiring the installation of active solar energy systems, but would instead encourage and allow the use of both passive and active solar systems. The large size of future areas proposed for residential development further enhances the applicability of this design requirement in McMinnville.

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

Based on the information presented on residential development design considerations, the City finds that:

- 1) A minimum level of public facilities and services including, but not limited to, sanitary sewer, storm drainage systems, water services, and improved streets should continue to be required for all residential developments. The standards for these facilities and services should be periodically examined to insure the services are commensurate with, but do not exceed, the density of development projected.

APPLICANT’S RESPONSE: The submitted plans demonstrate that the proposed development meets City standards for sanitary sewer, storm, and water services. The proposed street improvements will support all modes of transportation. Pedestrian accessways are proposed, helping to encourage alternative modes of travel to parks, schools, and other activity centers.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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- 2) Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. Planned developments can preserve large open areas for open space by clustering development in smaller areas. The requirements of landscaping ordinance also insure that multiple-family developments provide both open recreational space and landscaped open areas.

APPLICANT'S RESPONSE: The attached Preliminary Site Plan indicates that the applicant is proposing to reduce setbacks for some of the housing types in order to cluster the residential development and preserve more of the site for common open space. As a result, larger open space areas are provided with the proposed planned development than what is normally provided if the site were subdivided under traditional zoning. Besides the preservation of open space in tracts to off-set smaller lots and smaller yard setbacks on some lots, some lots have larger yards and larger setbacks, thus open space is also preserved in larger yards (i.e. on the east edge of the site adjacent to Oak Ridge subdivision).

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

- 3) Parkland requirements in the land division ordinance provide for either the dedication of parkland to the public or payment of moneys in lieu of land to develop the city park system. The requirements of the ordinance need to be examined to see that all future residential developments, including mobile home parks and newly created parcels through partitioning, contribute equitably to the park program.

APPLICANT'S RESPONSE: The submitted plans indicate donation to the City of several open space tracts with recreation amenities within the Baker Creek Planned Development. The other tracts not desired as park land for the City will be owned and maintained by a homeowners association. In addition, the applicant is proposing to donate a separate 14.9 acre parcel to the City as park land. To facilitate public use of the park land, the applicant is proposing to install off-site pedestrian trail improvements within the donated land during Phase 2A and/or Phase 3A of the Baker Creek North Planned Development project to connect the BPA corridor to the east, such that it may extend east to Tice Park with improvements off-site by others as envisioned in the City's parks plan of 1999.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

- 4) The incorporation of solar access review into the land division ordinance should be undertaken. Such review would require the orientation of streets and lots towards the sun in a manner which would best utilize access to solar energy. The requirement should not be designed to lessen the density of development available on any parcel of land.

APPLICANT'S RESPONSE: The attached plans illustrate that the proposed streets are laid out in an east-west direction to the maximum extent possible given limitations of the existing topography, significant natural features along the north boundary of the site, and the existing street pattern.

FINDING: SATISFIED. The City concurs with the applicant's findings.

- 5) The City should encourage the provision of bike and foot paths within residential developments to connect to public and/or private parks, or recreation facilities and to connect to any paths which currently abut the land.

APPLICANT'S RESPONSE: The applicant's Preliminary Landscape Plans illustrate how proposed pedestrian paths within the common open space tracts and the proposed pedestrian accessways connect to recreation facilities within the site and to those which abut the site. Specifically, the plans indicate that a proposed pedestrian pathway directly connects to the powerline (BPA easement) trail south of the site. In addition, the plans demonstrate that several pedestrian paths will provide connections to a proposed off-site trail within the donated park land adjacent to Baker Creek.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the specific dedications, improvements, and amenities included in the Planned Development plans are described in more detail in the findings for other applicable Comprehensive Plan policies and review criteria below.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

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.

Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

APPLICANT'S RESPONSE: In 2001, the City adopted the Residential Land Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meet higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

While the 2001 analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon.

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McMinnville currently has a deficit of 217 gross acres of R4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply.

While the current Housing Needs Analysis has not been acknowledged by the State, it still qualifies as a beneficial study and provides helpful information regarding McMinnville's current and future housing needs. The study received grant funding from DLCDC, and a condition of the grant award, this State agency prepared a scope of work and qualified the consultant Econorthwest to prepare the report. DLCDC staff currently serves as a member of the project's Technical Advisory Committee and has ensured that the study's methodology follows Oregon Administrative Rule standards.

It is due to rising housing costs, as well as McMinnville's persistent challenge to maintain an adequate residential land supply, that the City is currently updating its Buildable Lands Inventory and Housing Needs Analysis. These studies have identified how many acres of additional residential land must be added to the Urban Growth Boundary (UGB) to meet housing demands over the next 20-year planning period. The City has also identified new strategies to encourage the development of a greater variety of housing types including single-family detached homes, townhomes, mobile homes, condominiums, duplexes, apartments, and affordable housing options.

As demonstrated by the attached Preliminary Development Plans, the proposed project will facilitate the development of 280 small, medium, and large sized single-family lots within the Baker Creek North Planned Development area. The proposed planned development amendment to the overlay created by Ordinance 4633 will allow for the future development of up to 120 apartment units within the C3 zoned area as demand for commercial uses and housing determines. This will further help to address McMinnville's current housing needs. A future development application will be submitted for the development of the multi-family dwelling units on the C3 zoned portion of the site. As discussed throughout this narrative, the proposed map and planned development amendments are consistent with applicable residential policies and the land development regulations of the City.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant's findings, but notes that the proposed Planned Development plans would allow for an average lot size of 4,930 square feet, with lots ranging from 2,340 square feet at the smallest to 17,977 square feet at the largest. The largest lots are proposed in locations with physical characteristics that present difficulty in the development of the lot, such as steeper slopes. The minimum, maximum, and average lot size of each of the seven different lot types proposed is as follows:

LOT TYPE	MIN. LOT AREA	MAX. LOT AREA	AVERAGE LOT AREA
 SFD-70	8820 S.F.	17,977 S.F.	10,962 S.F.
 SFD-60	5400 S.F.	10,083 S.F.	5978 S.F.
 SFD-50	5060 S.F.	12,116 S.F.	6578 S.F.
 SFD-45	4216 S.F.	6484 S.F.	4693 S.F.
 SFD-40	3881 S.F.	6097 S.F.	4154 S.F.
 SFD-30a	2700 S.F.	4401 S.F.	2977 S.F.
 SFD-26a	2340 S.F.	4557 S.F.	2660 S.F.

Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and localized densities within the overall planned area. The overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. This is found to be close to the required density of the underlying R-4 zone, as allowed through a Planned Development by Policy 79.00. A condition of approval is included to allow for the lot size averaging as proposed.

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.

APPLICANT'S RESPONSE: In order to create a more intensive and energy efficient pattern of residential development, the applicant is requesting approval of a Zoning Map Amendment to zone 9.41 acres of existing R1 zoned land and 39.29 acres of currently unzoned land to an R4 classification. The attached Preliminary Development Plans demonstrate that all of the R4 zoned land will be included within the proposed Baker Creek North Planned Development.

The submitted plans illustrate that the planned development will provide an urban level of private and public services. The submitted planned development application includes a request to modify several City Code standards so that unique and innovative single-family detached housing can be developed on the subject site that is land intensive. The plans demonstrate that the proposed housing provides a more compact urban form, is more energy efficient, and provides more variety in housing types than are developed in the R4 zone with a standard subdivision.

The amendment to the planned development overlay ordinance to allow no more than 120 multifamily dwelling units on the commercial parcel will also help facilitate the development of more efficient housing in the area.

FINDING: SATISFIED. The City concurs with the applicants findings, and adds that the subject site of the Planned Development request is designated Residential on the Comprehensive Plan

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map and is in an area where urban services are already available. The proposed Planned Development would allow development of the land to provide a variety of housing types through the lot size averaging provision of the Planned Development. The proposed Planned Development would help achieve buildable land planned and zoned for residential housing, helping to meet McMinnville's housing needs.

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.

APPLICANT'S RESPONSE: The site is adjacent to NW Baker Creek Road, an area where urban services are already available, and near NW Hill Road, where the City has recently made improvements to urban services to accommodate development in McMinnville.

FINDING: SATISFIED. The City concurs with the applicants findings.

Policy 69.00 The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

APPLICANT'S RESPONSE: This is a directive to the City and not an approval criterion. The planned development ordinance which is being used in this application appears to integrate the proposed housing and commercial uses as proposed in the amended planned development in a compatible framework.

FINDING: SATISFIED. The City concurs with the applicants findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:

APPLICANT'S RESPONSE: Much of the proposed planned development area north of Augustine, Charles and Wessex, respectively, will be developed with blocks in a medium-density range (4-8 dwelling units per net acre) like most of McMinnville. These lots south of Augustine, Charles, and Wessex, respectively, have density ranges by block from about 10 to 15 units a net acre. Bringing the overall site to just over 8 dwelling units per net acre.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. This is found to be close to the required density of the underlying R-4 zone, as allowed through a Planned Development by Policy 79.00.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]
1. Areas that are not committed to low density development;

APPLICANT'S RESPONSE: The applicant is requesting approval of a Zoning Map Amendment to change 9.41 acres of existing R1 zoned land to an R4 classification. The 2001 McMinnville Residential Land Needs Analysis evaluated housing needs for the 2000-2020 planning period and determined that 63.9 acres of additional R4 zoned land should be added the UGB. As mentioned above, the City is currently conducting a Housing Needs Analysis and has found that

McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB for the 2018-2041 planning period.

When the City's UGB last expansion effort was undertaken in 2011, a Court of Appeals remand prevented 320.2 acres of identified buildable residential land need from being included in the UGB. Since a future UGB expansion effort could have similar challenges, some existing low-density residential land should be changed to medium and high-density designations. The proposed R4 zoning of the 9.41 acres of existing R1 zoned land will permit an increase in residential density, helping to address the City's critical need for additional housing units without expanding the City's UGB.

FINDING: SATISFIED. The applicant has submitted Comprehensive Plan Map Amendment and Zone Change applications for concurrent review with this Planned Development request. Findings for the Comprehensive Plan Map Amendment and Zone Change are addressed in the Decision Documents for those land use applications.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

2. Areas that have direct access from collector or arterial streets;

APPLICANT'S RESPONSE: The attached Preliminary Development Plans indicate that the proposed R4 zoned portion of the site, and the C-3 zone area, are located directly adjacent to NW Baker Creek Road, a minor arterial street (see Exhibit 3). The proposed planned development is provided consolidated access onto NW Baker Creek Road from the proposed extensions of NW Hill Lane, NW Meadows Drive, and NW Shadden Drive.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;

APPLICANT'S RESPONSE: The submitted Preliminary Development Plans indicate that the proposed R4 zoned area of the site is not constrained by environmental factors such as topography, flooding, or poor drainage. The proposed planned development is located outside of the riparian corridor along Baker Creek north of the site, where a 100-year floodplain limits development.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #12 & #13. The City concurs with the applicant's findings. The site is located south of mapped development limitations such as floodplains and wetlands, so the higher density residential development supported by the Planned Development is appropriate. However, the lots along the northern portion of the site are proposed to be located on or near a bluff with a slope, where additional grading is proposed to accommodate development on some of the lots. This area of the site is identified on the Oregon Department of Geology and Minerals (DOGAMI) geologic hazard map as an area with potential landslide susceptibility.

Per the conclusions and recommendations of the provided "Preliminary Geotechnical Engineering Report", "additional analysis will be required to address Oregon Department of Geology and Minerals (DOGAMI) geologic hazard mapping in the northern portion of the site where engineered fill, residential homes, and public streets are proposed near slopes extending to the wetland." More specifically, the report notes the following:

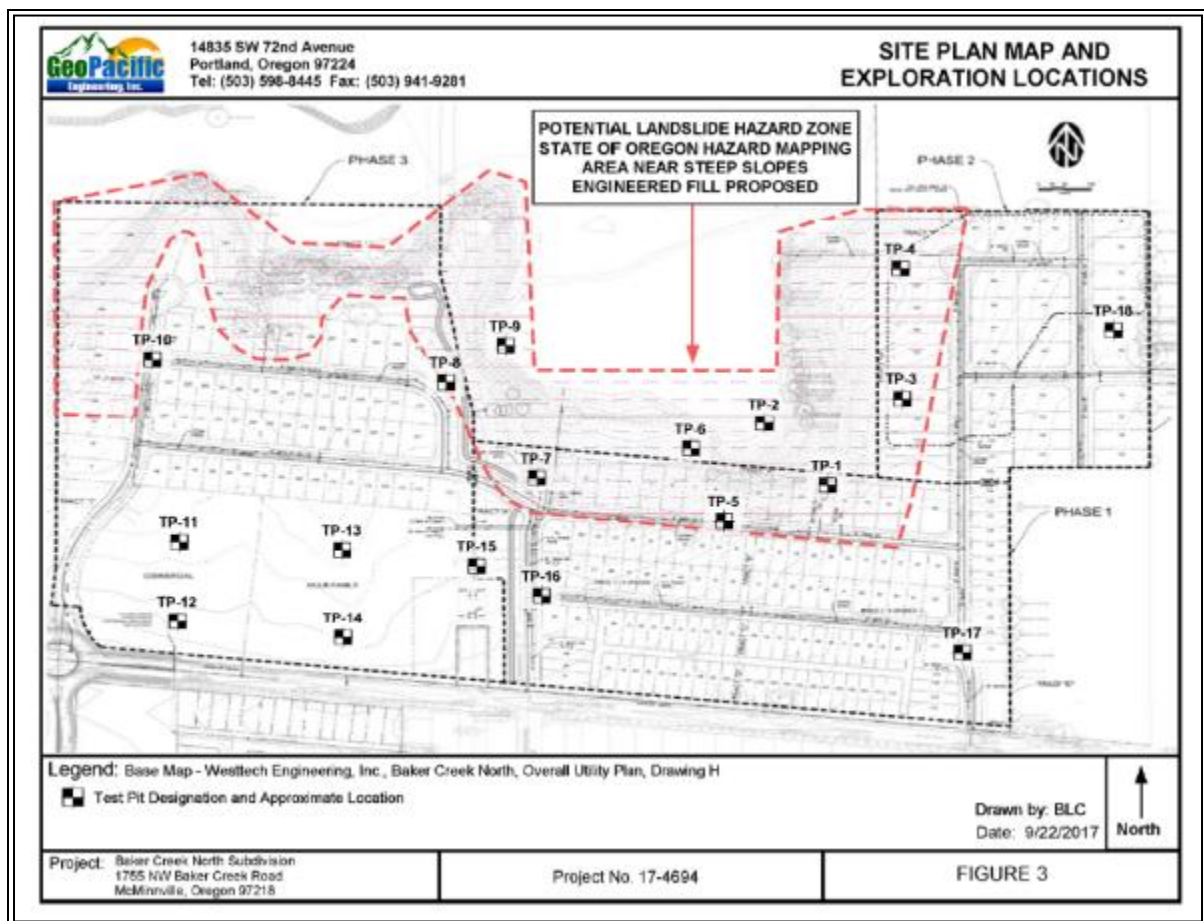
"The primary geotechnical concern associated with development at the site is the potential for slope instability in the northern portion of the site where the client has indicated that significant

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engineered fills will be proposed. Based upon our review of preliminary project plans prepared by Westtech Engineering, Inc., entitled Baker Creek North Subdivision, Drawing H, Overall Utility Plan, dated July 2017, specific areas which appear to be located within the DOGAMI hazard zone include Lots 1-16, 162-172, 192-200, 203-206, 211, C Street, and the pump station (see Figure 3). GeoPacific should be consulted to review the grading plan when it becomes available, and to conduct a slope stability analysis of the northern portion of the site with the proposed grading. The soils observed in the test pits in the northern portion of the site appeared to display moderate plasticity, and moderate to high shear strength, which typically indicates relatively stable sloping conditions under normal loading. The degree of engineered fill proposed in the area will impact stability of the slopes and should be studied further. It appears likely that placement of engineered fill may be accomplished in the area with installation of keyways, subdrains, and benching. However, slope stability analysis of the area should be conducted which would at a minimum include creation of geologic cross-sections with the proposed development in the northern portion of the site near the wetland slopes, and quantitative slope stability calculations which take into consideration the proposed surcharge loading of the engineered fill. A static factor of safety of 1.5, and a pseudostatic factor of safety of 1.1 against potential slope instability are considered to be the minimum factors of safety for placement of engineered fill and construction of homesites and roadways near a slope."

It should be noted that the "Preliminary Geotechnical Engineering Report" was completed under the assumption of an earlier development plan, and the lots identified in the report above are not consistent with the lots that would need to be analyzed further. The specific area of the site requiring additional analysis is identified in Figure 3 of the report and below:



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Therefore, a condition of approval is included to require that, prior any permits being issued for construction activities on the site, an additional geotechnical analysis of the area identified in Figure 3 of the “Preliminary Geotechnical Engineering Report” dated October 2, 2017 shall be submitted to the City for review and approval. Should the additional analysis determine that the lots as proposed are not able to be developed, it shall be the applicant’s responsibility to request an amendment to the Planned Development and the adopted site plan. The applicant will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director’s decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director’s decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

In addition, a condition of approval is included to require that all development of the site outside of the areas identified in Figure 3 of the “Preliminary Geotechnical Engineering Report” dated October 2, 2017 follow the recommendations in Section 6.1 through Section 7.1 of the “Preliminary Geotechnical Engineering Report” dated October 2, 2017.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

4. Areas where the existing facilities have the capacity for additional development;

APPLICANT’S RESPONSE: The Existing Conditions Plan demonstrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant worked with City staff to confirm sewer and other utility capacity exits. The submitted plan also indicates that NW Hill Road’s transportation facilities have recently been upgraded and a roundabout has been installed at the intersection with NW Baker Creek Road adjacent to the site. The City is adding center turn lane striping to Baker Creek Road. These transportation facilities can accommodate future development of the subject site as well as other developable properties in McMinnville’s northwest quadrant. This is further demonstrated by the transportation study provided with this application.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

5. Areas within one-quarter mile of existing or planned public transportation; and

APPLICANT’S RESPONSE: The proposed R4 zoned area and C3 zoned area are currently located within ¼ mile of planned public transportation as described in the October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I (see also response to Policy 70.01 above).

APPLICANT’S RESPONSE TO POLICY 71.01: The Baker Creek North site is located within a ¼ mile of the north side of a planned transit corridor. The October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I, which was adopted on 10/18/18, shows the area of Baker Creek North as adjacent to a planned transit corridor in Figure 2-11 (page 2-18), Figure 6-18 and 6-19 (pages 6-26 and 6-27 respectively).

The area is labeled as 1b. Baker Creek Road and Hill Road on the TDP’s Figure 2-11 Potential Future Transit Service Areas. Route “5” is labeled as a future route serving Baker Creek Road on the TDP’s Figure 6-18 System Map and Figure 6-19 McMinnville map, both subtitled Near-Term, Short-Term and Mid-Term Changes. Finally, the TDP’s page 6-31 shows this planned new transit corridor as Project ID number SL9.

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The significance of the proximity of the Baker Creek North site being within ¼ mile of this transit corridor is that that area is not limited by the 6 units per acre density applied to areas outside of ¼ mile of a planned transit corridor by Policy 71.01. The proposed planned development amendment condition to allow no more than 120 dwelling units would allow multi-family to be dispersed into this area. This area is also within a ¼ mile of the transit corridor, so it is not limited by the 6 units per acre policy.

The submitted Preliminary Development Plans indicate that 280 single-family dwellings will be constructed within the site's 48.7 acre planned development. Virtually the entire planned development site is inside the transit corridor, less than ¼ miles away from Baker Creek Road. The planned development area has a gross density of 5.75 units per acre, and a net density of 8.16 dwelling units per net acre. Therefore, the planned densities meet this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – [...]

6. *Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

APPLICANT'S RESPONSE: There are no low density residential areas adjacent to the Baker Creek North site that are planned for high density residential uses.

There is a church and a residential development known as Oak Ridge east of the site that was developed with an R2-PD overlay zone. There is also a proposed development northeast of the site, which is a new residential development and a modification of an old approved development. These areas are not low density even though underlying zoning may be R-2 because net density is over 4 units per acre, classifying them as medium density developments per Policy 71.09 above. The proposed lots in this area of Baker Creek North Planned Development are larger, therefore they will not be development at a higher density. The attached Preliminary Development Plans demonstrate that the proposed lots adjacent to the Oak Ridge development are extra deep to retain the mature trees along this boundary. The trees and extra deep rear yards will help buffer this existing development, regardless of how density is measured for the adjacent development.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #14. The City concurs with the applicant's findings, and adds that a condition of approval has been included to require the protection of mature trees as identified in the Planned Development plans.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development:

1. *Areas which are not committed to low or medium density development;*

APPLICANT'S RESPONSE: In 2001, the City adopted the McMinnville Housing Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meeting higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application in 2011. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

As mentioned above in response to Policy 71.09 1., the City is currently conducting a Housing Needs Analysis and has found that an additional 449 acres should be added to the UGB to meet housing needs over the next 20 year planning period. When the City's last attempt to expand the UGB occurred in 2011, a Court of Appeals remand prevented 320.2 acres of identified

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buildable residential land need from being included in the UGB. Since only a portion of the current housing need can currently be accommodated by Residential designated land within the UGB, some low-density residential land will need to be changed to medium and high-density designations. The proposed R4 zoned portion of the site, most of which has not yet received urban zoning, is not currently committed to low or medium density housing. This area and the 9.41 acres zoned R1 that will change to R-4 classification will allow a needed increase in residential density, helping to address the City's critical need for additional housing units. These factors make this area appropriate for high density residential development.

FINDING: SATISFIED. The applicant has submitted Comprehensive Plan Map Amendment and Zone Change applications for concurrent review with this Planned Development request. Findings for the Comprehensive Plan Map Amendment and Zone Change are addressed in the Decision Documents for those land use applications.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

2. *Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;*

APPLICANT'S RESPONSE: As mentioned above in response to Policy 71.09 2., there are no established low-density residential areas adjacent to the site. To the south of the site, the proposed planned development is buffered from existing residential areas with an R1-PD zone overlay by NW Baker Creek Road, a minor arterial street. To the east of the site is the Oak Ridge Subdivision, which has been developed with medium-sized lots in the R2-PD zone overlay. The proposed development has extra deep lots adjacent to the Oak Ridge lots to allow existing trees to remain in the rear yards as a buffer. Mitigation measures to buffer the proposed development are not required since there are no low-density residential areas adjacent to the site.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #14. The City concurs with the applicant's findings, and adds that a condition of approval has been included to require the protection of mature trees as identified in the Planned Development plans.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

3. *Areas which have direct access from a major collector or arterial street;*

APPLICANT'S RESPONSE: As mentioned above in response to Policy 71.09 4., the proposed R4 zoned portion of the site is located directly adjacent to NW Baker Creek Road, an arterial street. The proposed planned development is provided with consolidated access to NW Baker Creek Road, a minor arterial street, from the proposed extensions of NW Hill Lane, NW Meadows Drive, NW Shadden Drive. Therefore, the proposed access is appropriate for the high-density development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

4. *Areas which are not subject to development limitations;*

APPLICANT'S RESPONSE: The development site is appropriate for high-density development since it is not constrained by development limitations.

FINDING: SATISFIED. CONDITIONS OF APPROVAL #12 & #13. The City concurs with the applicant's findings. The site is located south of mapped development limitations such as floodplains and wetlands, so the higher density residential development supported by the Planned Development is appropriate. However, the lots along the northern portion of the site are proposed to be located on or near a bluff with a slope, where additional grading is proposed to accommodate development on some of the lots. This area of the site is identified on the Oregon Department of Geology and Minerals (DOGAMI) geologic hazard map as an area with potential landslide susceptibility.

Per the conclusions and recommendations of the provided "Preliminary Geotechnical Engineering Report", "additional analysis will be required to address Oregon Department of Geology and Minerals (DOGAMI) geologic hazard mapping in the northern portion of the site where engineered fill, residential homes, and public streets are proposed ear slopes extending to the wetland." Therefore, conditions of approval are included to require additional geotechnical analysis to occur in a portion of the site, and that other recommendations from the "Preliminary Geotechnical Engineering Report" are followed in the development of other portions of the site. These required conditions of approval are described in more detail in the finding for Policy 71.09(3) above.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

5. Areas where the existing facilities have the capacity for additional development;

APPLICANT'S RESPONSE: The submitted Existing Conditions Plan illustrates that adequate public utilities are currently located within NW Baker Creek Road and can be extended to serve the proposed development (see Exhibit 3). The applicant completed analysis in conjunction with the City which concluded sewer capacity exists to serve the site. The submitted plan also indicates that NW Hill Road's transportation facilities were recently upgraded with the addition of a roundabout at the intersection with NW Baker Creek Road. Center turn lanes on Baker Creek Road were also added by the City. The transportation improvements were designed to accommodate future development of the subject site and other developable properties in the northwest area of McMinnville. Sufficient existing capacity of facilities adjacent to the site make it appropriate for high density residential development. This is further evidenced by the traffic analysis provided by the applicant with this application.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

6. Areas within a one-half mile wide corridor centered on existing or planned public transit routes;

APPLICANT'S RESPONSE: As discussed above in response to Policy 71.09 5., all of the proposed R-4 zoned and C-3 zoned areas are located within one-half mile of planned public transit routes. This proximity to planned public transit routes makes this area appropriate for high density residential development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

7. Areas within one-quarter mile from neighborhood and general commercial shopping centers; and

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APPLICANT'S RESPONSE: The applicant is proposing a Zoning Map amendment to designate 6.62 acres within the C3 zone in the southwest corner of the site, conforming to the Commercial Comprehensive Plan designation for that parcel. This proximity to a commercial designated land qualifies this site for high density residential development, and the proposed R4 zoning classification requested.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development: [...]

8. Areas adjacent to either private or public permanent open space.

APPLICANT'S RESPONSE: Included with the proposed Baker Creek Planned Development are numerous common open space areas with amenities that will serve a variety of recreational needs in the community. The submitted plans indicate that the proposed open space areas are located in various portions of the site to permit both active and passive recreation uses for all. Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, park benches, trails and paths, and more. The proposed open space areas have been sited to extend the City's network of park facilities by connecting to the existing BPA powerline trail. The proposed park improvements will allow the trail to extend north. As indicated by the attached landscape plans, the proposed paved trails will connect to an unpaved off-site trail within the donated park land. The open space tracts and donated park land, if owned by the City, will be excellent assets to the City's park system. Proximity to the proposed open spaces make this subject site suitable for high density residential development per this Policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that open space and park areas are provided in the Planned Development, and will be described in more detail in the findings for Policy 75.00 and Policy 76.00 below.

Planned Development Policies

Policy 72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

APPLICANT'S RESPONSE: As this narrative and responses to these Policies have demonstrated, the proposed zoning of R4 for the residential designated portions of the site is appropriate due to the site characteristics. The applicant could develop the site with a standard subdivision approach to meet the R4 standards with basic 2,500 square feet common wall dwelling lots (townhouses) and 5,000 square feet cookie cutter detached single-family dwellings. However, because it is written in Policy 72.00 that it is the City's policy that planned developments shall be encouraged and be the favored form of residential development in the City, and in order to allow the developer to use unique and innovative development techniques as is the City's goal (see Goal V 2 above), the applicant has prepared a planned development application for the R4 zoned portion of the site to help meet the City's goals and policies. Likewise, the applicant is proposing to amend the planned development overlay created under Ordinance 4633 to strike the existing conditions and allow no less than 2 acres of neighborhood commercial and no more than 120 multi-family dwelling units on the C3 zoned portion of the site.

The Baker Creek North Planned Development will accrue the benefits sought by this policy in many ways, some of which are highlighted here. The development provides a bounty of open space, common walkways and recreational amenities to support the social fabric of the community and creating habitat space to benefit the environment. The proposed lot sizes and

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building setbacks create attainable housing choices for a variety of income levels. The mix of housing will promote social inclusion and an aesthetically diverse streetscape adding to the value of homes and property. The volume of new dwellings will help support the community's need for housing, providing economic and social benefits for the City. Smaller yards and clustering of density along the south side of the project adjacent to the transit corridor will allow for a reduction of resource consumption in terms of yard maintenance costs as well as an incremental reduction in transportation costs since more residents will live closer to the arterial and have convenient access to transit options in the future. Therefore, environmental benefits will be provided by a reduction in pollution that comes from less yard maintenance and fewer vehicle trips for residents. Higher density housing in the planned development will support the demand for future planned transit, which will deliver a social, economic and environmental benefit to all residents in that corridor.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 - 22. The proposed Planned Development is consistent with the Planned Development policies of the Comprehensive Plan. Policy 72.00 echoes language found in Oregon Planning Goal 5 regarding the analysis of economic, social, and environmental consequences that could result from a decision to allow a use conflicting with natural resources, scenic and historic areas, and open spaces. The policy encourages the use of Planned Developments when economic, social, and environmental savings accrue to the City. The proposed provision of improved open spaces (public and private) and the protection of natural resources would meet the intention of this policy. Public and private parks within the planned development would provide social and recreation opportunities that would not otherwise exist but for the planned development process. Economic savings for the City would be realized through the arrangement for private maintenance of public open space until 2032 and the inclusion of alleys in private tracts or easements. Environmental savings would be accrued through a number of elements of the Planned Development, including protection of a large area of land that is identified as 100-year floodplain, protection of significant trees, and orientation of lots and streets to reduce development on areas that slope towards the Baker Creek floodplain area. Conditions of approval are included to ensure these economic, social, and environmental savings result from the Planned Development.

Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

APPLICANT'S RESPONSE: The attached Typical Lots Plan indicates that the applicant is proposing 7 different single-family lot sizes with specifications to provide a variety of housing types within the development. Lots that would normally contain a common wall structure (a.k.a. townhouse) are proposed with side yards, so the lots are wider than the standard to accommodate the yards. These planned development lots allow a product that is similar to a townhouse, but better for the occupant in many ways, including livability, independence and privacy. These two types (SFD-26 & SFD-30) are the "small" lots. The two types (SFD-45 & SFD-40) slightly smaller than standard R-4 lots are "medium" lots. Lots larger than standard R-4 lots (SFD-50, SFD-60, & SFD-70) are "large" lots. The Preliminary Site Plans illustrate that some of the lots will be accessed by alleys and others directly from the street. Some will even have front yards facing a common walkway and green space. Also, lot sizes vary from street to street or block to block, and sometimes even alternate from lot to lot. This unique approach to the lot layout adds to the variety of housing available on a given street. Depending on the lot size, single-family homes will be developed as either one or two-story structures. With different single-family dwelling choices on small, medium and large sized lots, the planned development will offer attainable housing for a wide range of income levels within the community.








FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The City concurs with the applicant's findings, and adds that the Planned Development includes the development of 7 different lot types, arranged in a transition of density from higher density on the southern portion

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of the site to lower density on the northern portion of the site where lots are closer in proximity to the environmentally sensitive area that is proposed to be dedicated as a public park. Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and potential prices within the Planned Development.








The Planned Development plans would allow for an average lot size of 4,930 square feet, with lots ranging from 2,340 square feet at the smallest to 17,977 square feet at the largest. A condition of approval is included to allow for the lot size averaging as proposed. As described by the applicant, the “small” lots (SFD-26 and SFD-30) are narrower and comparable to the lot size that would be required for townhouses, with the one exception that the dwelling units proposed on these lots would be detached. To mitigate the visual and physical compactness of the narrow lots with detached dwelling units, these lots are proposed to be accessed from an alley on the rear of the. The average lot size of the alley-loaded lots is 2,758 square feet, which exceeds the minimum lot size requirement of the R-4 zone if the dwelling units were attached as townhouses. The average lot size of the front-loaded lots is 5,769 square feet, which exceeds the minimum lot size of the R-4 zone. The minimum, maximum, and average lot size of each of the 7 different lot types are identified below:

LOT TYPE	MIN. LOT AREA	MAX. LOT AREA	AVERAGE LOT AREA
 SFD-70	8820 S.F.	17,977 S.F.	10,962 S.F.
 SFD-60	5400 S.F.	10,083 S.F.	5978 S.F.
 SFD-50	5060 S.F.	12,116 S.F.	6578 S.F.
 SFD-45	4216 S.F.	6484 S.F.	4693 S.F.
 SFD-40	3881 S.F.	6097 S.F.	4154 S.F.
 SFD-30a	2700 S.F.	4401 S.F.	2977 S.F.
 SFD-26a	2340 S.F.	4557 S.F.	2660 S.F.

Each phase of the Planned Development, which is proposed as a 10-phase subdivision, includes at least 3 of the 7 total lot types. This will ensure a variety and mixture of housing types and potential prices within each phase of the development. The number of lots by type within each phase of the development is identified below:

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BAKER CREEK NORTH LOT TYPES BY PHASE											
LOT TYPE	PHASE										TOTALS:
	1A	1B	1C	1D	2A	2B	2C	3A	3B	3C	
 SFD-70	–	–	–	7	5	–	2	7	–	–	21
 SFD-60	–	–	–	–	2	–	6	7	14	7	36
 SFD-50	–	–	–	–	4	5	8	8	6	14	45
 SFD-45	5	2	3	4	–	–	–	–	1	1	16
 SFD-40	14	23	–	21	14	12	–	–	–	–	84
 SFD-30a	–	3	–	–	11	10	–	–	–	–	24
 SFD-26a	16	3	16	–	11	8	–	–	–	–	54
TOTAL LOTS:	35	31	19	32	45	35	16	23	22	22	280
AVERAGE SINGLE-FAMILY LOT SIZE = 4,930 SQ. FT.*											
* AVERAGE ALLEY-LOADED LOT SIZE = 2,758 SQ. FT. AVERAGE FRONT-LOADED LOT SIZE = 5,769 SQ. FT.											

Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

APPLICANT'S RESPONSE: The applicant has sited the proposed planned development to capitalize on its location along the bluff overlooking the Baker Creek riparian corridor. The general natural topography of the site will be retained with the proposed development. Proposed Tract F is an open space that will have a public path, benches and picnic amenities for the community, with excellent views of this natural feature. Tract L is also an area that will contain a trail with public access to view this significant adjacent natural area. Tract N is being preserved as a common open space with significant trees, and the trees on the rear of the lots along the east boundary adjacent to Oak Ridge development are also preserved, along with various single trees on the rear of lots along the site's boundary. (see Landscape Plans)

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8, and 14. The City concurs with the applicant's findings. The subject site contains many natural, topographic, and aesthetic features that the proposed Planned Development would retain and protect. The most significant of these natural features is the 100-year floodplain area that exists within the parcel proposed to be dedicated as a public park. No development is proposed to occur within that parcel, other than recreational uses, which will preserve the land and the environmental benefits and functionality that these lands serve in the Baker Creek corridor. Open space areas are proposed in Tract N and Tract F to preserve areas of steep slopes and stands of existing significant trees within the Planned Development boundary. The requested zoning departures of lot size averaging and reductions in lot sizes will encourage development of the site that would be sensitive to existing slopes, significant trees, and floodplains that are found within and near the site. Conditions of approval are included to require the creation of the open space tracts, the

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preservation of existing natural features where applicable, and to require the review and approval of any tree request where significant trees are proposed to be preserved.

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.

APPLICANT’S RESPONSE: The Baker Creek Planned Development includes 19 proposed common open space tracts that are designed to directly benefit future residents of the development. After the proposed open space tracts are developed with active and passive recreation amenities as shown on the applicant’s Landscape Plan sheets and the final plat records for the respective phase of development, the applicant is proposing to dedicate those tracts and facilities to the City of McMinnville that the City desires to own. Any tracts not dedicated or accepted by the City will be transferred to an incorporated homeowners association with an assessment and reserve fund to maintain the common areas for the community.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8. The Planned Development includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the Planned Development boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). The City is willing to accept some of the tracts and parcels for public use. Conditions of approval are included to verify that, at the time of subdivision of each phase of the Baker Creek North Planned Development, Tract G, Tract I, Tract J, Tract K, and Tract L will be dedicated to the City as public parks. The condition of approval specifies that the City will accept maintenance responsibility of Tract G, Tract I, Tract J, Tract K, and Tract L at the time of dedication.

Another condition of approval is included to require that the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) be dedicated to the City at the time of the platting of subdivision Phase 2A or Phase 3A. The condition of approval specifies that all required improvements within Parcel D shall be maintained by a Homeowner’s Association (HOA) until 2032, at which time all maintenance responsibilities shall be transferred to the City. The condition of approval also specifies that an agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City.

A condition of approval is included to ensure that the improvements within the tracts and parcel dedicated as public park and open space are improved to City standards. Specifically, the condition of approval requires the following improvements:

- a. **Tract I** – The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
- b. **Tract J** - The development of a 12 foot wide paved multi-use trail as identified on Drawing L3.0 and Drawing L8.0. The 12 foot wide paved multi-use trail in this portion of the site shall be allowed to be constructed partly within the right-of-way proposed as Meadows Drive, in lieu of providing the typical sidewalk improvements required for a local residential street. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.

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- c. **Tract K** – The development of the beginning of the 12 foot wide paved multi-use trail that will continue into Tract L. The trail identified on Drawing L3.0 and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract K shall be improved with landscaping, benches, picnic tables, trash receptacles, and dog waste stations as identified on Drawing L3.0 and Drawing L8.0. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
- d. **Tract L** - The development of a 12 foot wide paved multi-use trail that will continue from the connection at Tract K north to the northern boundary of Tract L, where it will continue into Parcel D (Park Dedication Parcel) as identified on Drawing L4.0. The trail identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0 is only 10 feet in width, but the trail shall be improved to 12 feet in width to be consistent with the existing BPA trail corridor south of Baker Creek Road. The remainder of Tract L shall be improved with landscaping and lighting as identified on Drawing L3.0, Drawing L4.0, and Drawing L8.0. The trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville.
- e. **Parcel D (Park Dedication Parcel)** – The development of a 12 foot wide multi-use trail that will continue from the connection at the northern boundary of Tract L to a trailhead that is improved as identified on Drawing L4.0. The trailhead shall be the terminus of the 12 foot wide multi-use trail identified and required within Tract I, Tract J, Tract K, and Tract L. In addition, a greenway trail shall be developed within Parcel D, starting at the trailhead described above, and continuing along the boundary of the area identified as 100-year floodplain. The greenway trail shall connect to the public park and greenway parcel approved and planned within the Oak Ridge Meadows subdivision to the northeast. The greenway trail shall be a bark chip bicycle/pedestrian trail throughout the greenway, constructed to City specifications. A development plan for the greenway with the trail system and any associated access ways (public or private) shall be submitted to the City for review and approval of the design and engineering prior to construction.
- f. **Tract G** – This tract is identified for a pump station. No specific improvements or landscaping were identified for this tract. Therefore, a landscape plan shall be provided for review by the Landscape Review Committee prior to any development of the tract. Also, the proposed sanitary sewer pump station site appears to be steeply graded. The pump station site will need to be designed with a site driveway that accommodates the Wastewater Services department’s service vehicles so that the pump station can be adequately maintained.

All other recreational or open space tracts within the Planned Development will be private and shall be maintained by the Homeowner’s Association in perpetuity. A condition of approval is included to ensure that the private recreational or open space tracts are either improved or preserved as shown in the landscape plans submitted with the Planned Development plans. Specifically, the condition of approval requires the following improvements:

- a. **Tract A** – The stormwater detention facility, fencing, and landscaping identified on Drawing L2.0 and Drawing L7.0.
- b. **Tract B** – Between Lots 69-72 and Lots 29-32, the development of 10 foot wide paved sidewalks along the west and east edges of the tract, commercial grade play equipment, open lawn space, 4 benches, and landscaping as identified on Drawing L2.0 and Drawing L7.0. Between Lots 25-28 and 21-24, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0.

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- c. **Tract C** – The development of the commercial grade play equipment, paved seating area with 3 benches, fencing, and landscaping as identified on Drawing L2.0 and Drawing L7.0.
- d. **Tract D** – The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0.
- e. **Tract E** - The development of a 10 foot wide paved sidewalk, bounded on each side by landscaping, as identified on Drawing L2.0.
- f. **Tract F** – The development of a 10 foot wide sidewalk along the southern edge of the tract, 3 benches, a minimum 22'x30' covered shelter structure with 5 picnic tables, a trash receptacle, a wood chip trail connecting from the paved sidewalk to the greenway trail required in Parcel D, and landscaping as identified on Drawing L2.0 and L8.0.
- g. **Tract H** - Between Lots 77-80 and 73-76, the development of a 10 foot wide paved sidewalk bounded on both sides by landscaping as identified on Drawing L2.0.
- h. **Tract N** – The preservation of all trees located with the tract, except those shown as being removed on Drawing L4.0. Prior to the removal of any additional tree within Tract N, a request for removal of the tree shall be provided to the Planning Director for review and approval. The request for removal shall be accompanied by an arborist's report.
- i. **Tract O** – The preservation of existing natural vegetation and landscaping as identified on Drawing L3.0.
- j. **Tract P** – The development of a 10 foot wide paved sidewalk, bounded on the west side by landscaping, as identified on Drawing L3.0.
- k. **Tract Q** - The development of a 10 foot wide paved sidewalk, bounded on the east side by landscaping, as identified on Drawing L3.0.
- l. **Tract R** – The improvement of a 10 foot wide paved sidewalk along the eastern portion of the tract, 2 benches on concrete pads near the south end of the tract, 2 benches on concrete pads near the north end of the tract, commercial grade play equipment with 4 features, 2 picnic tables, and landscaping as identified on Drawing L4.0 and Drawing L9.0.
- m. **Tract S** – The improvement of a 10 foot wide gravel path bounded on both sides by landscaping as identified on Drawing L5.0.

Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

APPLICANT'S RESPONSE: The submitted Preliminary Site Plans identify the location of 19 common open space tracts that are dispersed throughout the Baker Creek Planned Development and readily accessible to future occupants of the development. They are all adjacent to a public street with a sidewalk.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 – 8, and #9. The City concurs with the applicant's findings. As discussed above, parks and recreation facilities are proposed in the Planned Development plans. A public open space park and greenway would be dedicated, yet maintained by the Homeowner's Association until 2032, when maintenance responsibilities would be transferred to the City. The private recreational and open space amenities that are proposed would be maintained by the Homeowner's Association in perpetuity. The parks and recreation facilities are located to be readily accessible to all occupants of the planned area and community. However, additional access and connection to the largest open space and recreational facility should be improved. Specifically, a condition of approval is included to require that Tract F include a pedestrian connection to the greenway trail required to be constructed in Parcel D (Park Dedication Parcel). In addition, in order to provide better pedestrian access to the BPA trail extension within Tract L and the greenway trail in Parcel D (Park Dedication Parcel) from the lots within the northwestern portion of the site, a condition of approval is included to require that an easement or tract be created between Lot 130 and Lot 131 to connect from the intersection of Mercia Street and Harold Drive to the BPA trail within

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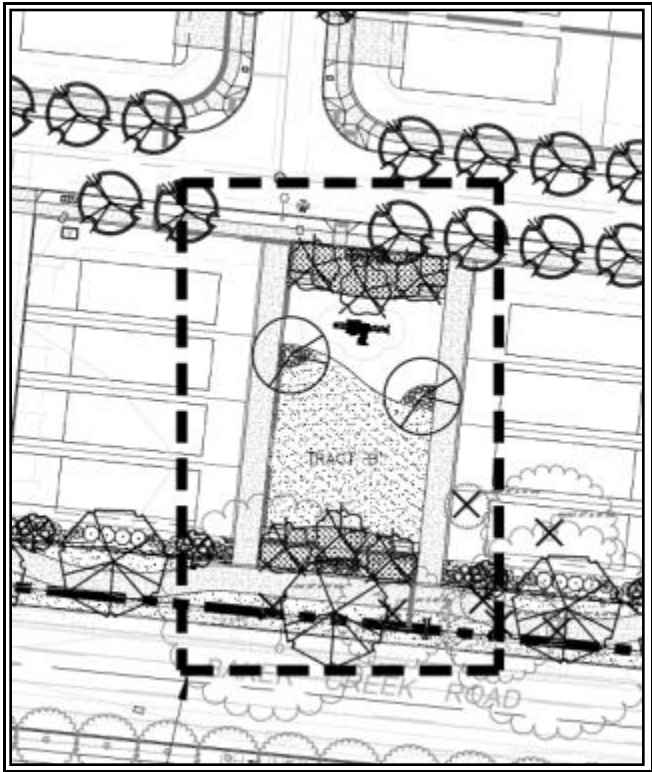
Tract L. The connection is also required to allow for an additional turn around point for McMinnville Water and Light vehicles to access the electric transmission easement. The easement or tract shall include a paved trail of a sufficient size and design to allow McMinnville Water and Light to access the electric transmission easement with heavy trucks and approximately eighty-five foot poles. The design and location of the connection should account for the weight of trucks, and account for turning radius needed to access the easement space with transmission length poles. At a minimum, the trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville. The condition of approval requires that a development plan for the tract or easement, the improvements within the tract or easement, and any resulting change in lot dimensions or configuration within Phase 2A be submitted to the City for review and approval of the design and engineering prior to construction.

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.

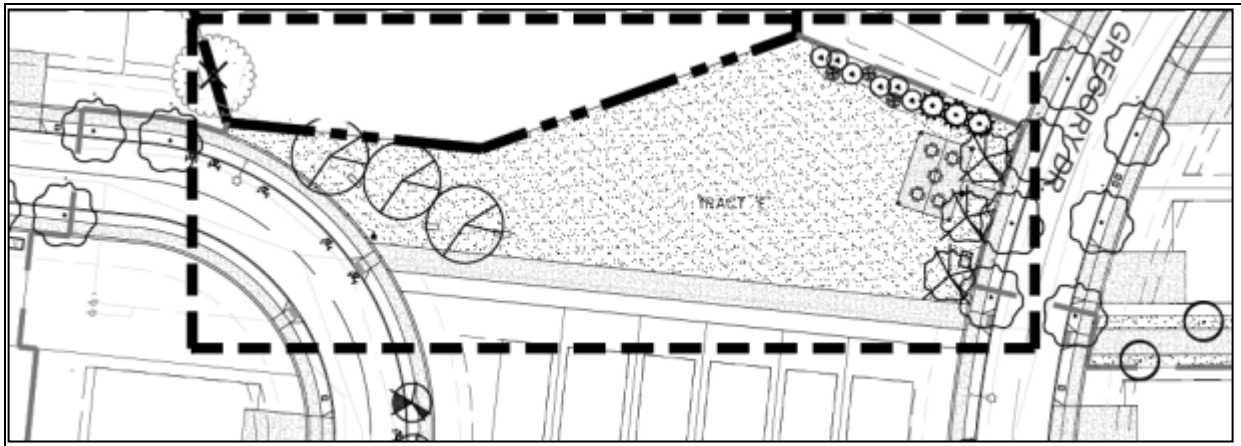
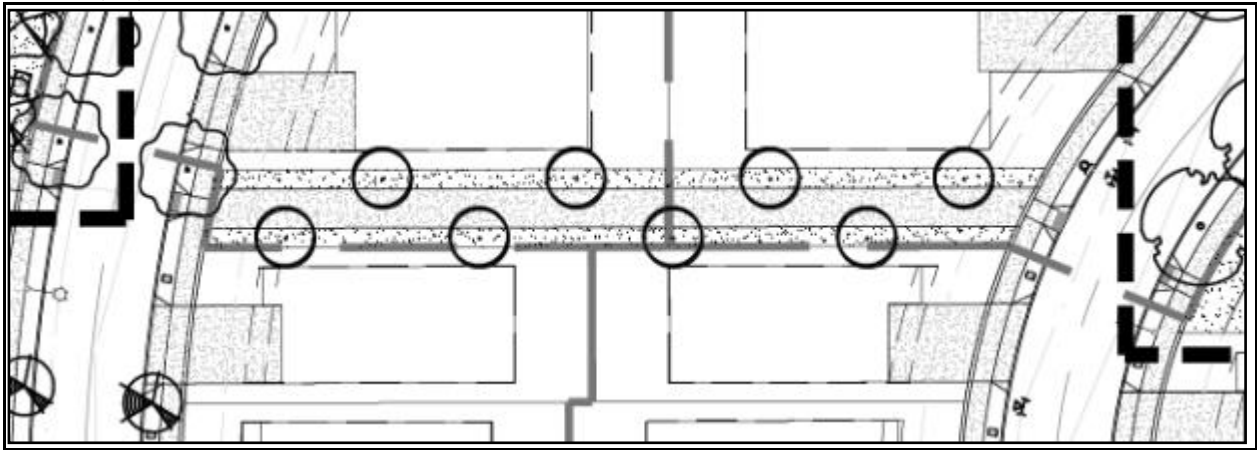
APPLICANT’S RESPONSE: The submitted Preliminary Site Plans and Preliminary Landscape Plan demonstrate how the proposed sidewalk and street system promote safe and efficient travel throughout the development. Roadways are fully looped with no cul-de-sacs. The plans illustrate how pedestrian and bicycle travel will be enhanced with the development of accessways which shorten the distance between residential blocks and provide access to open space areas. The proposed improvements include widening and striping the north side of Baker Creek Road to add a bike lane and extra wide sidewalk, as well as a center turn lane. Both Meadows Drive and Shadden Drive include a three-lane section at their southern ends with a right turn lane from these streets onto Baker Creek Road.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #10. The City concurs with the applicant’s findings. The street network would be compatible with existing and anticipated circulation patterns of adjoining properties, as the streets have been designed to align with and extend existing streets south of Baker Creek Road and to the northeast in the planned Oak Ridge Meadows subdivisions. Pedestrian and bicycle pathways between street blocks are proposed throughout the Planned Development area, specifically in Tract B, Tract D, Tract E, Tract F, Tract H, Tract P, Tract Q, Tract R, and Tract S as shown below. In addition, the applicant is proposing to install a wider, meandering sidewalk within the right-of-way adjacent to Baker Creek Road, which will provide a wider pedestrian pathway along this arterial street. A condition of approval is included to require the 10 foot wide meandering sidewalk within the Baker Creek Road right-of-way, as identified on Drawing SP-1 and Drawing L2.0. The condition also requires that the fencing proposed in Drawing L2.0 and Drawing L9.0 be provided along the Baker Creek Road right-of-way.

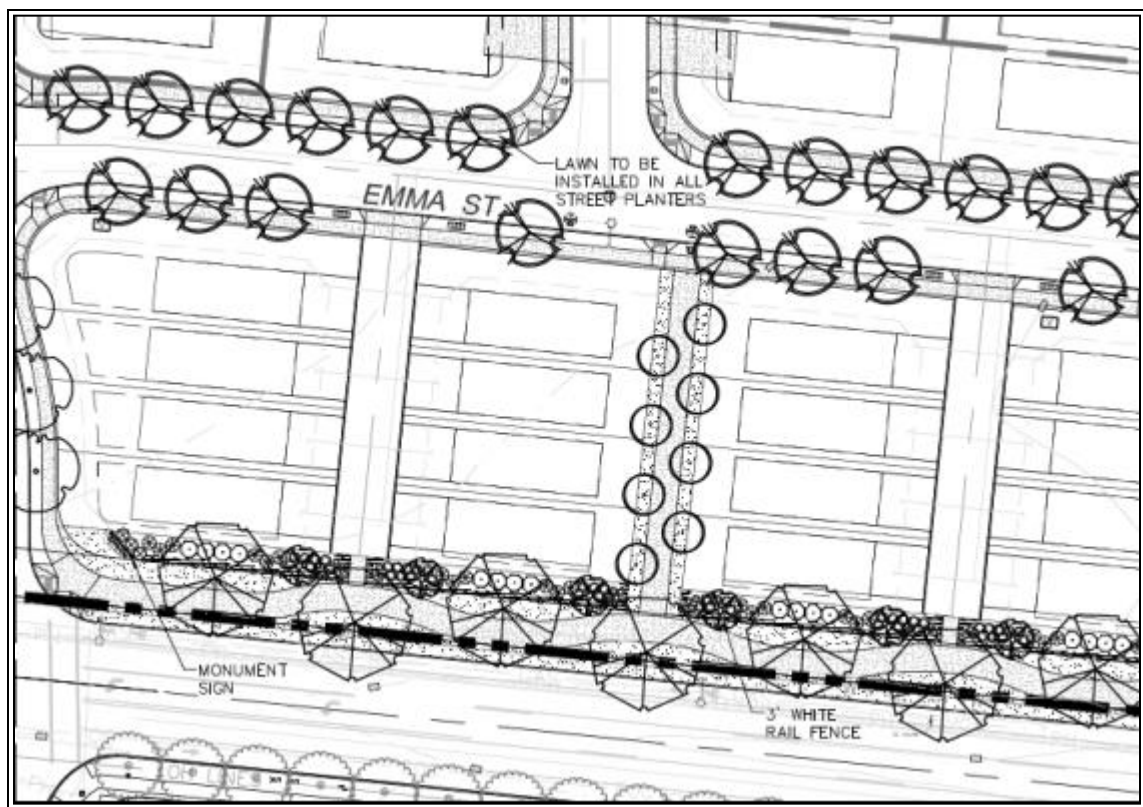
Tract B:



Tract D, E, and F:



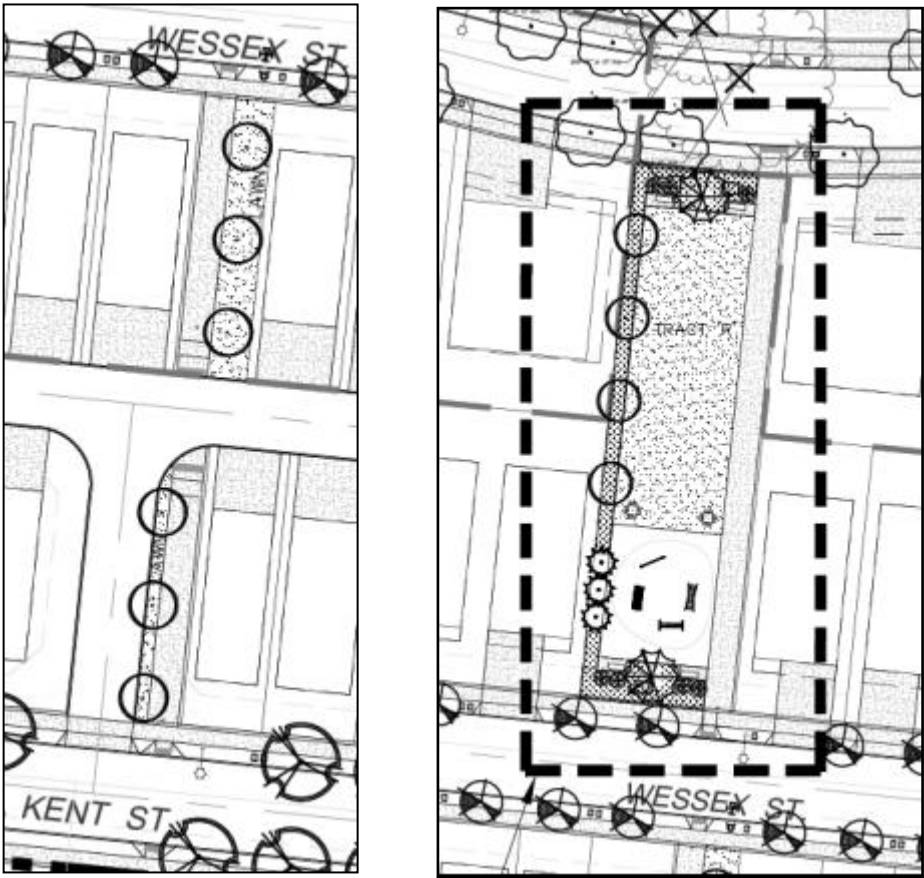
Tract H:



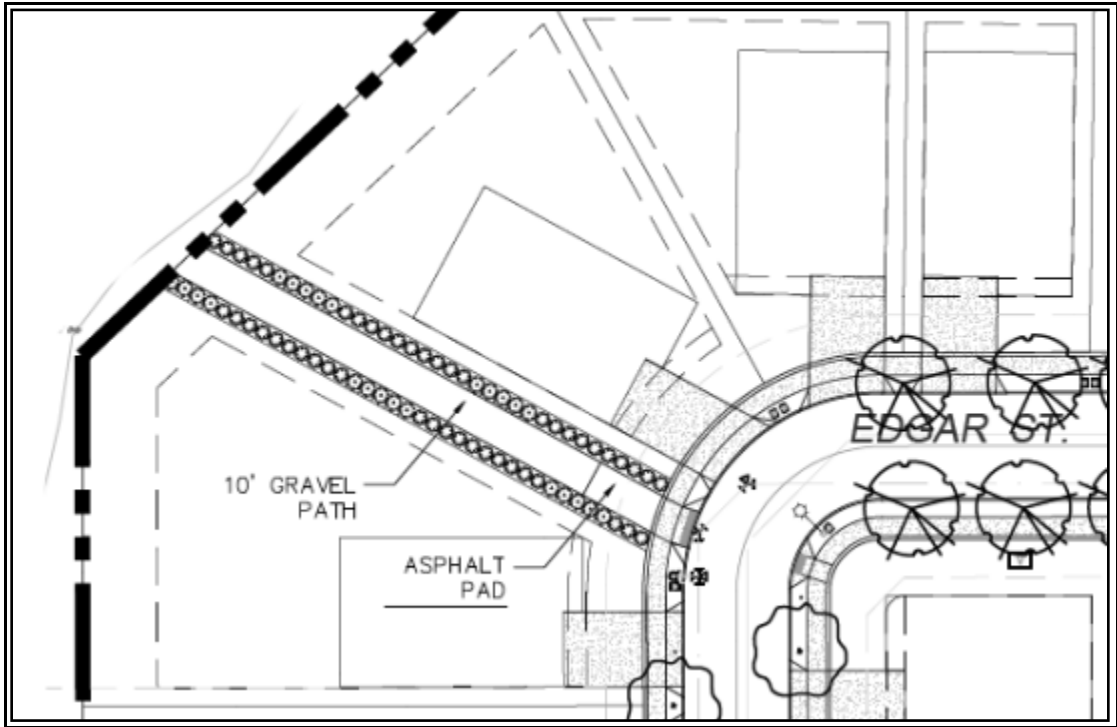
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Tract P, Q, and R:



Tract S:



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

APPLICANT'S RESPONSE: The submitted Preliminary Site Plan demonstrates that the proposed planned development connects to all streets which are stubbed to the subject site (see Exhibit 3). To provide connectivity and compatible circulation with adjoining properties, the applicant is proposing to extend NW Blake Street, NW Shadden Drive, NW Meadows Drive, and proposed NW Hill Lane with the proposed development. The internal streets are also stubbed out to facilitate future development of adjacent underdeveloped parcels.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.

APPLICANT'S RESPONSE: The applicant is proposing concurrent Comprehensive Plan Map and Zoning Map amendments to designated 48.7 acres of the site within the R4 district. The attached plans indicate that the Baker Creek Planned Development is located within the proposed R4 zoned portion of the site and will have a net density of 8.16 dwelling units/acre. There are no topographic or utility capacity constraints which limit the subject site's development potential. Water and sewer services are available adjacent to the site and can be extended to serve the development with on-site improvements constructed and paid for by the developer. Some phases of the development can be served by gravity sanitary sewer, but development of other phases include service from a pump station on proposed Tract "G" in Phase 1B. The applicant is not proposing to modify the allowed net density range of 8-30 dwelling units/acre allowed in the R4 zone with this application. See comments below under MMC Section 17.21.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. Policy 79.00 allows for density to be less than that allowed under the zoning classification through a planned development overlay, which has been requested. The City adds that other conditions of approval will require the alleys serving the narrower lots to be private, which will likely increase the net density likely 8 dwelling units per acre to be within the range of the R-4 zone. In addition, as described by the applicant, the Planned Development plans do meet the density requirements of the R-4 zone on a lot size per unit basis per Section 17.12.060.

Policy 80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.

APPLICANT'S RESPONSE: The applicant is proposing to retain existing trees and wooded areas in common open space tracts and those preservable trees in rear yards where feasible as shown on the Landscape Plans.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 – 8, and #14. The City concurs with the applicant's findings, and adds that distinctive and unique natural features are being

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preserved within the site, as described in the finding for Policy 74.00 above. Conditions of approval are included to require the creation of the open space tracts, the preservation of existing natural features where applicable, and to require the review and approval of any tree request where significant trees are proposed to be preserved.

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.

APPLICANT’S RESPONSE: Pedestrian and bikeway paths are provided to connect the large active open spaces in the residential areas with convenient routes between residential blocks. The proposed paths and sidewalks also connect to the existing powerline trail which leads to a neighborhood park to the south and provides access to views of the adjacent significant natural space to the north of the site.

FINDING: SATISFIED. The City concurs with the applicant’s findings. The submitted street layout proposes to connect with the existing surrounding street network and provide for the ability to access other adjacent land planned for residential development. The Planned Development includes paved trails and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. In addition, pedestrian and bicycle pathways between street blocks are proposed throughout the Planned Development area, as described further in the finding for Policy 77.00 above.

Dedication and construction of the local street network will provide required mobility opportunities for automobiles, as well as for pedestrians and bicyclists (particularly through the provision of public sidewalks built to public standards and through the provision of both private and public pathways leading to and through the open spaces provided as part of this development proposal) in addition to providing public connection opportunities to other developing areas to the northeast.

The City’s transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies addressed in these findings, and to preserve and enhance livability in McMinnville. Through this proposal’s compliance and implementation of these applicable policies, standards and requirements and those applicable portions of the City’s adopted Transportation System Plan as addressed by this proposal and these findings of fact, this Policy is satisfied.

Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.

APPLICANT’S RESPONSE: The site is located along NW Baker Creek Road, a minor arterial street, and within a planned public transit route (see also comments above under Policy 70.01). The proposed zoning and uses are consistent with this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the Planned Development includes a phasing pattern that results in greater residential densities closer to Baker Creek Road (which is designated as a minor arterial street), the neighborhood commercial uses that will be included in the commercial area near the intersection of NW Hill Road and NW Baker Creek Road, and the planned public transit route along NW Baker Creek Road. The greater residential densities, which transition in density from higher density in the

southern portion of the site to lower density in the northern portion of the site, is identified in EXH-4 and shown below:



Policy 92.00 *High-density housing developments shall be encouraged to locate along existing or potential public transit routes.*

APPLICANT'S RESPONSE: As discussed above (see also comments under Policy 70.01), this proposed housing development is located along a potential public transit route per current transit planning documents. The applicant is proposing to develop high density housing along this potential public transit route, meeting this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 92.01 *High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use.*

APPLICANT'S RESPONSE: No portion of the site is located near incompatible uses such as railroad lines, heavy industrial uses, or other potential nuisance areas.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 92.02 *High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation.*

APPLICANT'S RESPONSE: To the extent possible, this proposed housing development meets this policy. It is within reasonable walking distance to proposed on-site common open space parks and across the street from an existing City park property and trail system beginning at

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Meadows Drive at Baker Creek Road (with a planned neighborhood park improvement currently under construction south of this existing City park property and west of the existing trail). There is a future school site planned about ¼ miles south of the site on Hill Road. The applicant is proposing a planned development amendment to provide 6.62 acres of Commercial designated land at the corner of Hill Road and Baker Creek Road. The adjacent minor arterial is also planned for future public transportation.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that additional public park spaces will be developed and dedicated to the City within the Planned Development, as described further in the finding for Policy 75.00 above.

Urban Policies

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). (as amended by Ord. 4796, October 14, 2003)*
- 5. Deleted as per Ord. 4796, October 14, 2003.*

APPLICANT'S RESPONSE: As shown on the preliminary utility plans, each proposed phase of the development will improve public facilities to provide an adequate level of urban services as required by this policy. In coordination with the City, the applicant has confirmed that adequate sanitary sewer capacity exists. Storm sewer improvements will be installed with each phase of the planned development. Streets will be built to City standards as shown by the plans. Water services for the proposed residential uses will be extended to the site from adjacent main lines.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed street access for the proposed development is adequate based on the Traffic Analysis Report provided. The traffic impact analysis (TIA) report provides analysis, and includes a project impact summary with conclusions on page 9. The TIA studied the intersections of Meadows Drive and Baker Creek Road, Shadden Drive and Baker Creek Road, and Michelbook Lane and Baker Creek Road. The TIA studied the traffic impacts of the development of 280 single family homes, as proposed in the Planned Development plans, and the development of 100,000 square feet of retail shopping center commercial uses on the adjacent site that is guided for Commercial on the Comprehensive Plan. The 100,000 square feet of retail shopping center commercial use is not expected to develop on the commercial property, but was selected as the worst-case scenario in terms of trip generation. The summary table identifying the capacity analysis is provided in Table 2 of the TIA, and is provided below:

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Table 2 Capacity Analysis Summary

Intersection	Type of Control	Peak Hour	Traffic Scenario											
			2019 Existing				2029 Background				2029 Total			
			Crit. Mov't	LOS	Delay	v/c	Crit. Mov't	LOS	Delay	v/c	Crit. Mov't	LOS	Delay	v/c
Meadows Drive and Baker Creek Road	Two-way Stop	AM	NB	A	9.6	0.03	NB	B	10.6	0.14	SB	C	19.0	0.09
		PM	NB	A	9.4	0.03	NB	B	10.1	0.09	SB	F	56.2	0.20
Shadden Drive and Baker Creek Road	Two-way Stop	AM	NB	A	9.9	0.06	SB	C	18.4	0.17	SB	D	33.2	0.13
		PM	NB	A	9.8	0.06	SB	D	33.3	0.21	SB	F	137.3	0.16
Michelbook Lane and Baker Creek Road	Two-way Stop	AM	NB	B	10.9	0.08	NB	C	16.6	0.21	NB	D	28.7	0.45
		PM	NB	B	12.0	0.14	NB	F	65.6	0.78	NB	F	726.4	2.41
	Signal ¹	AM	-	-	-	-	-	B	11.0	0.39	-	B	15.3	0.47
		PM	-	-	-	-	-	B	11.7	0.54	-	B	19.8	0.70

Notes: 2010 Highway Capacity Manual methodology used in analysis, Synchro v9. NB - Northbound, SB - Southbound, Crit. Mov't - Critical movement or critical approach.

¹ Future signal identified in City's TSP - Not to be installed in conjunction with Baker Creek North Subdivision.

The "Summary and Recommendations" section of the TIA includes the following findings:

The City's mobility standard for intersection operations requires a v/c ratio of 0.90 or less. The stop controlled intersections on Baker Creek Road at Meadows Drive and at Shadden Drive will experience acceptable volume-to-capacity ratios of 0.20 or less in the peak hours through the year 2029 total traffic scenario. No mitigation is required at these locations. On the southbound access approaches the lane configuration will consist of a separate right turn lane and a combination through/left lane. The approaches shall be controlled with stop signing.

The stop controlled intersection of Baker Creek Road at Michelbook Lane will experience an acceptable volume-to-capacity (v/c) ratio of 0.78 or less in the peak hours through the year 2029 background traffic scenario. For the year 2029 total traffic scenario the intersection operations will exceed the City's v/c standard with a resulting value of 2.41 in the PM peak hour. This condition can be mitigated to a v/c of 0.70 by installing a traffic signal as identified in the City's TSP. This improvement has been planned by the City for safety and capacity reasons in order to satisfy the anticipated city-wide traffic growth projections. Therefore, no mitigation at the Baker Creek Road and Michelbook Lane intersection is recommended in conjunction with the proposed development.

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.

APPLICANT'S RESPONSE: The development of the sites outlined in these applications will result in the improvement of the north side of the minor arterial called Baker Creek Road which to allow for the coordinated movement as envisioned by the City's Transportation System Plan. The proposed on-site streets, pedestrian accessways, and trail improvements will also promote this goal.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed street access for the proposed development is adequate based on the Traffic Analysis Report provided, as described in the finding for Policy 99.00 above.

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Streets

Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

APPLICANT'S RESPONSE: This policy is met by the proposed roadways and lot frontages along those right-of-ways in the application's plans.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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).*
- 5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

APPLICANT'S RESPONSE: The attached preliminary development plans indicate that the proposed road sections meet the City design standards. Where proposed Charles Street does not extend straight east from proposed Alfred Drive to proposed Gregory Drive, a pedestrian path is provided to ensure minimal adverse effects on adjacent natural features as encouraged by factor 1 above. Where large blocks are proposed with mid-block pedestrian paths instead of streets under the flexibility proposed by the planned development application, policy design factor 2 above is being supported. The extra right turn lanes for southbound traffic at Meadows Drive and Shadden Drive are supporting design factor 3 above. The development will support all modes of transportation as encouraged by design factor 4. Connectivity to adjacent developments and extension of existing streets is proposed, while no cul-de-sacs are planned to provide conformance with design factor 5. Therefore, all design factors of this policy are met by the proposal.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The existing Baker Creek Road transportation corridor will be more efficiently utilized with this proposal, meeting the intent of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.

APPLICANT'S RESPONSE: The applications propose access at existing street intersections with Baker Creek Road. The traffic analysis provided shows this can be done safely even in the worst case scenario. No development or other access to Baker Creek Road from the commercial

property is proposed at this time, although it may be proposed at a future time upon application for site development of that parcel.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that any future development of the commercial property will be subject to the Planned Development Overlay District that applies to that site, which is a separate overlay district.

Policy 121.00 The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.

APPLICANT'S RESPONSE: No direct access is proposed from the residential development to Baker Creek Road. Street intersections from this large scale residential development are proposed to match up with opposite existing intersections.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

1. *Major, minor arterials.*
 - Access should be controlled, especially on heavy traffic-generating developments.
 - 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

APPLICANT'S RESPONSE: Proposed improvements in all phases developed along Baker Creek Road will control and limit access to the existing intersections. The designs include an extra right turn lane at Meadows Drive and Shadden Drive to minimize delay. Approval of the development will also create additional connectivity to the minor arterial for other developments via streets stubbed to adjacent properties. The proposed extension of exiting streets stubs will also disburse traffic volumes in adjacent residential communities. The attached plans indicate that required right-of-way widths are provided to facilitate the street improvements. No on-street parking is proposed on Baker Creek Road, an arterial street. Street trees will be provided in the planter strips of all proposed street improvements. The planned residential development also proposes landscaping to be installed in a private tract along the arterial as passive open space in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

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.
 - Sufficient street rights-of-way should be obtained prior to development of adjacent lands.
 - Off-street parking should be encouraged wherever possible.
 - Landscaping should be encouraged along public rights-of-way.

APPLICANT'S RESPONSE: Anticipated through-traffic on local streets will serve this neighborhood only, not the larger regional area. The proposed street widths are standard for local streets. The width increases in the southern segments at the approach to Baker Creek Road to allow right turn only lanes. Off-street parking is encouraged with standard 20-foot driveway depths for two off-street parking spaces in front of the garage at a minimum on all single-family lots. Street trees will be provided along public rights-of-way as shown on the Street Tree Plan, and landscaping will be installed in open spaces adjacent to the streets. Therefore, this policy is met by the proposal.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 123.00 The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the proper development and maintenance of the road network within the urban growth boundary.

APPLICANT'S RESPONSE: All of the proposed street improvements are within the urban grown boundary and rights-of-way will be dedicated to the City after improvements to City standards are installed in compliance with this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.

APPLICANT'S RESPONSE: The proposed developments will achieve sufficient off street parking. Single-family residential lots will all have two off-street parking spaces in front of the garage door at a minimum.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.

APPLICANT'S RESPONSE: The proposed developments will encourage off-street parking. Single-family residential lots will all have two off-street parking spaces in front of the garage door at a minimum. The commercial parcel will also be provided with off-street parking. No parking will be allowed on Baker Creek Road, an arterial street.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.

APPLICANT'S RESPONSE: These development applications will result in the phased improvement of the north side of Baker Creek Road with a bicycle lane in the shoulder. The improvements also include an extension of the power line trail into the site with a connection to on-site walkways. As such, the improvements will connect people with elements called for in this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 130.05 In areas where bikeways are planned, the City may require that new development provide bikeway improvements such as widened streets, bike paths, or the elimination of on-street parking. At the minimum, new development shall be required to make provisions for the future elimination of on-street parking along streets where bikeways are planned so that bike lanes can be striped in the future. Bike lanes and bike paths in new developments shall be constructed to standards recommended in the bikeway plan.

APPLICANT'S RESPONSE: The applicant is proposing to install a bike lane on the north side of Baker Creek Road as phases of the planned development are constructed, meeting this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.

APPLICANT'S RESPONSE: The residential planned development will dedicate several tracts to the City for public park land in phases as part of the amenities offered with the planned development application. The applicant is also providing several private common area tracts which will be retained by the development's homeowners association. The open spaces will include paths and scenic areas for both active and passive enjoyment. In addition, the applicant is offering to donate an adjacent parcel to the City for use as a special use park with high natural recreational value to help the City meet its Park Master Plan goals.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

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.

APPLICANT'S RESPONSE: The proposed bike lane on Baker Creek Road will connect the surrounding neighborhoods. The connection of proposed sidewalks and open space tracts to the power line trail at Meadows drive will provide a route to other parks and other activity areas to the south of the site. Therefore, this policy is met by the proposed development.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

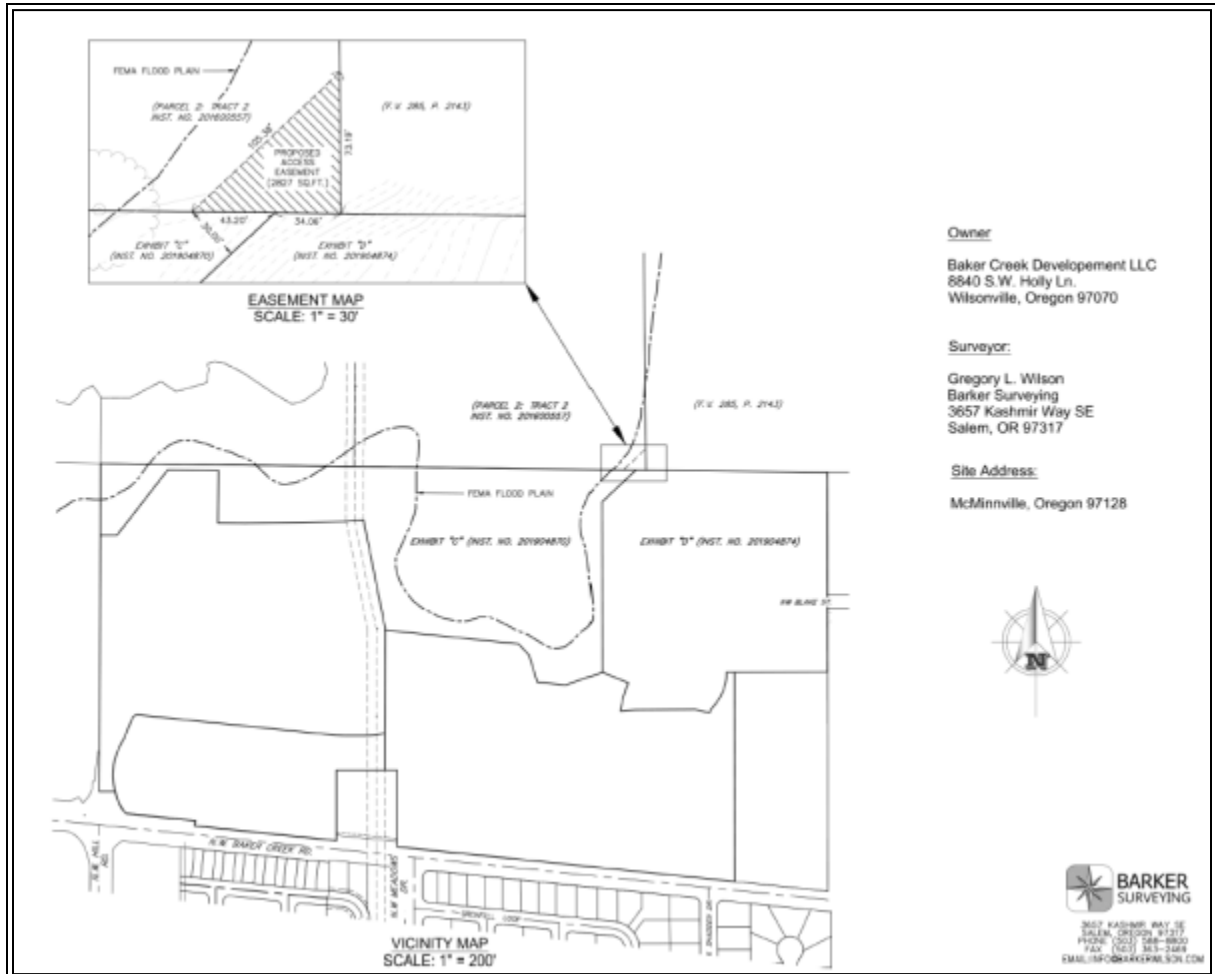
Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #6 and #7(e). The Planned Development has been designed with a street network that connects to surrounding residential development south of Baker Creek Road, and to the northeast in the Oak Ridge and Oak Ridge Meadows existing and planned subdivisions.

The applicant has also proposed that a bark chip trail be installed within the parcel to be dedicated as a public park, which will fulfill an action within the City of McMinnville Parks,

Recreation, and Open Space Master Plan of developing a greenway trail between the BPA trail and Tice Park. However, the park dedication parcel does not align with an adjacent parcel within the Oak Ridge Meadows planned subdivision that includes a planned extension of the greenway trail. To address this pedestrian connection between the park parcels and the adjacent neighborhood, the applicant has proposed to also dedicate an easement within a parcel to the north to allow the trail connection to occur. The easement area is identified below:



A condition of approval is included to require that this easement be provided for the greenway trail to connect to the public park and trail network provided within the planned Oak Ridge Meadows subdivision. The condition specifies that this easement will be granted and recorded at the time that Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) is dedicated to the City, which is required at the time of the platting of subdivision Phase 2A or Phase 3A. All required improvements within the easement shall be maintained by a Homeowner's Association (HOA) until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City.

Policy 132.24.00 *The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:*

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1. *Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*

APPLICANT'S RESPONSE: The site is relatively flat, and the streets, walkways, and ramps are planned to comply with ADA standards.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that meets ADA accessibility guidelines.

2. *Incorporate features that create a pedestrian friendly environment, such as:*
 - a. *Narrower traffic lanes;*
 - b. *Median refuges and raised medians;*
 - c. *Curb extensions ("bulb-outs");*
 - d. *Count-down and audible pedestrian signals;*
 - e. *Wider sidewalks;*
 - f. *Bicycle lanes; and*
 - g. *Street furniture, street trees, and landscaping*

APPLICANT'S RESPONSE: The internal local streets will have traffic lanes that conform to City local street standards. Wider sidewalks are proposed along the north side of Baker Creek Road, on the west side of Meadows Drive to the roadway's first intersection, and for internal mid-block paths. The attached landscape plans indicate that street trees and landscaping is proposed throughout the development. Therefore, this policy is met.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, except where additional improvements are required by conditions of approval.

3. *Incorporate features that create a pedestrian friendly environment, such as:*
 - a. *Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.*
 - b. *Timing signals to minimize pedestrian delay and conflicts.*
 - c. *Balancing competing needs of vehicular level of service and pedestrian safety.*

APPLICANT'S RESPONSE: There are no signalized intersections near or internal to the site. This section is not applicable.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #11. Policy 132.24.00(2) does not only apply to signalized intersections. However, the plans include crosswalk striping at the locations where NW Meadows Drive and NW Shadden Drive will cross Baker Creek Road to increase visibility between pedestrians and motorists. To better increase visibility of pedestrians on the BPA trail, a condition of approval is included to require that an enhanced crossing be provided where the BPA trail crosses Kent Street, between Tract J and Tract K. The enhanced crossing shall be similar in improvement to the enhanced crossings of the BPA trail at Wallace Road, Meadows Drive (south of the subject site), Cottonwood Drive, and 23rd Street.

Policy 132.26.00 The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to

neighborhood residential, shopping, and industrial areas, and McMinnville's parks and schools.

APPLICANT'S RESPONSE: The proposed improvements to transportation infrastructure support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that additional pedestrian and bicycle improvements are proposed within the park and open space tracts within the Planned Development. The specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.26.05 New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.

APPLICANT'S RESPONSE: The proposed new street connections have the elements to create the connectivity envisioned by this policy.

FINDING: SATISFIED. The right-of-way improvements proposed in the Planned Development plans include the improvements required for streets, which include pedestrian and bicycle improvements. Additional pedestrian and bicycle improvements are proposed within the park and open space tracts within the Planned Development, and required as conditions of approval.

Policy 132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Policy 132.27.00 is satisfied by this proposal in that the proposed street design reflects and supports the Residential land use designation of the site as identified on the McMinnville Comprehensive Plan Map and urban development patterns within the surrounding area identified by elements of the Comprehensive Plan identified and addressed within this application. The proposed transportation facilities and services are appropriate to serve the needs of the proposed development and are supportive of adjacent neighborhoods as determined by the City's adopted standards identified in this application, findings and exhibits.

Policy 132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that allows for required movements for fire, medical, and police vehicles.

Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and

neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways.

APPLICANT’S RESPONSE: The street layout and the mid-block paths proposed are designed to encourage residents to walk and bike, and with density oriented closer to the future transit corridor, the transportation improvements will facilitate use of public transit in the future as stops will be close and walking distances reasonable. Homes are oriented away from arterial streets and landscaped open space tracts will buffer noise. Therefore, the proposed development supports this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 132.36.00 Through implementation of its Complete Streets policy and the TSP by enhancing its pedestrian and bicycle systems, the City of McMinnville will help encourage greater physical activity and improved health and welfare of its residents.

APPLICANT’S RESPONSE: The development has been designed to encourage walking to local amenities which will support this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.38.00 Aesthetics and streetscaping shall be a part of the design of McMinnville’s transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.

APPLICANT’S RESPONSE: The street tree plan and landscaping of passive and active open spaces adjacent to public ways support this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

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

- 1. Pedestrian circulation;*
- 2. Enhancement of emergency vehicle access;*
- 3. Reduction of emergency vehicle response times;*
- 4. Reduction of speeds in neighborhoods; and*
- 5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.*

APPLICANT’S RESPONSE: All proposed street improvements include sidewalks to provide adequate circulation. Emergency vehicle access is ensured through the provision of streets built to City standards and the avoidance of cul-de-sacs through the planned looping of the internal street network. Temporary fire turn-arounds and fire lanes can be provided as necessary with the phasing of the project.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

APPLICANT'S RESPONSE: No cul-de-sac streets are proposed, providing conformance with this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.41.10 Limit Physical Barriers – The City should limit the placement of facilities or physical barriers (such as buildings, utilities, and surface water management facilities) to allow for the future construction of streets that facilitate the establishment of a safe and efficient traffic circulation network.

APPLICANT'S RESPONSE: No physical barriers are proposed. This policy is met.

FINDING: SATISFIED. The City concurs with the applicant's findings. The only major barriers between the proposed street network occur where the development site is crossed by the BPA power line easement, and on the eastern portion of the site where grades don't allow west to east street connectivity. Where streets are not proposed to connect, pedestrian connections are provided, as described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic.

APPLICANT'S RESPONSE: The roadway improvements proposed do not impair pedestrian nor bicycle movement. They enhance it through better connectivity and more facilities.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways.

APPLICANT'S RESPONSE: Access is consolidated for single family residential properties to new street legs at existing intersections to conform to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.

APPLICANT'S RESPONSE: The street connections proposed between adjacent property and rights of way conform to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.42.00 Generally, a major arterial street should not be widened beyond two through lanes in each direction with auxiliary turn lanes as appropriate. Minor arterials and collector streets should not be widened beyond one through lane in each direction with auxiliary left-turn lanes as appropriate. Major arterial streets with more than five lanes and minor arterial and collector streets with more than three lanes are perceived as beyond the scale that is appropriate for McMinnville.

APPLICANT'S RESPONSE: Baker Creek Road along the site frontage is a minor arterial and is not proposed to be widened beyond one through lane in each direction. The project conforms to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.43.05 Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

- 1. Traffic circles;*
- 2. Painted or raised crosswalks (see also recommended crosswalk designation in Chapter 4);*
- 3. Landscaping barriers between roadway and non-motorized uses;*
- 4. Landscaping that promotes a residential atmosphere;*
- 5. Sidewalks and trails; and*
- 6. Dedicated bicycle lanes.*

APPLICANT'S RESPONSE: There is an existing traffic circle at Hill Road and Baker Creek Road at the SW corner of this project, whose north leg will be connected with a phase of the residential planned development. Crosswalks at Meadows Drive and Shadden Drive across Baker Creek Road are proposed to be striped. Street trees are proposed in planter strips along all streets promoting a residential character. There are sidewalks and trails throughout the project, and dedicated bike lanes will be striped along the site frontage. Therefore, this plan conforms to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.43.10 Limited Neighborhood Cut-Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic control measures should be coordinated with the affected neighborhood.

APPLICANT'S RESPONSE: There is no risk of use of these streets as shortcuts for through traffic as there are no street connections, from the north residential neighborhoods, to other parts of the City or County. These local streets will only be used for local access. The plan conforms to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.46.00 Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods.

APPLICANT'S RESPONSE: Streets are designed and will be constructed to City standards to meet this policy. Maintenance will be completed by the City. Street trees are proposed to improve air quality, noise buffering, and support water quality, as trees absorb rainfall. The right turn lane added to Meadows Drive and Shadden Drive will also decrease delay at the intersections. This will minimize negative impacts in terms of pollution and noise from cars during idling while queueing. This policy is supported by the project.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.46.05 Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective.

APPLICANT’S RESPONSE: Streets are designed and will be constructed to City standards to meet this policy. In some cases, large blocks are proposed with mid-block paths to facilitate pedestrian and bicycle connections. This approach supports this policy as the proposed streets with mid-block paths achieve the transportation objective.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 132.47.00 The City should update and maintain its street design standards to increase aesthetics of the street’s environment through landscaping and streetscape design.

APPLICANT’S RESPONSE: These applications support a street aesthetic discussed in this policy through the proposed street trees and landscaped open space tracts along streets shown on the landscape plans.

FINDING: SATISFIED. The City concurs with the applicant’s findings, but adds that the applicant submitted a Landscape Plan Review application for concurrent review with the Planned Development request. Findings for the Landscape Plan Review (which includes the street tree plan for the Planned Development site) are addressed in the Decision Document for that land use application.

Policy 132.51.05 Ensuring Future Sidewalk Connections – All future development must include sidewalk and walkway construction as required by the McMinnville Zoning Ordinance and City Code and adopted City of McMinnville Design Standards. All road construction or renovation projects shall include sidewalks. The City will support, as resources are available, projects that would remove identified barriers to pedestrian travel or safety.

APPLICANT’S RESPONSE: The proposed project will provide sidewalks in support of this policy in phases. It will result in sidewalk travel being continuous along the north side of Baker Creek Road, where it currently ends abruptly in the SE corner of the site in front of a church.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 132.51.10 Complete Connections with Crosswalks – All signalized intersections must have marked crosswalks. School crosswalks will be marked where crossing guards are provided. Subject to available funding, and where appropriate, marked crosswalks, along with safety enhancements (medians and curb extensions), shall be provided at unsignalized intersections and uncontrolled traffic locations in order to provide greater mobility in areas frequently traveled by persons with limited mobility. Marked crosswalks may also be installed at other high volume pedestrian locations without medians or curb extensions if a traffic study shows there would be a benefit to those pedestrians.

APPLICANT’S RESPONSE: The project will construct the north corners of the intersections of Baker Creek Road with Meadows Drive and Shadden Drive, such that all corners are improved, and provide crosswalks across Baker Creek Road in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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Policy 132.51.15 Connecting Shared-Use Paths – The City will continue to encourage the development of a connecting, shared-use path network, expanding facilities along parks and other rights-of-way.

APPLICANT’S RESPONSE: The shared use path under the BPA power lines will be extended north into the project as illustrated on the attached landscape plans in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.54.00 Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community.

APPLICANT’S RESPONSE: With the network of proposed sidewalks and paths, this project will promote this policy. Walking to future transit will be more feasible due to the clustering of housing density on the south side of the site closer to Baker Creek Road. The proposed neighborhood commercial area of no less than 2 acres is within reasonable walking distance of most of the proposed residential units, as well as other existing higher density housing to the south of Baker Creek Road. Thus, walking to shops, restaurants, and other services will be feasible. Walking for recreation will also be promoted with the connection/extension of the BPA powerline trail. In addition, a nature trail on the adjacent property proposed to be donated to the City as a Special Use Park will also connect to the BPA trail.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.56.00 Provide Bicycle Facilities on Arterials and some Collector Streets – To the extent possible, arterial and some collector streets undergoing overlays or reconstruction will either be re-striped with bicycle lanes or sharrows (bicycle/auto shared-lane) routes as designated on the Bicycle System Plan Map. Every effort will be made to retrofit existing arterials and selective collectors with bicycle lanes, as designated on the Bicycle System Plan Map.

APPLICANT’S RESPONSE: Baker Creek Road is a minor arterial and will have a bike lane striped on its north side as proposed in this application in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 132.56.05 Mitigation of On-street Parking Loss From Bicycle Projects – New bicycle facilities require the removal of on-street parking spaces on existing streets, parking facilities should be provided that mitigate this loss, to the extent practicable.

APPLICANT’S RESPONSE: No on-street parking will be lost from the proposed bike facilities as no on-street parking exists on the north side of Baker Creek Road along the project frontage. This policy is not applicable.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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Policy 132.56.10 Eliminate Barriers to Bicycle Travel – The City will actively pursue a comprehensive system of bicycle facilities through designing and constructing projects, as resources are available, and implementing standards and regulations designed to eliminate barriers to bicycle travel. As a result of this policy, new developments or major transportation projects will neither create new, nor maintain existing, barriers to bicycle travel.

APPLICANT’S RESPONSE: This is a directive to the City. With the proposed bike land striping on the north side of Baker Creek Road, this project helps the City meet this policy by removing a barrier to bicycling on Baker Creek Road.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 132.57.00 Transit-supportive Street System Design – The City will include the consideration of transit operations in the design and operation of street infrastructure.

APPLICANT’S RESPONSE: This is a directive to the City. This policy is not applicable to this application. The proposed street improvements meet 4City standards.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 132.57.05 Transit-supportive Urban Design – Through its zoning and development regulations, the City will facilitate accessibility to transit services through transit-supportive streetscape, subdivision, and site design requirements that promote pedestrian connectivity, convenience, and safety.

APPLICANT’S RESPONSE: The proposed residential planned development is a subdivision with site design that directly supports this policy. The clustering of density with smaller lots on the south side of the project with multiple pathways to support access to Baker Creek Road, a planned transit route, supports convenient and safe connections to transit. The proposed planned development amendment to allow no less than 2-acres of commercial and no more than 120 multi-family dwelling units on the commercial designated property will likewise promote and support transit service and use in the area by creating a node of activity and density of use needed to support transit use volumes.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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.

APPLICANT’S RESPONSE: This goal is met for this project. Public and private utilities have been and will be planned and provided for in advance of or concurrent with development. This includes parks, streets and ways, water service, storm and sanitary sewer service, power, and other franchise utilities.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Sanitary Sewer System

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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.

APPLICANT'S RESPONSE: This is a directive to the City. This policy will be met when construction plans are reviewed, field work is inspected, and work accepted.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 138.00 The City of McMinnville shall develop, or require development of, sewer system facilities capable of servicing the maximum levels of development envisioned in the McMinnville Comprehensive Plan.

APPLICANT'S RESPONSE: This is a directive to the City. The applicant will improve on-site sanitary sewer to meet City standards and connect that to the existing facilities already built with capacity for the proposed development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.*

APPLICANT'S RESPONSE: This is a directive to the City. The City can allow extension of sanitary sewage because the proposed project meets the framework outlined in this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Storm Drainage

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.

APPLICANT'S RESPONSE: This is a directive to the City. The City will ensure it is met during review of construction plans for conformance with City standards. The preliminary utility plans show compliance is feasible.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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APPLICANT'S RESPONSE: The proposed project retains natural drainage ways for storm water drainage, conforming to this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Water System

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.

APPLICANT'S RESPONSE: This is a directive to the City and McMinnville Water and Light. The applicant has been assured by these agencies that water service at urban densities is available to the site for development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: This is a directive to the City. The water services will be extended on-site with development to serve the new lots.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.

APPLICANT'S RESPONSE: This is a directive to the City and not applicable to this application.

FINDING: SATISFIED WITH CONDITION #9. The City concurs with the applicant's findings. As described above, a condition of approval is included to require that an easement or tract be created between Lot 130 and Lot 131 to connect from the intersection of Mercia Street and Harold Drive to the BPA trail within Tract L. This is required to provide better connection to the trail from lots within the northwest portion of the site. The connection is also required to allow for an additional turn around point for McMinnville Water and Light vehicles to access the electric transmission easement. The easement or tract shall include a paved trail of a sufficient size and design to allow McMinnville Water and Light to access the electric transmission easement with heavy trucks and approximately eighty-five foot poles. The design and location of the

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connection should account for the weight of trucks, and account for turning radius needed to access the easement space with transmission length poles. At a minimum, the trail shall be constructed to the same improvement specifications as included in the contract documents for the “BPA Pathway Phase III Improvements” which are on file with the City of McMinnville. The condition of approval will require that a development plan for the tract or easement, the improvements within the tract or easement, and any resulting change in lot dimensions or configuration within Phase 2A be submitted to the City for review and approval of the design and engineering prior to construction.

Water and Sewer – Land Development Criteria

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:

- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*

APPLICANT’S RESPONSE: The applicant recognizes these applications will be reviewed in coordination to McMinnville Water and Light for the City to obtain concurrence that sufficient water supply is available to meet demands of the development. This review will ensure that the proposed uses are commensurate with the planned comprehensive plan map designation for the area.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

- 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.*

APPLICANT’S RESPONSE: The applicant has coordinate with the City Public Works Department and received assurance that sufficient sewer capacity exists with the proposed on-site improvements and connections to the existing system.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

- 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.*

APPLICANT’S RESPONSE: This is a directive to the City and McMinnville Water and Light.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

- 4. Federal, state, and local water and waste water quality standards can be adhered to.*

APPLICANT’S RESPONSE: This is a directive to the City to review construction plans and field practices to ensure standards are adhered to.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

APPLICANT'S RESPONSE: This is a directive to the City to ensure policies are adhered to through the plan review and construction process.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Police and Fire Protection

Policy 153.00 The City 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Emergency services departments were provided an opportunity to review the proposal, and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

Parks and Recreation

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.

APPLICANT'S RESPONSE: This goal is not an approval criterion. The proposed donation of land for the Special Use Park site is called for in the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999. The donation will help the City meet this goal of providing open spaces and scenic areas for the use and enjoyment of all citizens of the community. The applicant is also proposing to dedicate to the City with the recording of the plat (in phases) several tracts of land with open spaces and recreational facilities for the enjoyment of all citizens and to facilitate better access and enjoyment of the Special Use Park. Acceptance by the City of the proposed donation of land for the Special Use Park and acceptance of the dedication of the tracts will help the City meet the above goal. If the City does not accept the dedication of the tracts, then they will remain in private ownership of the development's homeowners association.

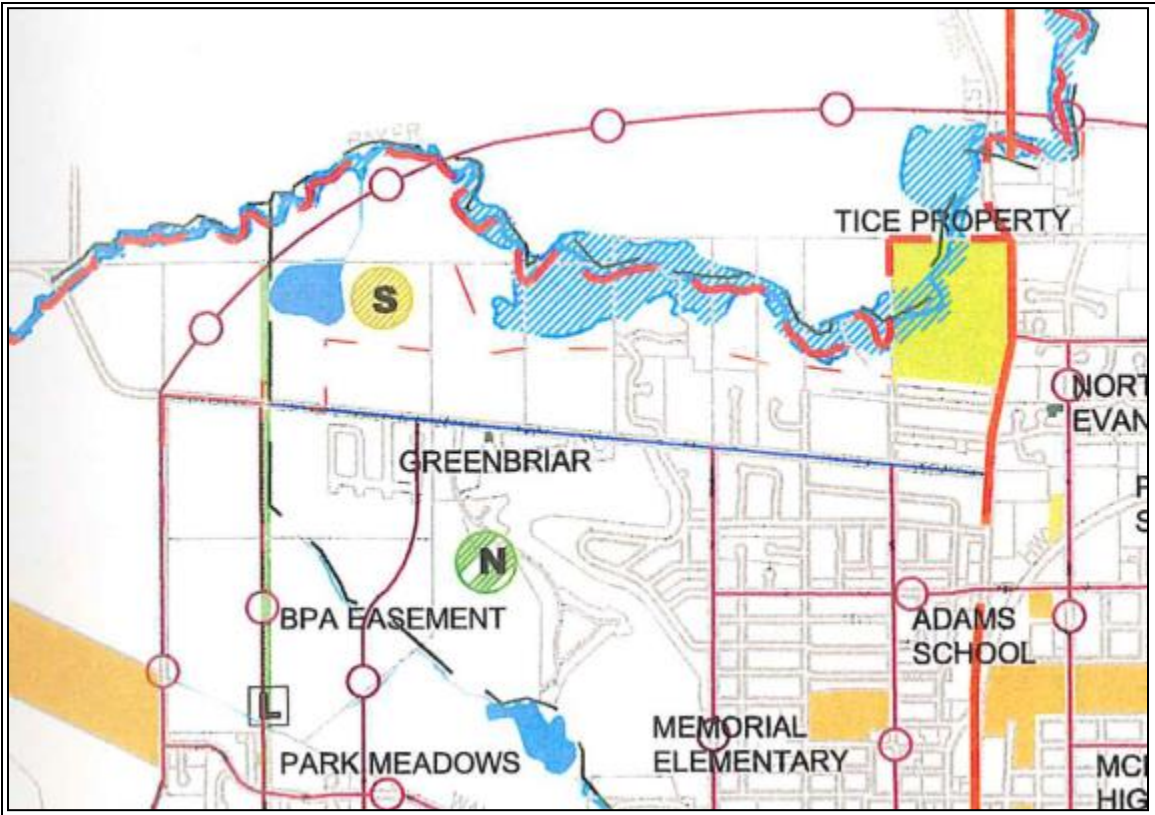
FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. These improvements and dedications will achieve the following actions in Table 10 (Recreation Facility Action Plan – Northwest) of the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999:

- 1) Special Use Parks: Acquire a special use park adjacent to the BPA Easement/acquire Elks Park
- 2) Greenspace/Greenways: Acquire a greenway along Baker Creek connecting Tice/BPA Easement
- 3) Trails and Connectors: Develop the Westside Trail (BPA Easement)
- 4) Trails and Connectors: Develop a trail in the Baker Creek greenway

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These actions are also identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan Map as follows:



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.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Where applicable, system development charge (SDC) credits will be provided for improvements of public park infrastructure.

Policy 163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)

APPLICANT’S RESPONSE: The City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, (page 41) states that Map 1 shows underserved neighborhoods. This Planning Areas map shows the subject site is located in Underserved Area 3. Underserved means not within a half mile of a neighborhood/community park or separated from it by a major street. To serve this area, the plan identifies actions in the Table 10 Recreation Facility Action Plan – Northwest on (page 43). The City is currently constructing a neighborhood park along Yohn Ranch Drive, located within a half mile of the subject site.

The proposed donation of land, dedication of tracts within the planned development, and other improvements proposed will help the City serve this area as intended by this policy and as envisioned by the parks plan through bringing to fruition many of the items in the action plan, including:

- City acquisition of a special use park adjacent to the BPA Easement (proposed land donation)
- City acquisition of a greenway to help connect Tice Park with the BPA Easement (dedication of proposed Tracts)
- Develop a trail in the greenway acquired

The proposed donation of the special use park is land that is partially within the 100-year floodplain. The portion outside the 100-year floodplain includes an old farm access haul road well suited for use as a greenway trail. The proposed off-site improvement of this trail with a bark chip surface will ensure minimum impact on environmentally sensitive lands while achieving the intent of this policy.

The tracts in the planned development are proposed to be improved with trails and dedicated to the City after the improvement are constructed. All of the proposed trails are located outside of the 100-year floodplain and do not contain environmentally sensitive lands.

FINDING: SATISFIED. The City concurs with the applicant’s findings, but adds that the Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. These improvements and dedications will achieve the following actions in Table 10 (Recreation Facility Action Plan – Northwest) of the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999:

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- 1) Special Use Parks: Acquire a special use park adjacent to the BPA Easement/acquire Elks Park
- 2) Greenspace/Greenways: Acquire a greenway along Baker Creek connecting Tice/BPA Easement
- 3) Trails and Connectors: Develop the Westside Trail (BPA Easement)
- 4) Trails and Connectors: Develop a trail in the Baker Creek greenway

Policy 164.00 The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.

APPLICANT'S RESPONSE: There are no floodplain lands within the boundary of the planned development proposed for land division, so this policy does not apply to the planned development. The proposed donation of land for a special use park, which does include floodplain lands, is not part of the planned development. The park land is simply being offered to the City, and acceptance of the donation is sought concurrent with the development review. This will allow for efficient processing of the offer by City staff and permit the City to evaluate how the donation fits into the City's park system. The City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, (page 41) states, "The Director of Parks and Recreation oversees park acquisition..." It is hoped the proposed donation will be accepted by the Director and the City as it meets these policies.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8. The Planned Development includes park improvements and a greenway trail within the 14.9 acre parcel described in the application narrative as Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). This parcel is being dedicated to the City for a public park, as described in findings for Policy 75.00 and Policy 76.00 above, at the time of the platting of subdivision Phase 2A or Phase 3A. A majority of this parcel is located within the 100-year floodplain and will be improved with some park improvements and a recreational trail. However, as described above in the finding for Policy 163.05, the improvements will not occur within the floodplain and most of the parcel will be preserved as natural area and open space.

Policy 166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

APPLICANT'S RESPONSE: The proposed Planned Development meets these policies with the open spaces and natural areas proposed to be preserved in tracts, in addition to the mini-parks proposed to be developed in tracts.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) is being dedicated to the City for a public park at the time of the platting of subdivision Phase 2A or Phase 3A. A majority of this parcel is located within the 100-year floodplain and will be improved with some park improvements and a recreational trail. However, as described above in the finding for Policy 163.05, the improvements will not occur within the floodplain and most of the parcel will be preserved as natural area and open space.

Policy 167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.

APPLICANT'S RESPONSE: None.

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FINDING: SATISFIED. The Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. Parcel D (Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) is being dedicated to the City for a public park at the time of the platting of subdivision Phase 2A or Phase 3A. A majority of this parcel is located within the 100-year floodplain and will be improved with some park improvements and a recreational trail. However, as described above in the finding for Policy 163.05, the improvements will not occur within the floodplain and most of the parcel will be preserved as natural area and open space.

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

APPLICANT'S RESPONSE: Where possible within the planned development boundary, which is an urban development, distinctive natural features are retained in tract areas. Tract N includes a grove of protected trees. The landscape plans indicate that many significant trees are preserved in the rear yards of lots, particularly on the north and east boundaries of the site. Large trees along Baker Creek Road could not be preserved as they were within the area of required frontage improvements.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8, & 14. The City concurs with the applicants findings. The subject site contains many natural, topographic, and aesthetic features that the proposed Planned Development would retain and protect. The most significant of these natural features is the 100-year floodplain area that exists within the parcel proposed to be dedicated as a public park. No development is proposed to occur within that parcel, other than recreational uses, which will preserve the land and the environmental benefits and functionality that these lands serve in the Baker Creek corridor. Open space areas are proposed in Tract N and Tract F to preserve areas of steep slopes and stands of existing significant trees within the Planned Development boundary. The requested zoning departures of lot size averaging and reductions in lot sizes will encourage development of the site that would be sensitive to existing slopes, significant trees, and floodplains that are found within and near the site. Conditions of approval are included to require the creation of the open space tracts, the preservation of existing natural features where applicable, and to require the review and approval of any tree request where significant trees are proposed to be preserved.

Policy 169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

APPLICANT'S RESPONSE: Drainage ways north of the site are not proposed to be developed.

FINDING: SATISFIED. Staff concurs with the applicant's findings.

Policy 170.05 For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used. (Ord. 4796, October 14, 2003)

APPLICANT'S RESPONSE: The applicant has reviewed the adopted City of McMinnville Parks, Recreation, and Open Space Master Plan prepared for the City by MIG, Inc. on June 1999. The applicant owns a parcel with an area of 14.9 acres adjacent to and north of the proposed Baker Creek North Planned Development. Concurrent with this application, the applicant requests acceptance of the donation of this land to the City.

The donated parcel would become a Special Use Park, and allow for Trails and a Linear Park, as defined on page 10 of the City's Master Plan (see also Appendix A Facility Inventory's Map

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2, the Master Plan map, where a Special Use Park symbol is located in the area). Acceptance of this donation by the City would allow it to fulfill the recommendations listed in Chapter 6 of the Master Plan related to benefiting the residents of McMinnville. Acquisition of this property is listed in the Master Plan in Table 10 - Recreation Facility Action Plan – Northwest (page 43) under “Special Use Parks” as a top priority. City ownership of this land would also allow the City to achieve another action item in this table, which is acquiring a “Greenway” to connect Tice Park to the BPA easement, as this property has an old farm haul road along the bluff from the BPA easement east to the adjacent property boundary that is well suited for development of a trail. This land donation will also allow the City to make a connection to the adjacent Baker Creek Greenway segment being proposed by an adjacent development (PDA 3-18/PDA 4-18/S 3-18), which is also an action item in Table 10 (“Develop a trail in the Baker Creek Greenway”).

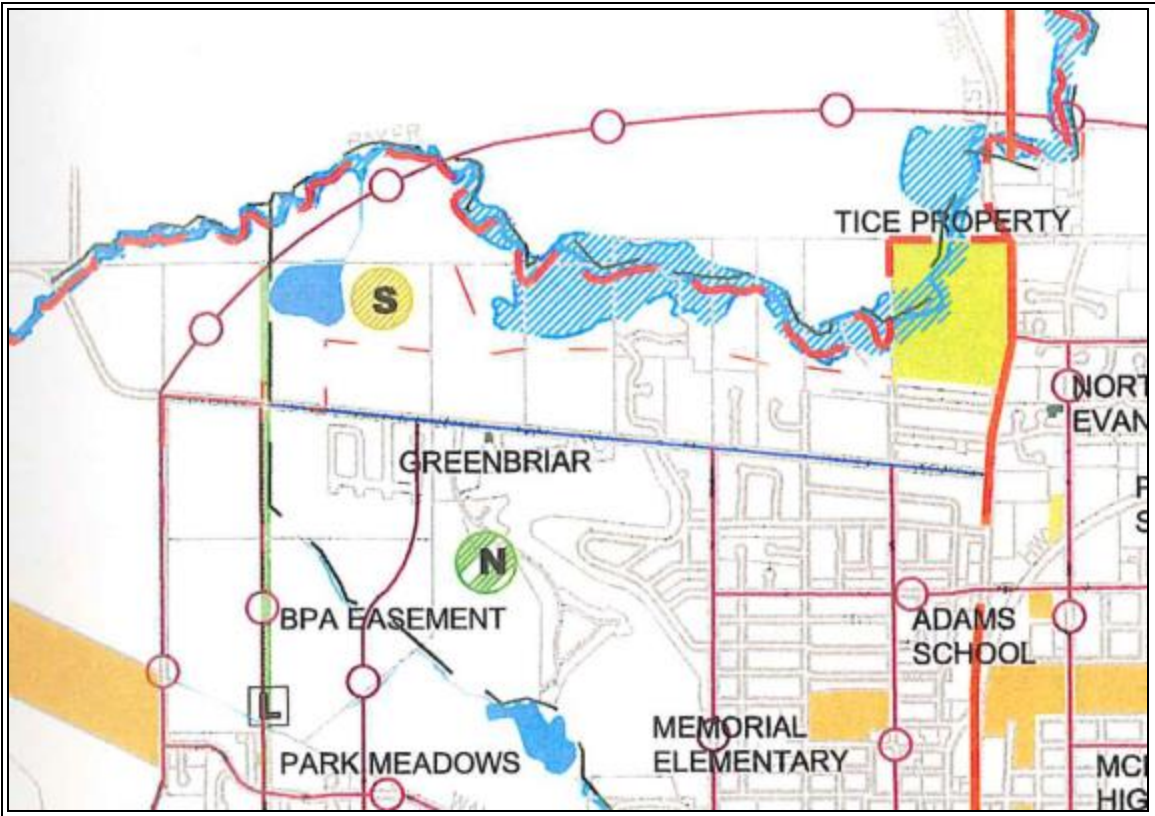
The purpose of the park land donation is to facilitate public open space enjoyment, protection of the floodplain from development encroachment, and conservation of riparian habitat along the waterway.

The proposed land donation is not part of the proposed planned development. The Proposed Planned development will create Tracts “F”, “I”, “J”, “K”, “L”, “N” & “S”, which the applicant recommends the City accept ownership of following installation of recreational amenities as proposed in their respective phases. These tracts include paths and trail improvements to support linear parks and greenspaces. These tracts and their improvements will facilitate public access to and enjoyment of the donated land.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5 - 8. The City concurs with the applicant’s findings, but adds that the Planned Development includes park improvements, paved trails, and a greenway trail within the tracts and parcel to be dedicated to the City for public parks, as described in findings for Policy 75.00 and Policy 76.00 above. The tracts and parcel the City will accept as public parks are also described in findings for Policy 75.00 and Policy 76.00 above. All of the tracts within the Planned Development will remain as private open space and recreational tracts to be maintained by the Homeowner’s Association. The improvements and dedication of the tracts and parcel describe above will achieve the following actions in Table 10 (Recreation Facility Action Plan – Northwest) of the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999:

- 1) Special Use Parks: Acquire a special use park adjacent to the BPA Easement/acquire Elks Park
- 2) Greenspace/Greenways: Acquire a greenway along Baker Creek connecting Tice/BPA Easement
- 3) Trails and Connectors: Develop the Westside Trail (BPA Easement)
- 4) Trails and Connectors: Develop a trail in the Baker Creek greenway

These actions are also identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan Map as follows:



LEGEND			
	Existing Developed	Existing Underdeveloped	Proposed
Mini-park/Playlot			
Neighborhood Park			
Community Park			
Linear Park			
Greenspace/Greenway			
Special Use			
Community/Recreation Centers			
Schools			
Other City Property			
Existing Bikeway			
Proposed Bikeway			
Waterway			
Floodplain			
City Boundary			
Urban Growth Boundary			
Multi-Purpose Trail			

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The process for a Planned Development provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City’s website as soon as they are deemed complete, and copies of the staff report and Planning Commission meeting materials are posted on the City’s website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. General Provisions

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

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Chapter 17.21 Multiple-Family Residential Zone

17.12.010 Permitted Uses. In an R-4 zone, the following uses and their accessory uses are permitted:

- A. Single Family Dwelling [..]

APPLICANT’S RESPONSE: The proposed planned development will have single-family dwellings and their accessory uses, which are uses allowed in the R-4 zone.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

17.12.010 Permitted Uses. In an R-4 zone, the following uses and their accessory uses are permitted:

- G. A single-family dwelling having a common wall with one or more other single-family dwelling, provided:
 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
 2. The dwelling shall have a common wall at the “zero” lot line.
 3. Each lot shall comprise not less than twenty-five hundred square feet in area.
 4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.
 5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.
 6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
 7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty (50) as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
 8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.

APPLICANT’S RESPONSE: Through the planned development process, the applicant is requesting approval to develop lots (designated on the plans as SFD-30a and SFD-26a) at a scale that would normally be single-family units having a common wall with one more single-family dwellings, thereby meeting the standards of subsection G. above. Through the planned development process, the applicant is requesting flexibility to allow the dwellings to not be connected with a common wall. Instead, a unique approach is applied where the required side yards are split between the units so each side of the dwelling will have a side yard. The lots will meet the standards of the eight subsections listed above, or will be modified through the planned development as follows:

1. The dwelling units will be situated on an individually, legally subdivided lots meeting this code.
2. The dwelling units will not have a common wall, rather they will be modified through the planned development approval process to have two 3-foot wide side yards, one on each side of the dwelling, resulting in six (6) feet between structures.

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3. All SFD-30a and SFD-26a lots in the proposed development combined will average more than twenty-five hundred (2500) square feet in area, and no lot will be less than twenty-three hundred (2300) square feet in area.
4. Lot area minimum and building setback requirements from property lines as modified by this application will apply to the dwelling units individually (except the average per #3 above).
5. Each dwelling unit will have independent services.
6. There will be no common wall as described in #2 above. The wall will meet the Uniform Building Code as adopted by the State for dwellings with 3-foot side yard setbacks to the property line.
7. There will be no common wall as described in #2 above, therefore there is no need for a sound barrier.
8. The dwelling units will not include existing duplexes, so this item is not applicable.

FINDING: SATISFIED WITH CONDITIONS OF APROVAL #22. The City concurs with the applicant's findings, and adds that additional findings for the lot size and configuration proposed in the Planned Development plans are provided for Goal V 1 and Policies 58.00 and 59.00 above. Because the narrower setbacks will reduce space between structures, a condition of approval is included to verify the storm drainage requirements that will apply at the time of construction of dwelling units on the lots within the Planned Development. More specifically, the condition states that, where sites are graded, the top of the exterior foundation must extend above the street gutter in compliance with the Building Code to facilitate storm drainage. Alternative elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site. Where room on a property does not exist to slope the finished grade away from foundations as required by the Building Code to mitigate storm drainage, alternative diversion or drainage solutions must be provided subject to approval by the building official.

17.12.010 Permitted Uses. In an R-4 zone, the following uses and their accessory uses are permitted:

- O. Public park and recreation area;
- P. Sewage pump station;

APPLICANT'S RESPONSE: The proposed residential development will include other uses permitted in the R-4 zone, such as open space tracts proposed to be dedicated to the City as public parks and a tract with a sewage pump station.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the specific requirements for improvements of the public and private open space tracts and parcel are described in findings for Policy 75.00 and Policy 76.00 above.

17.12.030 Lot Size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family.

APPLICANT'S RESPONSE: The policies of the Comprehensive Plan and this code encourage planned developments with unique approaches to development that meet the purposes of those policies and this code. The proposed planned development achieves these goals as outlined in this narrative. One method to meet these goals is to create new lots of varying sizes. The applicant has proposed seven (7) different lot types. To meet these goals, some lots are larger than five thousand square feet and some are smaller.

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The average size of the single-family detached (SFD) lots, designated on the proposed plans as SFD-70, SFD-60, SFD-50, SFD-40, & SFD-45, is 5,745 square feet. So, on average these planned development lots exceed the standard lot area minimum in this code. Likewise, the planned development's alley loaded lots SFD-30a & SFD-26a, that would have common walls in a standard subdivision, but are proposed in this planned development with a unique design to be detached with two 3-foot side yards (see comments under Section 17.21.010G. above), have an average size of 2,760 square feet. These lots exceed the lot area minimum of 2,500 in this code for this type of lot. Overall the average lot size is 4,925 square feet, only 75 square feet less than the minimum. For a planned development of this size, with the myriad of common open spaces proposed, the lot sizes meet the intent and purpose of these standards and policies.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that additional findings for the lot size and configuration proposed in the Planned Development plans are provided for Goal V 1 and Policies 58.00 and 59.00 above. The City also clarifies that the average lot size in the Planned Development is 4,930 square feet.

17.12.040 Yard Requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet.

APPLICANT'S RESPONSE: The applicant's Typical Lots plan illustrates proposed planned development yard setbacks for each typical single-family detached lot. The plan indicates the standards of this section will be met or modified by the proposed planned development in the following ways:

- A. This section will be met, as lots are proposed with a front yard setback of not less than fifteen feet.
- B. This section will be met in terms of exterior side yards, as lots are proposed with an exterior side yard setback of not less than fifteen feet.

The proposed planned development [internal] side yard setbacks vary for the seven (7) proposed lot types as shown on the Typical Lots plan summarized here:

- SFD-30a and SFD-26a: Instead of common wall or zero lot line construction on one side of the unit and the required six feet side yard on the other, these planned development lots will split this yard area to have three (3) feet of yard area on each side of the dwelling. Thus, there will still be six feet total of side yard per dwelling, just like with common wall construction of a two-unit town house structure.
- SFD-45: These planned development lots will have four (4) feet side yards. These lots are similar in scale (26' wide building envelope) as the recently approved planned development lots in a nearby project (AP 1-17) that have only 3-foot side setbacks. So, this planned development will have two feet more total side yard per lot of this type, than the other did.

- SFD-40, SFD-50, SFD-60, and SFD-70: These planned development lots will all have five (5) feet side yards. The flexibility requested in this planned development is to allow these lots to have just one foot less than the six feet standard. In exchange this planned development will provide more variety of housing and common open space areas.

C. This section will be met, as all lots are proposed with a rear setback of not less than twenty (20) feet, except lots that have garages served from the alley. For lots loading the garage from the alley, the 20-foot setback applies to the garage door. The planned development proposes a rear building setback from the alley of fifteen (15) feet. This will allow for, if desired, a bump out for an entry, second story overhang or other structural feature to add texture to the rear of the dwelling along the alley.

D. This section will be met. All garage setbacks are shown as 20-feet, which meets this code.

E. This section will be met for dwellings higher than thirty-five feet.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #3, #4, and #22. The City concurs with the applicant's findings. A condition of approval has been included to amend the required setbacks, based on the special objectives and design of the Planned Development as described in more detail below. In addition, conditions of approval are included to verify that minimum clearances be provided around electrical meters when fences are constructed in the side yard of lots, based on comments provided by McMinnville Water and Light, and that storm drainage be addressed at the time of construction of dwelling units on the lots within the Planned Development. The minimum clearances and storm drainage requirements are more difficult to meet when side yard setbacks are reduced.

17.12.050 Building Height. In an R-4 zone, a building shall not exceed sixty feet in height.

APPLICANT'S RESPONSE: The applicant intends to develop single-family detached dwellings in the R-4 zone that conform to Section 17.21.040 E. above. Thus, proposed structures will not in any way exceed this 60-ft. height standard.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.12.060 Density Requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020(M) are utilized.

APPLICANT'S RESPONSE: The provisions of Section 17.21.020(M) do not apply to this application.

This code section is met by the proposed development. The code would require a minimum of 2,200 square feet for a four-bedroom dwelling unit. The smallest lot in the proposed planned development is over 2,200 square feet. Thus, all lots in the development can have up to four bedrooms, and any lot over 2,700 square feet can have five bedrooms, etc.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the code would require a minimum of 2,250 square feet for a four-bedroom dwelling unit. The smallest lot in the proposed planned development is 2,340 square feet, so all proposed lots could support dwelling units up to four bedrooms. Lots that are less than 2,750 square feet would be limited to four bedroom dwelling units.

Chapter 17.51. Planned Development Overlay

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance. In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission. For purposes of implementing these objectives, two means are available:

APPLICANT'S RESPONSE: The proposed planned development meets the Purpose of this Section. The design uses the flexibility allowed to offer a development pattern that provides a variety of lot sizes and uses of the land. The applicant uses a creative approach to site design including:

- Providing extra lot depth to respond to existing trees and topography.
- Alternating lot sizes on various block faces to create a diverse mix of housing types and appealing streetscape throughout the development.
- Preservation of open space under the power line easement and in a tree grove.
- Orienting the fronts of some lots to common open space.
- Aligning pathways with destination open spaces, both private and public.
- Clustering density near future transit corridors.
- Preserving view corridors and access to adjacent parks and natural features both north and south of the site.

This planned development is not a guise to circumvent the intent of the zoning ordinance. The density of the development in both the average lot sizes and scale of the housing is comparable those uses allowed outright in the code. Therefore, the proposed planned development meets the intent of the code while providing a residential community that is better than would be allowed by a strict enforcement of the code.

The proposed planned development also meets the purpose of Section 17.03.029 for appropriate and orderly physical development of the City as evidenced by this narrative and the supporting exhibits. The applicant recognizes that approval of the request will create a planned development overlay over the R-4 zoned portion of the site and it will be developed according to the zone requirements except those approved modification as requested here. The method for implementing this planned development will be addressed under code subsection A. below:

FINDING: SATISFIED. The City concurs with the applicant's findings. In addition, the conditions of approval described throughout this Decision Document will ensure that the Planned Development is developed as proposed through the use of lot size averaging, the provision of a variety of lot sizes to support a mix of housing types, the preservation of open space and recreational areas in public and private tracts, the orientation of smaller lots to common open space, and the loading of smaller lots from rear alleys. These features of the Planned Development, together with conditions of approval as necessary, will provide variety in the development pattern of the community, allow for a creative approach to land development,

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preserve significant natural features, facilitate a desirable aesthetic, and create public and private open spaces.

17.51.010 Purpose. [...]

- A. The property owner or his representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances it will be carried out in accordance with Section 17.51.030. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area; (The fee charged for processing such an application shall be equal to the one charged for zone changes.)

APPLICANT'S RESPONSE: This narrative discusses how the planned development substantially meets the same general Comprehensive Plan and Zoning Ordinance objectives for the R-4 zone.

FINDING: SATISFIED. The City concurs with the applicant's findings. In addition, the conditions of approval described throughout this Decision Document will ensure that the Planned Development is developed as proposed, which amendments required by conditions of approval if necessary.

17.51.010 Purpose. [...]

- B. The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. (The Planning Director shall note such properties and direct that no building permit be issued in respect thereto.)
1. A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the Council or the Planning Commission shall address itself to the purposes set forth herein.
 2. The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plan are submitted;
- C. The Council and Planning Commission, with the assistance of the Planning Director, shall ensure that no planned development overlay granted under Section A or B above which is merely a guise to circumvent the intent of the zoning ordinance shall be approved. A denial of such a zone request based upon this principle shall be enunciated in the findings of fact adopted by the Planning Commission;
- D. A planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.72 (Applications and Review Process) of this ordinance. (A planned development overlay and change of the underlying zone may be processed simultaneously.)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The Planned Development was applied for with a specific development plan. The Planned Development was processed and reviewed in accordance with the public hearing procedures in Chapter 17.72.

17.51.020 Standards and requirements. The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:

- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the

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development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;

APPLICANT'S RESPONSE: The planned development is being proposed concurrent with a Comprehensive Plan Map amendment and a Zoning Map amendment to designate all of the planned development area within the R-4 zone, so the principal use of land in the planned development, single-family residential, will reflect the type of use indicated on those maps.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.51.020 Standards and requirements. [...]

- B. Density for residential planned development shall be determined by the underlying zone designations.

APPLICANT'S RESPONSE: The underlying proposed zone designation is R-4. As required, residential density is addressed in applicant's response to Section 17.21.060. The proposed development conforms to the underlying zone requirements.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. Policy 79.00 allows for density to be less than that allowed under the zoning classification through a planned development overlay, which has been requested. The City adds that other conditions of approval will require the alleys serving the narrower lots to be private, which will likely increase the net density likely 8 dwelling units per acre to be within the range of the R-4 zone. In addition, as described by the applicant, the Planned Development plans do meet the density requirements of the R-4 zone on a lot size per unit basis per Section 17.12.060.

17.51.030 Procedure. [...]

- C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;

APPLICANT'S RESPONSE: Regarding the Baker Creek North Planned Development, the applicant intends to develop a residential community that provides home attainability, balance, and choice. The applicant seeks to address the following physical conditions and achieve a number of special objectives as part of the overall development concept, warranting a departure from standard regulation requirements:

- (1) Preserve trees in rear yards and tracts.
- (2) Accommodate homes along the bluff while keeping appropriate separation from the natural areas on the adjacent property.
- (3) Developing around the BPA Easement that traverses the site.
- (4) Provide a diversity of lot sizes to accommodate a mix of housing sizes at various price points to meet the goals and policies of the City's Comprehensive Plan and this code to serve today's market needs of home consumers in McMinnville.
- (5) Focus on the detached Single-Family Residential housing type.
- (6) Offer on-site open space amenities to the residents who cannot cross a minor arterial to reach the nearest neighborhood park.
- (7) Provide access to City park facilities.

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- (8) Create a sense of place.
- (9) Ensure adequate off-street parking.
- (10) Avoid “cookie cutter” approach to housing on any block face.
- (11) Promote future transit service.

The proposed development addresses each of these special physical conditions and objectives through its design and the requested flexibility offered by a planned development as shown on the plans and discussed in detail in this narrative and below.

(1) Preserve trees in rear yards and tracts

Along the north and northeast boundary of the site there are stands of oak trees as well as rows of oak trees. These oak trees are preserved in the rear yards of proposed lots along the perimeter of the project with extra deep rear yards to accommodate space for these trees outside of the building envelop. Tree protection for these trees during site construction is shown on the landscaping plan drawing L1.0. A grove of these trees is preserved in proposed Tract “N” in Phase 2A of the project. Proposed Lots 129-133 in Phase 2A and Lots 269-280 will have a thirty-foot rear building setback where a large oak tree exists to protect this feature and provide a natural buffer between the site and adjacent land. Preservation of this area is in part meant to off-set the planned development request to decrease side yard setbacks by one foot from six feet to five feet setbacks for most lots, and to four feet for other lots, as well as to allow for a mix of lot sizes throughout the planned development.

(2) Accommodate homes along the bluff while keeping appropriate separation from the natural areas on the adjacent property.

The site is adjacent to a bluff, at the bottom of which is a parcel that is planned for a City special use park. Lots along the bluff have been designed with extra depth to allow for horizontal separation between the dwellings, which will sit on top of the bluff, and the adjacent natural area at the rear property line. Use of this portion of the site to create larger deeper lots is in part meant to off-set the planned development request to allow for a mix of lot sizes throughout the planned development, some of which are smaller.

(3) Developing around the BPA Easement that traverses the site.

The site is encumbered by a 60-foot wide BPA Easement and transmission lines. The area under the transmission lines is preserved as community open space and proposed to be improved with picnic tables and a grassy area near the street, and a gravel walking trail (and utility access way) with excellent views of the future City special use park. This area is proposed to be dedicated to the City as a park. Improvement of this active open space is in part intended to support the planned development request to allow for a mix of lot sizes throughout the planned development, some of which have less lot area.

(4) Provide a diversity of lot sizes to accommodate a mix of housing sizes at various price points to meet the goals and policies of the City’s Comprehensive Plan and this code and to serve today’s market needs of home consumers in McMinnville

The Comprehensive Plan Policy 72.00 states, “Planned developments shall be encouraged as a favored form of residential development.” Policy 73.00 states, “Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.” This code states under Section 17.51.010, “...the purpose of a planned development is to encourage a variety in the development pattern of the community...” The proposed planned development provides the variety called for by the City in the above referenced documents with its seven different lot sizes described in this narrative and in the exhibits to the application: SFD-

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70, SFD-60, SFD-50, SFD-40, SFD-30a, & SFD-26a. This approach will better meet the various needs of home buyers than development built to the standard, as it would only create two lot types: common wall single family dwellings on lots of 2500 square feet in area and detached single-family dwellings on lots of 5000 square feet in area.

(5) Focus on the detached Single-Family Residential housing type

A 2014 residential preference study done by DHM Research for Metro¹ shows that about 80% of people view detached single-family dwellings as their preferred housing choice. In recognition of this finding, the Applicant has specifically designed the planned development with detached single-family housing in mind. This in part addresses the applicants request through the planned development process to develop the alley loaded lots referred to as SFD-30a and SFD-26a as detached dwellings instead of using common wall construction as allowed outright in the code for lots in this size range.

This unique approach to site design creates a housing product type commonly referred to as the missing middle, or single-family detached homes at the scale of an attached dwelling without the attachment. This is a product type that meets consumer needs for lower cost attainable housing that would normally only be found with a townhouse/row house structure, only these proposed lot types are without the burden of a common wall. So, by meeting this objective the development is also helping meet objective (4) discussed above.

(6) Offer on-site open space amenities to the residents who cannot cross a minor arterial to reach the nearest neighborhood park

There is a neighborhood park under construction within a ½ mile of the site which is anticipated to be complete prior to development of this site, however it is located across a minor arterial. Therefore, private mini-parks are proposed on tracts with active recreational amenities for residents of the Baker Creek North development. For details, see the landscaping plan drawings L1.0-L10.0. Sidewalks and mid-block pathways provide convenient access to the proposed facilities. The site design also includes pathways and marked crosswalks to connect residents of the site to City park facilities to the south beginning at Baker Creek Road and Meadows Drive. On-site open space areas and proposed recreation amenities in part off-set the request for varied lots sizes as part of the planned development.

(7) Provide access to City park facilities

In addition to pathways and sidewalks leading south to the City park facilities as described in objective (6) above, the proposed planned development provides multiple tracts that can provide public access to the adjacent special use park land to the north of the site. The applicant is proposing to dedicate ownership of several open space tracts to the City, upon recording of the respective phases of development, for use to access the future special use park land being donated.

(8) Create a sense of place

The site is adjacent to minor arterial called Baker Creek Road and Baker Creek lies to the north of the site. The plan includes a landscaped open space tract with a white rail fence the entire length of the site's frontage with Baker Creek Road accented with two entrance monuments located in the tract at Meadows Drive and Shadden Drive. Opposite this strip at Shadden Drive is a landscaped storm pond tract. Opposite this strip at Meadows Drive is a tract with a pathway to extend the BPA trail into the site and terminate it at the proposed intersection of Kent Street

¹ (<http://www.oregonmetro.gov/residential-preference-study>)

and Meadows Drive. This location will include a proposed mini-park that will include a picnic space at the trailhead and a natural path overlooking the City's future special use park. These features along with the other common open spaces and curvilinear tree lined streets will create a unique new community in the City of McMinnville with a vibrant housing mix and excellent access to recreation and other services.

(9) Ensure adequate off-street parking

Parking can present challenges in developments that propose compact urban form. Having witnessed mistakes by developers who did not provide sufficient parking in small lot projects, the applicant is committed to providing sufficient off-street parking so that on-street parking is available. Therefore, each single-family unit will have a minimum of four off-street parking spaces as shown on the exhibit drawing EXH-5 Typical Lots. This will typically include two garage spaces and two spaces on a standard driveway pad in front of the garage. As such, this design will exceed McMinnville city off-street parking standards by 100%. Driveways will be paired where feasible in order to maximize on street parking as well. The off-street and on-street parked vehicles are graphically represented in the exhibit drawings SP-1 through SP-5 Site Plans.

(10) Avoid "cookie cutter" approach to housing on any block face

A primary goal of this planned development is to avoid the appearance from the public street of monotonous tract housing (aka: "cookie cutter") pattern of development. This objective has been achieved in part through site design where lot sizes alternate along a block face and where lots types differ from one side of the street to the other. To further support this objective, the applicant is proposing a condition that no building elevation shall repeat itself on an adjacent lot nor the lot directly across the street.

(11) Promote future transit service

The October 2018 Yamhill County Transit Area Transit Development Plan (YCTA TDP) Volume I, which was adopted on 10/18/18, shows the site is located within a ¼ mile on the north side of a planned transit corridor along Baker Creek Road. The applicant has designed the site to cluster density along the south end of the site, which is close to this future transit corridor, in order to make the transit service conveniently within walking distance for the majority of the future residents. Since convenience and walking distance are major factors in a person's choice to use transit, the proposed site design will encourage transit use. The density of the housing and convenience of use will also encourage future transit service to be developed as planned.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2 - 22. The City concurs with the applicant's findings, but clarifies a number of statements. The larger rear yard setback described by the applicant is proposed to preserve existing trees along the rear yard of Lots 131-135 and Lots 269-280. A condition of approval has been included to require a larger rear yard on those lots, and also to require that a request for removal of any of the trees within the rear yard of those lots be submitted to the Planning Director for review and approval prior to removal.

The Planned Development site is traversed and bisected by the existing BPA power line easement, which does not allow for the development of permanent structures. This presents some difficulty in the development of the site. In addition, the area of this easement is also planned for the extension of the BPA trail, which currently exists south of Baker Creek Road from Baker Creek Road to 2nd Street. The Planned Development plans include the extension of the BPA trail to the north to a terminus within an open space parcel that will be dedicated to the

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City as a larger public park. In order to minimize crossings of the BPA trail extension, the Planned Development includes a street network with only one street crossing of the trail. IN addition, the parcel that will serve as a larger public park (identified as Parcel D in the application narrative) will function as a Special Use Park, as most of the park will be preserved as natural area and open space to preserve a 100-year floodplain area. A trailhead will be developed at the terminus of the BPA trail extension, and a bark chip greenway trail will be developed within the Special Use Park. All of these park dedications and improvements will allow the City to achieve actions identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, as described in more detail above. These park improvements will provide opportunities for residents of the Planned Development, and the City as a whole, to have social interaction, recreational amenities, and access to nature and wildlife, all of which are special objectives of the proposed Planned Development. In addition to the public park and trails, a number of private open space tracts, recreational tracts, and pedestrian connections are provided throughout the Planned Development. The specific improvements that will occur within the public and private open space and recreation tracts are described in more detail above.

The Planned Development does propose 7 different lot sizes, which will provide an opportunity for a variety of housing options at a range of potential price points, which will provide housing mix within the Planned Development. In order to allow lot size averaging and a transition in density from the southern portion of the site to the northern portion of the site, lot sizes and dimensions are proposed to be varied from typical zoning requirements. Some lots will be smaller than typically allowed for detached dwelling units in the R-4 zone, and most lots will be deeper than typically allowed by the lot depth-to-width ratio of the land division standards. Where lots are narrower than 40 feet, the applicant is proposing to provide alleys that provide vehicular access from the rear side of the lots. This design feature will result in the fronts of the dwelling units including more pedestrian-oriented features and not having front facades that are dominated by garage openings and driveways. This not only improves the aesthetics of the dwelling units, but also improves the pedestrian environment adjacent to the dwelling units as there will be an uninterrupted sidewalk without curb cuts or vehicles crossing the sidewalk. In addition, some of the narrow lots are proposed to front onto private open space tracts with recreational amenities, which will offset the smaller lots and less private open space on those lots.

The applicant has proposed driveway widths for each of the different lot types as follows:

- SFD-70 & SFD-60 lots have 30 feet wide driveways.
- SFD-40 lots have 20 feet wide driveways.
- SFD-45 lots have 18 feet wide driveways
- SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.

These driveway widths are identified on the “Typical Lots” sheet in Drawing EXH-5, which show the driveway width extending the entire length from the front of the garage to the street. However, Section 12.20.030(B) of the MMC limits driveway widths on lots between 20 and 75 feet in width to no more than 40% of the frontage. The SFD-70, SFD-60, and SFD-40 lot types would exceed this 40% maximum driveway width if allowed to have the driveway widths requested by the applicant, with 42.8% wide driveways on the SFD-70 lots and 50% wide driveways on the SFD-60 and SFD-40 lots. The applicant has described the need for these driveway widths to allow adequate off-street parking space. The City concurs with the applicant in regards to providing adequate off-street parking space, but finds that the widths of the driveways proposed would create conflicts and disruptions within the pedestrian environment along the sidewalks within the public right-of-way. Therefore, a condition of approval is included to allow for driveways to be the maximum width requested by the applicant on each private lot,

but that the driveway width be tapered down at the property line and not exceed the maximum 40% driveway width required by Section 12.20.030(B) between the property line and the street.

The applicant has described a desire to avoid a cookie cutter housing pattern within the development. Given that the lot sizes as proposed are much smaller than what is typically provided for detached dwelling units, and in order to ensure that the housing types provided within the Planned Development do not result in a cookie cutter housing pattern, a condition of approval is included to require an Architectural Pattern Book to help facilitate a desirable aesthetic in the planned development. The Architectural Pattern Book will require the review and approval by the Planning Director of architectural elevations, details, materials and colors of each building type. In addition, the architectural elevations, details, materials, and colors will be required to meet minimum design standards to better facilitate a desirable aesthetic in the planned development. Finally, a condition of approval is included to require that no building elevation shall repeat itself on an adjacent lot or any lot directly across the street.

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

APPLICANT'S RESPONSE: The applicant is requesting concurrent approval of the proposed amendments to Ordinance No. 4633, an amendment to the Comprehensive Plan Map to change a portion of the Commercial designated land to Residential, and a zone change to designate portions of the area regulated by the ordinance as C-3 and R-4. The applicant is also requesting approval of a zone change to designate the remainder of the Baker Creek North Planned Development area R-4. As discussed in the above narrative, the proposed land use actions and resulting development are consistent with applicable Comprehensive Plan goals, policies, and objectives of the area.

FINDING: SATISFIED. The objectives of the Comprehensive Plan are achieved by the Planned Development, as described in the Conclusionary Findings contained in this Decision Document.

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

APPLICANT'S RESPONSE: The attached exhibits include street and utility plans for the proposed Baker Creek North Planned Development. The plans also illustrate how adjoining parcels, including the C-3 zoned parcel regulated by Ordinance 4633, will be provided adequate access and provision of services. The proposed improvements with Baker Creek North include a connection to the existing Blake Street stub, a stubbed street connection of Shadden Drive north that aligns with the proposed adjacent development's street stub, and a stubbed street connection of proposed William Drive south to the adjacent parcel. Access is provided via tracts to the north. The adjacent property to the south, referred to as the substation property, has adequate access from Baker Creek Road and recorded easements. No access is provided to the west as that land is outside of the urban growth boundary.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The applicant has submitted a Phasing Plan to illustrate how the site will be developed in the proposed 10 phases. If land use approval is granted in 2019, Phase 1A-1D will be completed in one or more phases between about 2019 and 2021, Phase 2A-2C will be completed following Phase 1D, likely from about 2021 to 2024, and Phase 3A-3C will be completed following Phase 1B between about 2020 and 2024. A phased development of 10 phases can take a long time to complete, however, some phases can be constructed

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concurrently depending on market conditions. For example, Phase 3A could begin construction at the same time, or even before, Phase 2A, as Phase 3A is contingent only on completion of Phase 1B, not Phase 2A. This means development can even occur faster than predicted if conditions are right. Phased development could also extend beyond 2024 as suggested here, but would be completed within a reasonable time as allowed by this code.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The new streets providing internal circulation are proposed with sections to meet local residential street standards, so they will support the anticipated local traffic. The street connections at Shadden Drive and Meadows Drive connecting to NW Baker Creek Road will be improved with extra pavement width to accommodate a 3-lane section on the side streets for a right-turn-out lane, center left-turn/through lane, and an in-bound lane. This will ensure extra capacity for turning movements at the intersection for outbound traffic. Baker Creek Road will be improved with a half-street improvement along the site's frontage to City standards, which will add a center left-turn lane to support circulation at the intersections, including north and south left-in turning movements that will not block through traffic on Baker Creek Road. The streets outside the planned area have already been developed to accommodate the anticipated development in the area.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the Planned Development also proposes the alignment and extension of three existing streets, NW Hill Road (proposed to be extended as Hill Lane), NW Meadows Drive, and NW Shadden Drive. The applicant has provided a traffic impact analysis (TIA) report to ensure that the proposed development will allow for all intersections in the surrounding area to function within the City's mobility standard for intersection operations, which requires a v/c ratio of 0.90 or less. The findings of the TIA are described in more detail in the finding for Policy 99.00 above.

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

APPLICANT'S RESPONSE: The exhibits submitted with this application, including UT-1 through UT-5 Utility Plans, indicate that public utility and drainage facilities are adequate for the proposed population density and type of development.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the submittal of detailed development plans will be required at the time of 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;

APPLICANT'S RESPONSE: The noise, air and water pollutants generated by the proposed development will not have adverse effects upon surrounding uses. Noise and air pollution of the proposed residential development will be similar to and compatible to the existing noise and air pollution created by the existing adjacent residential uses. Water pollutants will be similar to and compatible with adjacent uses and will be managed by the development of sanitary and storm sewer infrastructure by the developer as proposed with the street construction described in the Exhibits attached to this narrative. Therefore, this Criterion is met.

FINDING: SATISFIED. The City concurs with the applicant's findings.

- D. If, in the opinion of the Commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section. If the Commission finds to the contrary, they may recommend the application be denied or return the plan to the applicant for revision;
- E. The Commission may attach conditions to carry out the purpose of this ordinance provided that such conditions are not used to exclude needed housing or unnecessarily reduce planned densities, and do not result in unnecessary costs or delay;
- F. Before approving a planned development, the Commission shall follow the procedure for considering an amendment as required in Chapter 17.72 (Applications and Review Process) of this ordinance;

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The application was reviewed under the procedures required in Chapter 17.72. Conditions of approval are attached and described throughout this Decision Document to ensure that the Planned Development is developed as proposed and as amended where necessary to achieve applicable policies.

Chapter 17.53. Land Division Standards

17.53.100 Creation of Streets.

- 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.

APPLICANT'S RESPONSE: The northwest corner of the planned development extends along a narrow bluff. Due to the existing parcels unusual topography, the most logical way to develop the parcel is to extend a private drive north from proposed Mercia Street. Therefore, access to Lots 204-208 in Phase 2C is proposed through a shared private drive in a common easement over Lots 206-208 as depicted on drawing PL-3 Preliminary Plat. Also, due to lot sizes and shapes that are deeper to protect trees in rear yards of nearby lots, the street is particularly far from Lot 269 in the corner of the site in Phase 3C. Therefore, the most feasible way to develop the parcel is to provide a shared private drive in common easement over Lot 270, as depicted on drawing PL-5 Preliminary Plat, to serve both Lots 269 and 270. This approach to lot access is proposed as part of the planned development as opposed to flag poles for each lot as it is the preferred method of access as described in subsection C.3. above. With approval of by the Planning Commission, access to these lots will meet the requirements of this code.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #17. The City concurs with the applicant's findings, but clarifies that the lots proposed to share an access easement are Lots 206-210. A condition of approval is included to allow those five lots to share one access easement.

- 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.

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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.

APPLICANT'S RESPONSE: The attached Preliminary Plat drawings indicate that the private drive serving Lots 204-208 is located within an access easement on Lot 206-208, and the private drive serving Lots 269 and 270 is located within an access easement on Lot 270. The private drive improvements will be designed in accordance with the standards of Section 17.53.101(P). Necessary public utility easements are shown within the access easements on the lots adjacent to and served by the easements. The private drives will be identified as a common improvement in the CC&Rs and maintenance provisions will be included so new purchasers are aware of the maintenance costs. These documents will be recorded with final plats for each phase of the development.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #17. The City concurs with the applicant's findings, but clarifies that the lots proposed to share an access easement are Lots 206-210. A condition of approval is included to allow those five lots to share one access easement.

17.53.101 Streets.

- O. Alleys. 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.

APPLICANT'S RESPONSE: The proposed planned development is not located in a commercial or industrial district. The site's design includes proposed public alleys with 22-foot right-of-ways. See the Site Plan Exhibit SP-5 for the alley section. A standard alley may only be 20-feet wide, but the Applicant is proposing the extra two feet of width to allow a six-inch gap on both sides from edge of right-of-way to back of the six-inch flush curb creating the unobstructed area for placement of the property pins and to provide a full twenty feet wide paved surface. This alley configuration will allow for extra maneuvering space for vehicles entering and exiting driveway on lots served by the alleys. This in combination with the proposed full 20-foot setback from the right-of-way to the face of a garage will make for a safe and functional public alley. The applicant seeks the City's approval of these alleys as part of this planned development.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 and #16. Section 17.53.101(O) only requires alleys in commercial and industrial districts. However, in order to achieve the narrow lot size and varied lot dimensions, the applicant is proposing alleys to serve lots that are less than 40 feet in width. A condition of approval is included to require that all lots with less than 40 feet in width be alley loaded. In addition, a condition of approval is included to require that the alleys be created in tracts or shared access easements, and that the tracts or easements be maintained by the properties that utilize the alleys for access.

- S. Sidewalks. 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.)

APPLICANT'S RESPONSE: The proposed planned development has frontage on Baker Creek Road, a minor collector in a residential area. Therefore, this section does not apply. The

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applicant is proposing to install a meandering 10-foot wide sidewalk along the planned development's frontage on NW Baker Creek Road as shown on the exhibit SP-1 Site Plan. The applicant is also proposing to install a 12-foot wide sidewalk along the west side of Meadows Drive, south of Kent Street to its intersection with Baker Creek Road, with half the sidewalk in the ROW and half in the adjacent open space tract. This sidewalk will effectively extend the BPA trail to the common area amenities at Kent Street, where the applicant is proposing to dedicate open space tracts to the City with the proposed improvements. The applicant seeks approval of these wider sidewalks in these locations as designed.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #7 & #10. A condition of approval is included to require the wider, meandering sidewalk within the Baker Creek Road right-of-way, and also to allow the wider multi-use path in lieu of a sidewalk within the Meadows Drive right-of-way.

17.53.103 Blocks.

- A. General. 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. Size. 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.

APPLICANT'S RESPONSE: The proposed block layout has been proposed taking into account adequate lot sizes, street width and the site's topography, as well as adjacent street network.

Land outside of the urban growth boundary is located to the west of the subject site, and sloping topography and the 100-year floodplain and urban growth boundary are to the north. The adjacent constrained lands make it infeasible to extend public streets in those directions to create smaller block perimeters. Where a street can be extended in the northeast boundary of the site for future development, it is proposed. The adjoining street network represented by Blake Street justifies an exception to this standard along the east side of the project.

The block bound by proposed Emma Street, Meadows Drive and Shadden Drive is adjacent to an arterial street, Baker Creek Road. Its perimeter is controlled by the existing spacing between Meadows Drive and Shadden Drive. This spacing meets the above standards. The spacing between along Hill Lane at the north leg of the existing traffic circle also meets this code.

The site's block pattern is also constricted by the BPA easement, adjacent substation property, the large C-3 zoned parcel, Baker Creek Road's arterial intersection spacing standards, and existing development to the east. Where large blocks are proposed, mid-block paths and open space tracts are proposed to facilitate pedestrian connectivity and access to the greatest extent practicable (as shown on Exhibit 3's sheet EXH-4).

The applicant seeks approval of the proposed planned development block pattern.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #19. The City concurs with the applicant's findings with regard to the topographical, physical, and geographical limitations found on the site. The City further finds that an exception to the standard maximum block length is warranted due to the topographical, geographical, and physical limitations of the site. The site is bounded to the west by McMinnville city limits, and is bounded on the south by an arterial street. The center of the site is impeded by the BPA power line easement, and steep slopes define the perimeter of the northern portion of the subject site. As such, there are limited opportunities for connecting streets to penetrate some of the blocks along the northern portion of the site. Where the proposed street network creates block lengths in excess of 400 feet or

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block perimeters in excess of 1,600 feet, mid-block pedestrian crossings are proposed to be provided within private open space tracts. The one exception to the provision of mid-block pedestrian crossings are the block lengths of Gregory Drive, Shadden Drive, and William Drive between Edgar Street and Augustine Place. Based on the surrounding street network that the Planned Development must align with, the fact that the block perimeters of these blocks are still well under the 1,600 foot maximum, and the orientation of the grid street network in the portion of the site, the mid-block pedestrian crossing is not required. Therefore, a condition of approval is included allowing a maximum block length of approximately 645 feet (the approximate maximum length of the block length of Kent Street between Hill Lane and Harold Drive) and a maximum block perimeter of approximately 2,325 feet (the approximate length of the block bounded by Meadows Street, Emma Street, Shadden Drive, and Baker Creek Road). The maximum block perimeter allows for the block bounded by Meadows Street, Emma Street, Shadden Drive, and Baker Creek Road to exceed 1,600 feet, but this block is adjacent to an arterial and requires a minimum block length of 1,800 feet. The block also is proposed to include three mid-block pedestrian crossings to eliminate barriers to pedestrian circulation. Other conditions of approval require the improvement of the mid-block crossings described above.

C. Easements.

3. 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)

APPLICANT'S RESPONSE: Pedestrian ways that are in tracts greater than ten (10) feet in width are proposed at several locations in the form of mid-block paths throughout the development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.53.105 Lots.

- A. Size and shape. 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.

APPLICANT'S RESPONSE: The applicant has submitted a Planned Development application to create 280 single-family detached lots within the R-4 zoned portion of the site. Through the planned development process, the applicant is proposing to modify lot sizes so that all lots will be buildable and conform to the planned development's zoning overlay. The planned development includes appropriately sized and orientated lots for each unique site condition. Smaller lots are located closer to Baker Creek Road and will facilitate future planned transit along the roadway. Larger deeper lots are arranged adjacent to natural features. Medium lots are located in the middle area as a transition to density. Narrow lots are oriented to the street or common open space tracts with garage loading from an alley in the rear, while medium and large lots have access oriented to adjacent streets. Lots adjacent to the BPA easement are predominately oriented with the rear yard toward the easement, and this easement has been placed in an open space tract.

The width and depth of the proposed lots are also appropriate for the location of the lot. There are seven different lot types, organized by typical lot width, as shown on Exhibit 3's Lot Type Plan sheet EXH-3. Where a lot depth exceeds two times the average width, as requested with approval of this Planned Development, the dimensions are prudent as described below:

- SFD-70 lots would normally have a lot depth of no more than 140-feet. Of the 21 lots of this type, the proposed depths are typically less than 150-feet, with only a few approaching 160-feet. Therefore, this variance from the standards is a marginal amount. These lots are all on the perimeter of the project with the rear of the lots adjacent to sloping land that is proposed to be donated as a future special use park. The proposed depths as shown on Exhibit 3's Preliminary Plat sheets PL-1 through PL-5, allow for these lots to act as a buffer between the future open space and the developed portion of the site, so this added depth to the lots is appropriate for the location.
- SFD-60 lots would normally not have a lot depth of no more than 120-feet. Of the 36 lots of this type, the proposed depths are all less than 120-feet meeting this code standard, except for lots 206 & 207 which have a 25-foot wide driveway easement encumbering the front of the lots. Therefore, the functional depth of these lots is less than 120-feet, meeting the intent of this code section.
- SFD-50 lots would normally not have a lot depth of no more than 100-feet. Of the 48 lots of this type, many conform to this code. Where they do not, they are adjacent to the exterior of the project like the SFD-70 lots. The added depth also helps preserve trees on Lots 269-280, provide a buffer from the adjacent use on Lots 122-129 or 126-203, and rear yards of Lots 137 and 212 which are adjacent to the side yard of another lot to provide added lot depth and buffer the adjacent use. As such, the intent of this code section is met by the added depth of these planned development lots.
- SFD-40 and SFD-45 lots would normally not have a lot depth of no more than 80-feet or 68 feet respectively, if conforming to this code subsection exactly. Of the respective 50 and 47 lots of these types, all of lot depths are greater than that which the code would prescribe. An 80-foot deep lot could have a 20-foot garage setback in the front and a 20-foot rear yard setback, leaving 40-feet of depth for the dwelling unit. However, that would mean the ground floor depth of the livable part of the dwelling would be only 20-feet deep after providing 20-feet for the typical depth of a garage. The planned development request for flexibility of this standard to allow for lot depths ranging from 90-feet to just over 100-feet means these dwellings will be 10-feet to 20-feet deeper than if conforming to the code. The proposed lots will have more functional internal ground floor space within the dwelling, as well as an increased area on the second floor. Lot depths of 100-feet, plus or minus, are ordinary depths for single-family dwelling lots so this request is within reason. These dimensions are also appropriate for the higher density portions of this site these lots occupy, providing conformance with the intent of this code.
- SFD-30a and SFD-26a lots would normally not have a lot depth of no more than 60-feet or 52 feet respectively. Of the respective 24 and 54 lots of these types, all of lot depths are greater than that which the code would prescribe. This code section also states that "all lots in a subdivision shall be buildable," The lots are proposed to be 90-feet deep, which is a necessary depth to make them buildable. With the exception of Lots 17-20 and 81-84, all of which have front yards facing Shadden Drive or Meadows Drive, respectively, and are therefore deeper.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #20 & #21. In most cases, the lots within the Planned Development exceed the required depth-to-width ratio of 2:1. In order to allow the lot dimensions proposed, which allow the opportunity for the variety of lot types and

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housing types described as an objective of the Planned Development, conditions of approval are included to require architectural review, design standards, and variation of building elevations between lots for the eventual development of detached single family dwelling units on each lot.

- 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.

APPLICANT'S RESPONSE: All proposed lots about upon a street for a width of 25-feet as required by this section, except those listed here. Through this planned development process, the applicant seeks approval for the alternative proposed access:

- Lots 21-32 in Phase 1A, Lots 44-49 in Phase 1B, and Lots 69-77 in Phase 1C have over 25-feet of frontage on the proposed public alley at the rear of the lot, and 25-feet of frontage on the proposed common area tract with a pedestrian way at the front of the lot.
- Lot 269 is served by a shared drive in an easement over the flag pole portion of adjacent Lot 270. Per drawing PL-5 Preliminary Plat, the flag portion of Lot 270 has 20.08' of public street frontage.
- Lots 204-208 on drawing PL-3 Preliminary Plat are served by a shared drive in an easement over the front of lots 205-208 that is 25-feet wide, providing more than the required frontage on a public street.
- Lot 129 is shown on drawing PL-3 Preliminary Plat to have 20.34-ft. of frontage for the flag pole portion of the lot.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 & #17. The lots that are not proposed to front upon a street for at least 25 feet are those that are proposed to be alley loaded and those that are located on a portion of the site with development limitation. Conditions of approval are included to allow for these lot configurations and access as proposed, which include the provision of alleys for lots less than 40 feet in width and the allowance of five lots to share one access easement.

17.53.120 Building Lines. If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.

APPLICANT'S RESPONSE: A special rear yard setback of 30-ft. is proposed for those lots where large oak trees are proposed to be preserved. The additional setback area will be identified on deed restrictions for the respective lots.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #3. A condition of approval is included to also note the special rear yard setback where large trees are proposed to be preserved.

Chapter 17.60. Off-Street Parking and Loading

17.60.050. Spaces – Number required. Except for one or two upper-story residential dwelling units above a non-residential use, off-street parking spaces for dwellings shall be located on the same lot

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with the dwelling. All other required parking spaces shall be located not farther than two hundred feet from the building or use they are required to serve, measured in a straight line from the building.

APPLICANT'S RESPONSE: Each single-family lot is provided with off-street parking spaces on the same lot as the dwelling as shown on the drawings SP-1 through SP-5 Site Plans.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.60.060. Spaces – Number required. [...]

A. Residential land use category: [...]

5. Single-family and two-family dwelling. Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.

APPLICANT'S RESPONSE: Although detailed building plans have not been completed, most of the proposed single-family lots will have homes with 3-4 bedrooms, therefore 2 parking spaces are required. The attached Site Plans indicates that each dwelling is provided with 2 off-street parking spaces in garages and another 2 spaces in proposed driveways. City staff will verify that the minimum required number of required off-street parking spaces are provided for each lot during building permit review when each dwelling's total number of bedrooms is apparent.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #18. City concurs with the applicant's findings, but adds that the applicant has proposed driveway widths for each of the different lot types as follows:

- SFD-70 & SFD-60 lots have 30 feet wide driveways.
- SFD-40 lots have 20 feet wide driveways.
- SFD-45 lots have 18 feet wide driveways
- SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.

These driveway widths are identified on the "Typical Lots" sheet in Drawing EXH-5, which show the driveway width extending the entire length from the front of the garage to the street. However, Section 12.20.030(B) of the MMC limits driveway widths on lots between 20 and 75 feet in width to no more than 40% of the frontage. The SFD-70, SFD-60, and SFD-40 lot types would exceed this 40% maximum driveway width if allowed to have the driveway widths requested by the applicant, with 42.8% wide driveways on the SFD-70 lots and 50% wide driveways on the SFD-60 and SFD-40 lots. The applicant has described the need for these driveway widths to allow adequate off-street parking space. The City concurs with the applicant in regards to providing adequate off-street parking space, but finds that the widths of the driveways proposed would create conflicts and disruptions within the pedestrian environment along the sidewalks within the public right-of-way. Therefore, a condition of approval is included to allow for driveways to be the maximum width requested by the applicant on each private lot, but that the driveway width be tapered down at the property line and not exceed the maximum 40% driveway width required by Section 12.20.030(B) between the property line and the street.

Chapter 17.62. Signs

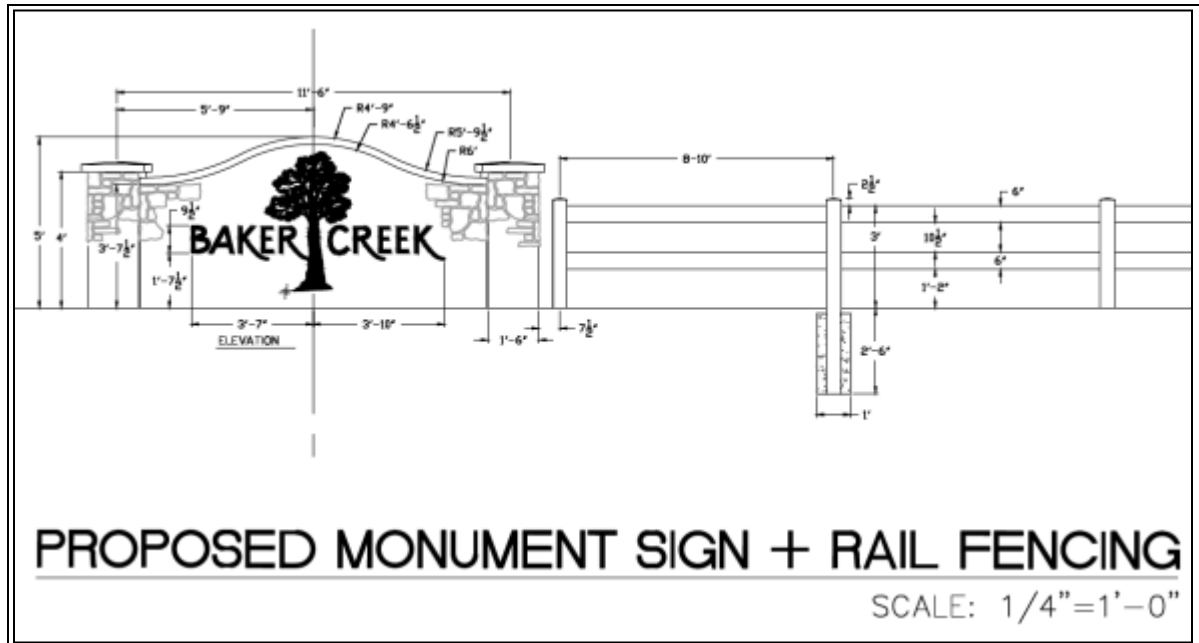
17.62.070. Permanent Sign Regulations. [...]

A. Residential land use category: [...]

1. Each subdivision or multi-family complex is permitted one permanent monument sign not to exceed six (6) feet in height and forty-eight (48) square feet in area. The sign shall be nonilluminated.

APPLICANT'S RESPONSE: The applicant requests approval of the proposed monument sign shown on the exhibit drawing L9.0 Landscape Plan at the two locations shown on L2.0 Landscape Plan. The proposed sign locations are in the common open space along Baker Creek Road.

FINDING: SATISFIED. The applicant is requesting two monument signs, one at the intersection of NW Meadows Drive and the other at the intersection of NW Shadden Drive. The monument signs would be located in two different phases of the subdivision, so would be allowed in their number. The size of the signs also meets the standards required. The monument signs would be only 5 feet in height, and the size of the content proposed on the sign is less than 48 square feet, when measured in a dimension that surrounds only the content of the sign and not the monument structure itself. The monument signs being proposed are identified below:



CD



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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A TENTATIVE SUBDIVISION FOR A 280 LOT, PHASED SINGLE-FAMILY DETACHED RESIDENTIAL DEVELOPMENT AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF NW HILL ROAD AND NW BAKER CREEK ROAD

DOCKET: S 1-19 (Tentative Subdivision)

REQUEST: Approval of a Tentative Subdivision (more than 10 lots) for a 280 lot, ten phase single-family detached residential development.

LOCATION: The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

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

APPLICANT: Stafford Development Company, LLC

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: October 11, 2019

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE: An application for a Tentative Subdivision (more than 10 lots) is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.

CRITERIA: The applicable criteria for a Tentative Subdivision are specified in Chapter 17.53 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: The Planning Commission makes a recommendation to the City Council, and the City Council makes the final decision. As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline is February 8, 2020.

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; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. The matter was also referred to the Oregon Department of Land Conservation and Development. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Tentative Subdivision (S 1-19) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

////////////////////////////////////
RECOMMENDATION: APPROVAL WITH CONDITIONS
 //////////////////////////////////////

City Council: _____ Date: _____
 Scott Hill, Mayor of McMinnville

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

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

 Attachments :

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I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. Staff has found the information provided to accurately reflect the current Planned Development Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

Subject Property & Request

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

The application (S 1-19) is a request for approval of a Tentative Subdivision for the construction of a 280 lot, ten phase single-family residential development on approximately 48.7 acres of land, referred to as Baker Creek North. If approved, the subdivision would provide the opportunity for the construction of 280 single-family homes on lots ranging in size from approximately 2,340 square feet at the smallest to 17,977 square feet at the largest. In addition, 18 public and private open space tracts would be created and an approximately 14.9 acre parcel north of the subdivision boundary would be dedicated to serve as a public park and greenway trail.

The Tentative Subdivision request was submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Planned Development, and Landscape Plan Review to allow for the development of the 280 lot subdivision proposed in the Tentative Subdivision plans and future commercial development on an adjacent parcel.

Excerpts from Land Use Application Narrative and Findings:

"This requested new planned development is for a residential community of 48.7 acres with 280 lots for single-family detached dwelling units. As described above, the applicant is proposing to zone this area R-4, therefore this portion of the site will be designated with an R4-PD planned development overlay. [...]"

Site Description

All of the subject parcels are currently vacant from an urban perspective, but have been actively farmed, primarily with grass seed. The site generally slopes down from the south to north, although a small area drains surface water to the southeast. The entire site is on top of a long bluff and out of the 100-year floodplain and away from any local drainage. The site is located north of Baker Creek Road, generally west of Shadden Drive, and east of the intersection of Baker Creek Road and Hill Road where there is a new roundabout. The project will extend proposed NW Hill Lane from the roundabout, and extend NW Meadows Drive, NW Shadden Drive, and NW Blake Street into the site from their current termini at intersections and street stubs. The applicant's road profiles and details indicate a half street improvement will be installed along the NW Baker Creek Road frontage from Meadows Dr. to Shadden Dr, and new streets within the development will be fully improved to meet City standards.

Housing

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Consistent with Housing Element goals and policies of the Comprehensive Plan, the proposed Planned Development will include a mix of housing types to meet the diverse needs of McMinnville residents. The applicant's Typical Lots sheet demonstrates that the requested R-4 zoning will allow the construction of various small, medium, and large lot single-family detached dwelling units.

Open Spaces

Included with the planned development are 19 common open space tracts (Tract "A" - "S"). After the proposed open space tracts are developed with the proposed active and passive recreation amenities, the applicant is proposing to dedicate many of those tracts and facilities to the City of McMinnville as public parks. The applicant requests the City accept them when recording final plats for the phase of development containing the respective tracts. The common open space areas have been designed to meet a variety of recreational needs. They will serve as centers for community interaction within the community. They can also serve as resources for the general public, once accepted as park land by the City. Proposed recreational amenities include a multiple play structures, picnic shelter, picnic tables, and park benches, trails and paths, and more. The open space areas have been sited to extend the City's network of park facilities by extending the existing powerline trail north to proposed "Kent Street Trailheads", where users can connect to the nature trail to the north and paved urban off-street path network to the south and park areas. These tracts when owned by the City will be an excellent asset to the City's park system. They will also facilitate access to the City's planned Special Use Park to the north of the site, which will extend the natural trail east to allow connection to other segments leading ultimately to Tice Park as envisioned.

Modifications

Below is a list of adjusted development standards as requested through the planned development process:

- 1) Lots: The number in the proposed seven lot types (i.e. SFD-70) reflects the typical width of the lot (i.e. 70 feet typical width). "SFD" stands for "Single-Family Detached" dwelling, and the "a" in "SFDa" stands for a lot with a garage loaded from the alley.
 - Area - The proposed seven lot types provide an overall average lot area that exceeds 4,500 square feet per lot.
 - Overall average lot area for large and medium lot types SFD-70, SFD-60, SFD-50, SFD-45, & SFD-40, where the garage faces the street, will be at least 5,000 square feet per lot. This mimics the minimum lot size of a detached single-family dwelling in a standard subdivision.
 - Overall average lot area for small lot types SFD-30a & SFD-26a, where the garage faces an alley, will be at least 2,500 square feet per lot. This mimics the minimum lot size of a common wall construction single-family dwelling in a standard subdivision, even though this planned development approach requests these dwellings types detach from the common wall approach.
 - Orientation – Side property lines are oriented as much as practicable at 90 degrees to the roadway where the dwelling takes access. Approval will require lot orientation at the final plat to substantially conform to preliminary plat drawings PL-1 through PL-5.
- 2) Setbacks: Minimum setbacks in the planned development are illustrated on the Typical Lots exhibit for each of the seven lot types per the Lot Type Plan. Below are setbacks that **differ** from a standard subdivision. Setbacks that meet the code standard, like 20-foot setback to the face of the garage, are not listed below:
 - Internal side yard setbacks shall be 5 feet on SFD-70, SFD-60, SFD-50 and SFD-40 lots, one foot less than the standard.
 - Internal side yard setbacks shall be 4 feet on SFD-45 lots, two foot less than the standard.
 - Internal side yard setbacks shall be 3 feet on each side of the dwelling on SFD-30a and SFD-26a lots, instead of 0 feet and 6 feet as would be required if these lots were built with

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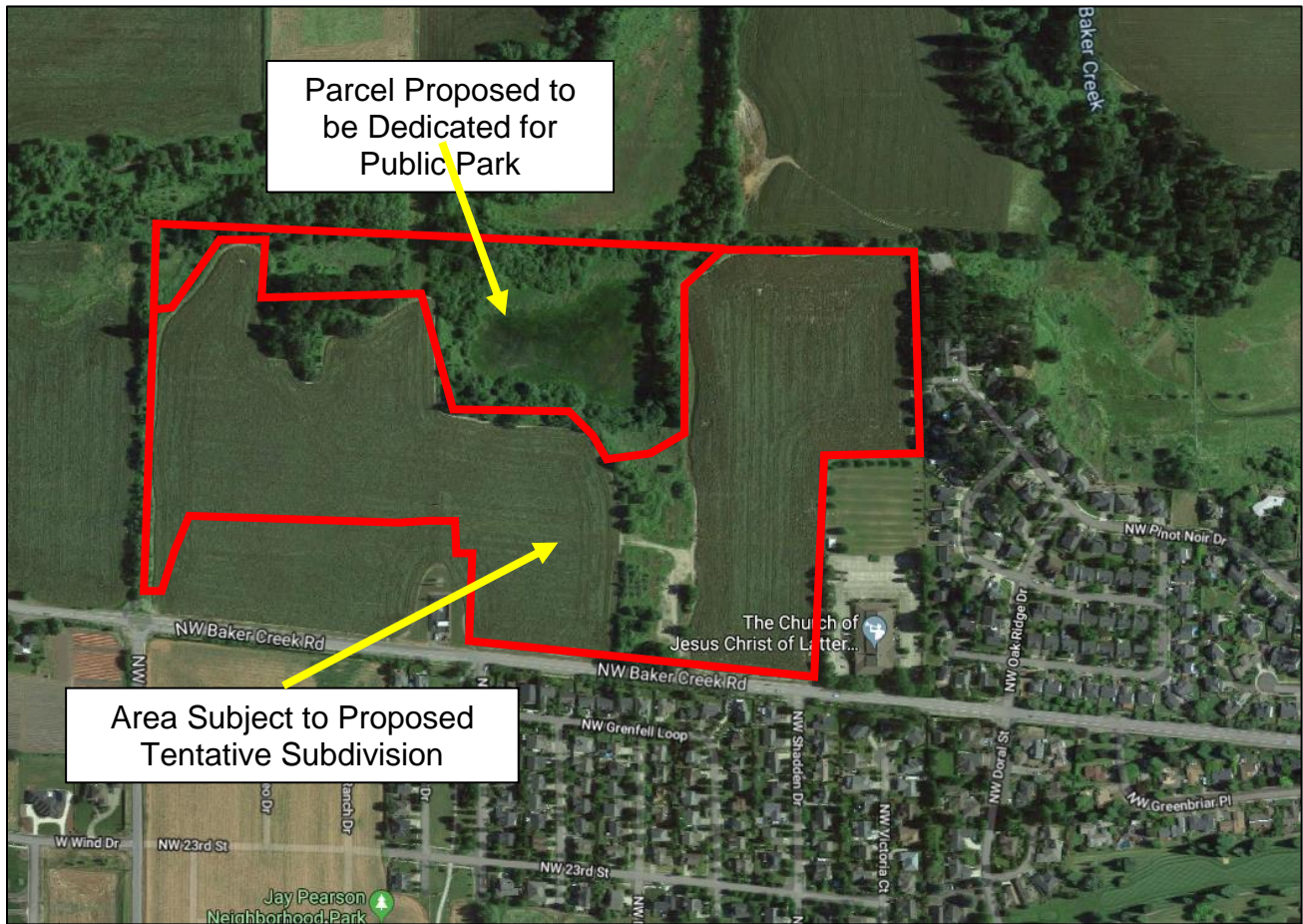
dwelling in a standard subdivision with common wall construction. This means, the proposed lot types will have the same amount of total side yard as a 2-unit town house lots in a standard subdivision, only no burdensome common wall.

- Rear building setback from an alley shall be 15 feet.
- 3) Frontage: Most lots have the minimum 25 feet of frontage on a public street required by code. The lots listed below do not and the request is for approval of the access as proposed.
- Lot 131 has a flag pole with 20 feet of frontage on a public street.
 - Lot 270 has a flag pole with 20 feet of frontage on a public street with an easement over it for a private drive, which serves as a common access to serve both Lot 270 and adjacent Lot 269. As preferred by MZO Section 17.53.100C.3, Lot 269 does not have a proposed flag pole.
 - Lots 206-209 have no frontage or flag poles (as preferred by the code section stated above), rather they are served by a private drive that is in a 25-foot wide easement from a public street over the fronts of Lots 207-210.
 - Lots 21-32, 44-49, & 69-80 have more than 25 feet of frontage on a proposed public alley at the rear of the lot. In addition, the lots maintain over 25 feet of frontage on a proposed private open space tract with a pedestrian way (some end lots also have side yard frontage on a public street).
- 4) Private Drives: The following lots are served by a common drive in an easement shown on the preliminary plat, rather than a driveway with frontage on a public street.
- Lots 270 and 269, through an easement over Lot 270, see drawing PL-5.
 - Lots 206-210, through an easement over Lot 207-210, see drawing PL-3.
- 5) Driveways: Modified driveway widths at the public street as shown on the proposed Site Plan drawings SP-1 through SP-5. Driveways are paired, where possible, to facilitate on-street parking between driveways and a street tree planted between them in the parking strip between the curb and sidewalk, where possible.
- SFD-70 & SFD-60 lots have 30 feet wide driveways.
 - SFD-40 lots have 20 feet wide driveways.
 - SFD-45 lots have 18 feet wide driveways.
 - SFD-30a & SFD-26a lots have driveways the same width of the dwelling from an alley.
- 6) Alleys: Both through alleys and dead end alleys (of less than 150 feet) are proposed, all with a right-of-way width of 22 feet.
- 7) Blocks: Some blocks exceed the perimeter dimension standards, but are provided with mid-block pedestrian ways to ensure adequate circulation and access.
- 8) Street Trees: Street tree spacing varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The planned development compensates for the increase in spacing in the following ways.
- The planned development avoids the reduction in the allowed street trees that would occur through a strict application of the spacing standards. The applicant is proposing to encroach into the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-ft. spacing for requirement street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-34 lots, but may occur on other lots in the development.

- SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
 - Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
 - The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
 - Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.
- 9) Monument Signs: Two monument signs along Baker Creek Road are proposed with the dimensions described on drawing L9.0 Landscape Plan.
- One will be located in Phase 1A on the NW corner of Shadden Drive oriented to the east, and the other in Phase 1C on the NE corner of Meadows Drive oriented to the west as shown on the Site Plan drawing SP-1."

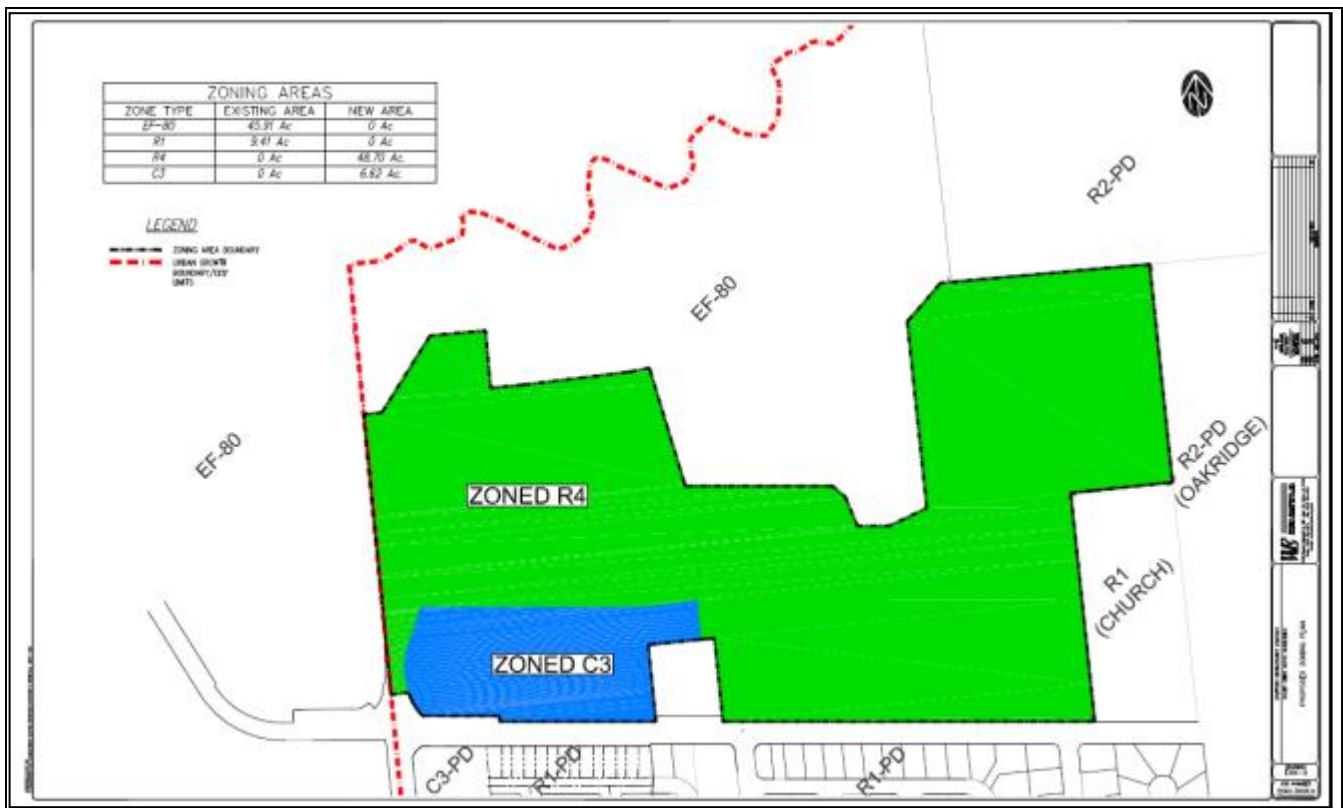
See Vicinity Map (Figure 1) and Existing Zoning (as approved with concurrent zone change request) (Figure 2) below.

Figure 1. Vicinity Map (Subject Site Area Approximate)



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Figure 2. Existing Zoning***Note – Zoning shown as proposed with concurrent Zone Change request****Attachments :**

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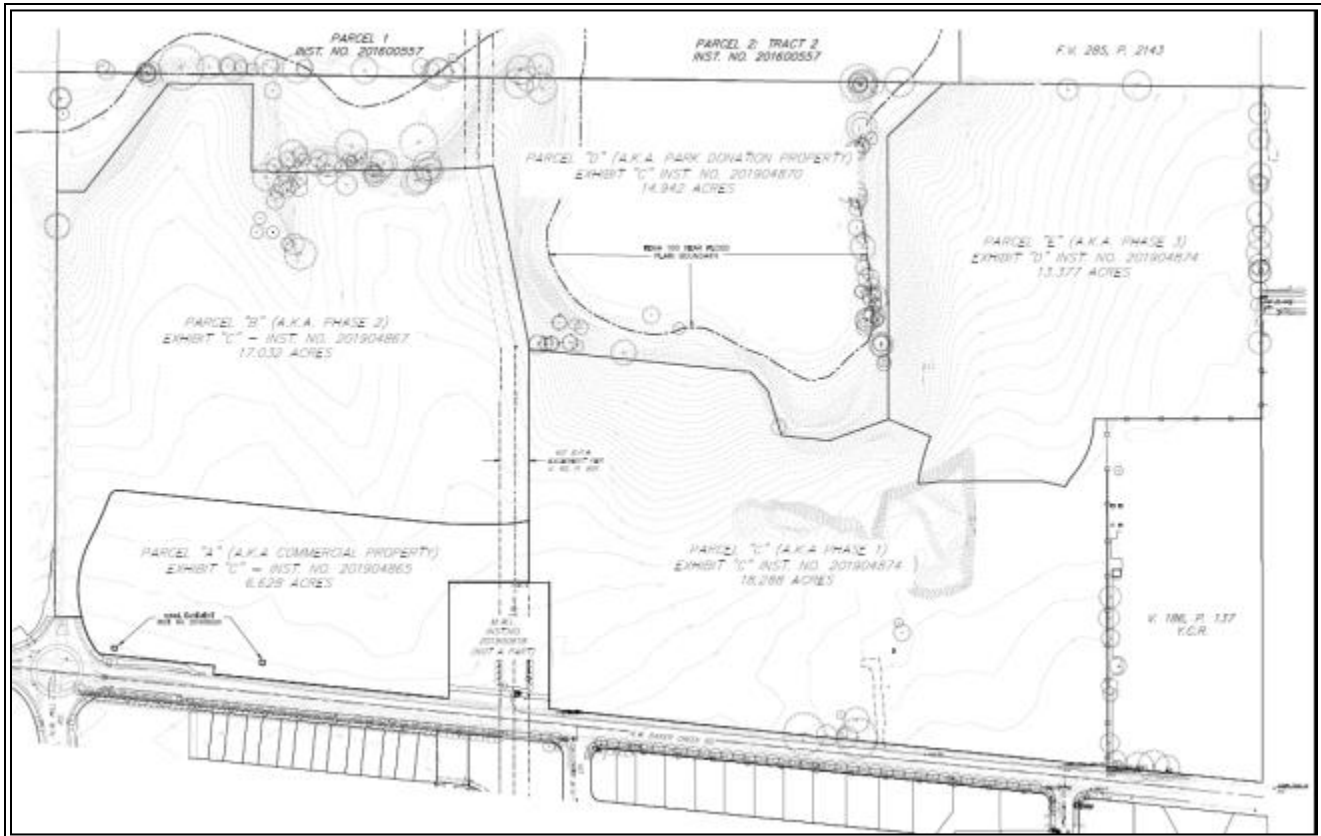
The proposed tentative subdivision plan is provided below for reference. **See *Tentative Subdivision Plan (Figure 3)* and *Proposed Park Dedication Parcel (Figure 4)* below.**

Figure 3. Tentative Subdivision Plan



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Figure 4. Proposed Park Dedication Parcel

II. CONDITIONS:

1. That the decision for approval of the Baker Creek North Tentative Subdivision (S 1-19) is not rendered, and does not take effect, until and unless the Planned Development request (PD 1-19) is approved by the City Council.
2. 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

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- 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 October 1 to April 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.
- C. It shall be the applicant's responsibility to relocate street 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.
3. That restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development and must meet with the approval of the Planning Director prior to final plat approval.
4. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. Additionally, the Homeowner's Association shall be assigned maintenance responsibilities of the dedicated public park (Parcel D, also described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) until 2032, at which point maintenance responsibilities shall be transferred to the City in perpetuity. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.
5. That plat phasing is approved as depicted in Drawing EXH-6 in the applicant's submittal. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
6. That the Tentative Subdivision Plan, Phase 1A shall expire two (2) years from the date this decision is final without appeal and the decision of PD 1-19 is final without appeal. 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.
7. That each subsequent phase of the subdivision, following Phase 1A, shall expire five (5) years from the date of this approval, which extends past 2024 as proposed in the application materials. 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.
8. That the applicant shall provide twenty-five percent (25%) of the single family lots within each phase of the subdivision for sale to the general public for a period of six months for each subdivision phase. The applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director

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prior to recording of the final plat for each subdivision. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred eighty (180) days prior to building permit issuance for said lots.

9. That the public and private open space tracts shall be constructed per the specifications outlined the conditions of approval for the Planned Development Overlay District (PD 1-19).
10. That the required greenway trail system and access ways within and connecting to the dedicated public park parcel (Parcel D, also described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records) shall be constructed prior to the issuance of building permits for Phase 2A or Phase 3A per Section 17.53.075(D) of the McMinnville Municipal Code.
11. 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 the Baker Creek North Planned Development, and to identify the standards that will apply to each dwelling unit constructed with the Planned Development.

This Architectural Pattern Book shall contain architectural elevations, details, materials, and colors for each building type. The review of the Architectural Pattern Book and the dwelling unit design standards described below shall apply to all building facades. At a minimum, the Architectural Pattern Book shall contain the following sections and the building plans submitted for review shall meet the following standards:

- a. Style and Massing
 - i. Façades shall provide vertical offsets, projections, or recesses to break up the building façade.
- b. Quality and Type of Exterior Materials
 - i. Façades shall include horizontal elements the entire width of the façade to mark the break between floors or along rooflines including band course, band molding, bellyband, or belt course.
 - ii. A minimum of two types of building materials shall be used on the front elevations.
 - iii. All facades shall have trim, sashes and mullions on all windows and shall incorporate a paint scheme with three colors.
 - iv. In addition, façades will include at least four of the following.
 1. Windows – mullions, trim, orientation, sashes
 2. Gables
 3. Dormers
 4. Architectural bays
 5. Awnings made of fabric, metal or wood-framed
 6. Change in wall planes
 7. Ground floor wall lights/sconces
 8. Transom windows
 9. Balconies or decks
 10. Columns or pilasters – not decorative
- c. Front Porches / Entry Areas
 - i. Front porches shall be at least 48 square feet in area, with a minimum dimension of 6 feet by 6 feet.
 - ii. Porch must have a solid roof, and roof may not be more than 12 feet above the floor of the porch.

- iii. Porch must include a raised platform, ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch.
 - d. Roof Design and Materials
 - i. Use a variation in roof forms to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
 - ii. Limit continuous ridgelines to less than 40 feet in length and continuous eaves to 25 feet in length.
 - e. Exterior Doors and Windows
 - i. Windows shall be provided on all façades and blank walls will be avoided.
 - f. Garage Door Types
 - i. Pair garages where possible to maximize planting strip and potential for street trees.
 - ii. The length of a garage wall facing the street shall be no more than 50 percent of the street-facing building façade.
 - iii. Where the width of a street-facing building façade is 30 feet or less (SFD-45 and SFD-40 Lots), the garage wall facing the street may exceed 50 percent of the street-facing building façade if the building meets the following:
 - 1. The garage wall is not wider than the maximum width of the driveway allowed for the lot; and
 - 2. The building includes one of the following:
 - a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
 - b. A covered balcony above the garage that is:
 - i. At least the same length as the street-facing garage wall;
 - ii. At least 6 feet deep; and
 - iii. Accessible from the interior living area of the dwelling unit.
 - iv. Garages shall be recessed from entrances, making the entrance more prominent than the garage.
 - g. Exterior Lighting
 - h. Sample Exterior Colors
 - i. A variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.
12. 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. Similar home design shall be considered as exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes, or window orientation.
13. That the proposed intersection of Gregory & Augustine Streets shall be redesigned such that the intersection angle is at as near to 90° as practical. The current “Y” configuration is not consistent with MMC Section 17.53.101(F).
14. That all alleys will be private alleys and that any alley shall be created in the form of a tract or shared access easement. The tracts or easements created for alleys shall be maintained by the Homeowner’s Association and/or the properties that utilize the alleys for access.

15. That the street improvement between the curbs on Meadows Drive and Shadden Drive shall have the City's typical "Teepee" section instead of the offset crown to allow for the curb elevations to match on each side of the street. This street improvement section is proposed to accommodate the additional right turn lane within the street at the intersections of Meadows Drive and Shadden Drive with Baker Creek Road.
16. That at the time of submittal of final plats for review, different street names shall be proposed to replace "Harold Drive" and "Emma Street" to avoid the creation of duplicative street names within the city.
17. That the public improvements shall be completed to address the following requirements of McMinnville Water and Light:
 - a. With 15 foot front yard setbacks, electrical transformers shall be located toward the front of public utility easements to ensure that a minimum of 8 feet of clearance is provided between the transformer and combustible surfaces, and doors and windows that open.
 - b. The wider multi-use path in lieu of a sidewalk on the west side of Meadows Drive from Baker Creek Road to Kent Street is located partially within the public utility easement. Electric and other utility requirements within the public easement shall be coordinated with the construction of the wider multi-use path. If the sidewalk is placed prior to utilities, conduit shall be pre-placed to facilitate the provision of future utilities.
 - c. Street lighting plan will need to be designed by a licensed engineer. Street lighting shall include lighting at
 - d. The terminus of Shadden Drive and William Drive shall be improved to provide sufficient conduit and vaults to facilitate the extension of McMinnville Water and Light's systems beyond the extent of the subdivision.
18. The final plat shall include the dedication of additional right-of-way, totaling 38' north of centerline, along the subdivision's Baker Creek Road frontage.
19. The final plat shall include prohibitions against direct access to Baker Creek Road for any individual lot.
20. The interior streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and 5-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.
21. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
22. 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.
23. At the completion of each phase of the development, the applicant shall install barricades consistent with City standards at the terminus of any street to be extended by future phases, or by adjacent developments. Each barricade shall include a sign with text stating: "This street is planned for extension to serve future development." On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.
24. 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

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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.

25. The applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
26. 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.
27. 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.
28. If the final storm drainage plan incorporates the use of backyard collection systems and easements, 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. The maintenance agreements shall include requirements that drainage channels / facilities within the storm drainage easements shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
29. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
30. The proposed detention facility tracts shall 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. The maintenance agreements shall include requirements that drainage channels / facilities within the detention facilities shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
31. The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities.
32. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
33. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
34. 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.
35. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and

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U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.

36. The applicant shall 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.
37. 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.
38. 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.

III. ATTACHMENTS:

1. S 1-19 Application and Attachments (on file with the Planning Department)
2. McMinnville Water and Light Comments – Letter Dated November 15, 2019

IV. COMMENTS:

Agency Comments

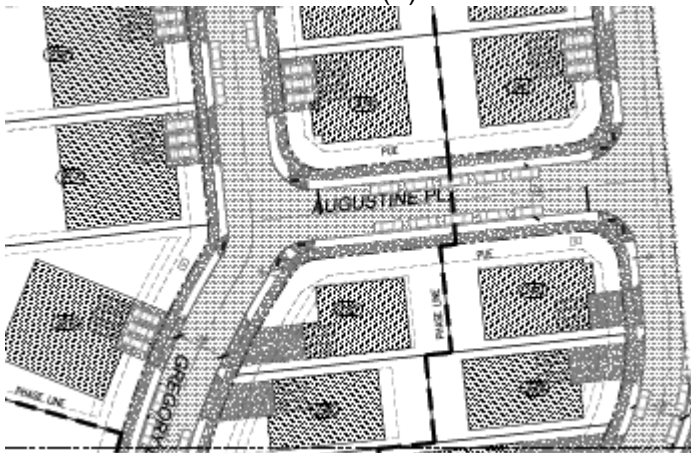
This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. The following comments were received:

- McMinnville Engineering Department
- McMinnville Municipal Code Section (MMC) 12.20.030(B) requires that the maximum width of driveways for properties with street frontage between 20 and 75 feet wide shall be not more than 40% of the frontage. The proposed lot configurations for SFD-70, SFD-60, and SFD-40, as shown on page EXH-5, do not meet the Ordinance standard. Additionally, a review of the Site Plan (SP) sheets indicates that the driveways for lots 117, 130, 131, 132, 202, 203, 224, 225, 228 and 271 do not comply with the Ordinance standard.
- MMC Section 12.20.070 indicates that if a driveway is constructed or installed on a corner lot, such driveway shall not be built closer than 30 feet from the point of intersection of the two curb lines projected ahead. A review of the Site Plan (SP) sheets indicates that the driveway for lot 35 may not comply with that standard.

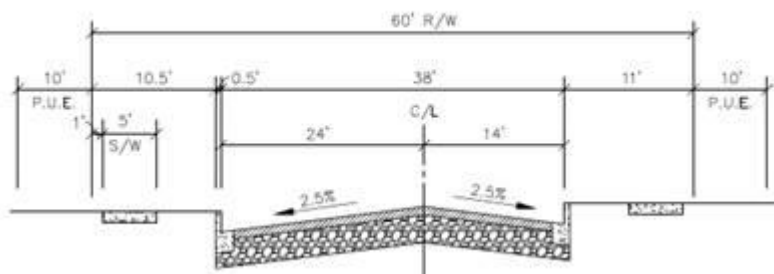
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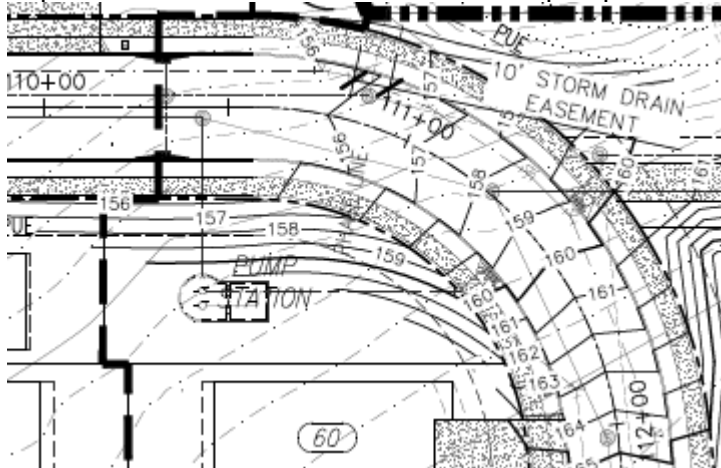
- The proposed intersection of Gregory & Augustine Streets shall be redesigned such that the intersection angle is as near to 90° as practical. The current “Y” configuration is not consistent with MMC Section 17.53.101(F):



- MMC 17.53.101(O) indicates that the public alley in the City's street standards applies to commercial and industrial districts, not to residential developments. Thus, the proposed alleys on the proposal shall be private, and shall be maintained by the adjacent property owners or the Home Owners Association.
- Meadows Dr and Shadden Dr are proposed to have an offset crown to accommodate a right turn lane (see cross-section below). We would prefer see the City's typical “Teepee” section so that the curb elevations match on each side of the street.



- The proposed sanitary sewer pump station site appears to be steeply graded. The pump station site will need to be designed with a site driveway that accommodates the Wastewater Services department's service vehicles so that the pump station can be adequately maintained:



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- All proposed storm drainage outfalls shall comply with the City's Storm Drainage Master Plan requirements, and sufficient access to the outfalls shall be constructed to accommodate City maintenance activities.
- Per the conclusions and recommendations of the provided "Preliminary Geotechnical Engineering Report", "additional analysis will be required to address Oregon Department of Geology and Minerals (DOGAMI) geologic hazard mapping in the northern portion of the site where engineered fill, residential homes, and public streets are proposed ear slopes extending to the wetland." The report notes that the "primary geotechnical concern associated with development at the site is the potential for slope instability in the northern portion of the site where the client has indicated that significant engineered fills will be proposed." The report further notes that a "slope stability analysis of the area should be conducted which would at a minimum include creation of geologic cross-sections with the proposed development in the northern portion of the site near the wetland slopes, and quantitative slope stability calculations which take into consideration the proposed surcharge loading of the engineered fill." It would be prudent for that work to be done prior to the approval of the proposed lot and street layouts, to ensure that those areas are buildable as proposed.
- Recognizing that street names are approved at a later date by the Planning Director, we did note that City already has a "Harold Court" and a "Emma Drive", and thus different street names for proposed "Harold Drive" and "Emma Street" should be chosen.
- Recognizing that street tree plans are reviewed and approved at a later date by the Planning Department and the Landscape Review Committee, we did note that several of the proposed tree locations will need to be adjusted due to probable conflicts with utilities and due to street sight distance concerns.

Additionally, the City's Public Works staff offer the following comments re: the proposed open space and park tracts:

NOTE: *The comments provided by Publics Works staff below are based on the original development plans. The development plans were revised by the applicant on November 8, 2019, which revised the proposed improvements within the proposed open space and park tracts, some of which respond to the Public Works comments below. Dedications and improvements of the proposed open space tracts are described in findings and conditions of approval in this Decision Document.*

- There are 19 tracts designated as open space in the proposal. One of these, tract G, is designated for a proposed pump station. Staff's understanding was that only tracts I, J, K and L were being considered for dedication to the City as public open space as part of this development, with developer built improvements constructed on them. However, in reviewing the narrative and findings information, it appears that the applicant is requesting that:
- Parcel D (14.92 acres) be accepted by the City as a future public park. This is flood plain property north of the planned development site, and the application notes that a chipped path would be constructed as an off-site improvement in conjunction with phase 2A and/or phase 3A of the subdivision.
- Tracts F, I, J, K, L, N, and S within the planned development are recommended by the applicant to be accepted by the City as public park land. The proposal shows various developer constructed improvements to be included with these tracts.
- Park Donation: the applicant is requesting that the City accept Parcel D as part of this application. At this time, staff does not believe that the City has the maintenance capacity to

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take on additional new park acreage, and would not recommend accepting ownership or maintenance responsibility for this parcel.

- Open Space Tracts: Staff's understanding was that tracts I, J, K and L were to be improved as an extension of the BPA pedestrian path, with a concrete pathway, landscaping, pedestrian scale lighting and pedestrian benches. However, in looking at the proposal, I see some significant variation from that understanding:
- Tract I: shows turf, trees and a pathway (sidewalk). Staff's understanding was that this was to be 10' walk; it appears to be drawn as a typical 5' sidewalk.
- Tract J: shows dog park and skate park improvements. Staff's understanding was that this was to be a meandering 10' path with landscaping.
- Tract K: shows turf, trees, landscaping, with benches. This matches our understanding.
- Tract L: shows an offset 10' gravel pathway, and turf for a portion of the tract. The remaining portion is labelled as "existing grass field to remain", with a 10' gravel pathway. This is not similar to the existing BPA pathway design as per earlier discussion, and does not provide an accessible surface for pedestrians.
- As noted above, staff does not believe that the City has the current park maintenance capacity to take on any additional park land. That being said, the opportunity to extend the BPA pathway to the north and connect this development with park improvements to the south is recognized as an important opportunity. It is also recognized that maintenance of the extension will come at the expense of reduced maintenance in other existing facilities. Unfortunately, the proposed improvements on these tracts are not similar to the existing BPA pathway design, and include elements (skate park, dog park) that the City does not have the resources to maintain. So based on that, staff does not believe it would be in the City's best interests to accept these tracts as proposed. The plans for Tracts I, J, K, and L should be modified to match the City's development of the trail system in the rest of the BPA corridor to the south of Baker Creek Road.
- Tract F is shown as a sloped parcel overlooking the floodplain to the north, with a chipped path future connection to the floodplain. Other improvements shown include a shelter, landscaping, turf, trees and park amenities. Staff does not believe the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.
- Tract N is shown as open space. From the narrative, it appears this is proposed as open space to preserve existing trees. Staff does not believe that the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.
- Tract S is shown as a proposed pedestrian connection from Edgar Street to the proposed floodplain park donation. Staff would see this as a pedestrian connection that would be provided and maintained by the developer. Should in the future the floodplain property become the City's, staff would see maintenance access coming from the north end of the BPA path extension and would not need Tract S for maintenance access. Thus, and it should remain private with maintenance by the Home Owners Association.
- From the application materials, it appears that the remaining tracts (excepting tract G) are not being considered for City ownership as public open space and would be owned and maintained by the developer/HOA.

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- Some tract specific comments for areas not proposed for City ownership:
- Tract A is shown as a detention pond space with an adjacent soccer/basketball court. While not really in our purview (since we won't own tract A), staff would suggest that this be reconsidered. The city typically requires that detention ponds be fenced. Placing a facility where stray balls could find their way over the fencing into the pond, could well encourage users to climb the fencing and enter the pond area to retrieve their ball, which would not be a safe use of the space.
- Tract B is shown as an active open space with a playground. The tract is adjacent to Baker Creek Road, which is a fairly busy roadway. Again, although outside our purview, staff would suggest that consideration is given to securing this tract in such a way as to limit the potential for young park users to wander out near Baker Creek Road. The open space amenities, including play structures, benches, tables, and pathways should be accessible.
- Tract F shows benches, a shelter and tables. Although outside our purview (since we won't own Tract F), the improvements, including the pedestrian walk improvements, should be ADA accessible.

The typical infrastructure related conditions of approval should be included in the subdivision approval documents, including:

- The final plat shall include the dedication of additional right-of-way, totaling 38' north of centerline, along the subdivision's Baker Creek Road frontage.
- The final plat shall include prohibitions against direct access to Baker Creek Road for any individual lot.
- The interior streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and 5-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.
- Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
- 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.
- At the completion of each phase of the development, the applicant shall install barricades consistent with City standards at the terminus of any street to be extended by future phases, or by adjacent developments. Each barricade shall include a sign with text stating: "This street is planned for extension to serve future development." On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.
- 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.

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- The applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
- 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.
- 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, 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. The maintenance agreements shall include requirements that drainage channels / facilities within the storm drainage easements shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
- Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
- The proposed detention facility tracts shall 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. The maintenance agreements shall include requirements that drainage channels / facilities within the detention facilities shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
- The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities.
- The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
- 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.
- The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.

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- The applicant shall 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.
- 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.
- 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 Water and Light
Included as Attachment #2
- Oregon Department of State Lands
Sounds like you screened previously for wetlands and waters, found none and went forward. I did a quick check and we didn't have any records about these sites in our database. We would have no comment on the changes proposed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.
2. The applicant submitted the Zone Change application (ZC 1-19) on April 30, 2019.
3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.
4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.
5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments,

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City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.
7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.
2. **Size:** The Tentative Subdivision is proposed to be approximately 48.7 acres in size. The proposal includes the dedication of a 14.92 acre parcel adjacent to the proposed Planned Development Overlay District, which is proposed to be dedicated as a public park.
3. **Comprehensive Plan Map Designation:** Planned Development Area: Residential. Park Dedication Parcel: Residential and Floodplain
4. **Zoning:** Planned Development Area: R-4 (Multiple Family Residential). Park Dedication Parcel: EF-80 (Exclusive Farm Use) and F-P (Flood Plain)
5. **Overlay Zones/Special Districts:** Planned Development Overlay District.
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, is located within Zone A of the 100-year floodplain of Baker Creek, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels.
8. **Other Features:**

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- a. **Wetlands:** An area to the north of the proposed Tentative Subdivision, and within the Park Dedication Parcel, contains wetlands.
 - b. **Slopes:** A majority of the site is relatively flat, but the property begins to slope to the north along the northern edges of the subject site. This portion of the property slopes downward towards Baker Creek, which is located to the north of the subject site.
 - c. **Easements and Utilities:** A 60 foot wide easement, as identified in Film Volume 40, Page 851, Yamhill County Deed Records, for the benefit of the Bonneville Power Administration exists running south to north through the center portion of the site, in the general location of the existing electrical power transmission lines.
9. **Utilities:**
- a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Tentative Subdivision Plan are specified in Section 17.53.010 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

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.

Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

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APPLICANT'S RESPONSE: In 2001, the City adopted the Residential Land Needs Analysis, which evaluated housing needs for the 2000-2020 planning period. The study determined that an additional 449 buildable acres of residential land needed to be added to the UGB to accommodate projected land needs, of which 63.9 acres would need to be zoned R4 to meet higher density housing needs. To address its deficient residential land supply, the City moved forward with an UGB amendment application. However, the UGB expansion effort was shelved in 2011 after LUBA remanded City Council's land use decision.

While the 2001 analysis provides some insight into McMinnville's on-going housing challenges, Policy 71.05 does not require use of a State acknowledged planning document when evaluating what is required to achieve a continuous 5-year supply of buildable land for all housing types. Since the City's deficient residential land supply has continued to be an issue for two decades, and housing costs have now soared in recent years, the City is currently updating its Housing Needs Analysis. Current analysis indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R4 land within the UGB. This acreage will accommodate the development of 891 dwelling units which are unable to be accommodated by the current R4 land supply.

While the current Housing Needs Analysis has not been acknowledged by the State, it still qualifies as a beneficial study and provides helpful information regarding McMinnville's current and future housing needs. The study received grant funding from DLCD, and a condition of the grant award, this State agency prepared a scope of work and qualified the consultant Econorthwest to prepare the report. DLCD staff currently serves as a member of the project's Technical Advisory Committee and has ensured that the study's methodology follows Oregon Administrative Rule standards.

It is due to rising housing costs, as well as McMinnville's persistent challenge to maintain an adequate residential land supply, that the City is currently updating its Buildable Lands Inventory and Housing Needs Analysis. These studies have identified how many acres of additional residential land must be added to the Urban Growth Boundary (UGB) to meet housing demands over the next 20-year planning period. The City has also identified new strategies to encourage the development of a greater variety of housing types including single-family detached homes, townhomes, mobile homes, condominiums, duplexes, apartments, and affordable housing options.

As demonstrated by the attached Preliminary Development Plans, the proposed project will facilitate the development of 280 small, medium, and large sized single-family lots within the Baker Creek North Planned Development area. The proposed planned development amendment to the overlay created by Ordinance 4633 will allow for the future development of up to 120 apartment units within the C3 zoned area as demand for commercial uses and housing determines. This will further help to address McMinnville's current housing needs. A future development application will be submitted for the development of the multi-family dwelling units on the C3 zoned portion of the site. As discussed throughout this narrative, the proposed map and planned development amendments are consistent with applicable residential policies and the land development regulations of the City.

FINDING: SATISFIED. City concurs with the applicant's findings. The proposed subdivision would comply with the companion Planned Development (PD 1-19) allowing an average lot size of 4,930 square feet. Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and localized densities within the overall planned area. The overall density of the planned development will be very near the requirements of the underlying R-4 zone, as allowed through the companion Planned Development (PD 1-19).

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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.

APPLICANT'S RESPONSE: In order to create a more intensive and energy efficient pattern of residential development, the applicant is requesting approval of a Zoning Map Amendment to zone 9.41 acres of existing R1 zoned land and 39.29 acres of currently unzoned land to an R4 classification. The attached Preliminary Development Plans demonstrate that all of the R4 zoned land will be included within the proposed Baker Creek North Planned Development.

The submitted plans illustrate that the planned development will provide an urban level of private and public services. The submitted planned development application includes a request to modify several City Code standards so that unique and innovative single-family detached housing can be developed on the subject site that is land intensive. The plans demonstrate that the proposed housing provides a more compact urban form, is more energy efficient, and provides more variety in housing types than are developed in the R4 zone with a standard subdivision.

The amendment to the planned development overlay ordinance to allow no more than 120 multifamily dwelling units on the commercial parcel will also help facilitate the development of more efficient housing in the area.

FINDING: SATISFIED. City concurs with the applicant's findings. The proposed subdivision would comply with the companion Planned Development (PD 1-19) allowing an average lot size of 4,930 square feet. Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and localized densities within the overall planned area. The overall density of the planned development will be very near the requirements of the underlying R-4 zone, as allowed through the companion Planned Development (PD 1-19).

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.

APPLICANT'S RESPONSE: The site is adjacent to NW Baker Creek Road, an area where urban services are already available, and near NW Hill Road, where the City has recently made improvements to urban services to accommodate development in McMinnville.

FINDING: SATISFIED. The City concurs with the applicants findings.

Planned Development Policies

Policy 72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

APPLICANT'S RESPONSE: As this narrative and responses to these Policies have demonstrated, the proposed zoning of R4 for the residential designated portions of the site is appropriate due to the site characteristics. The applicant could develop the site with a standard subdivision approach to meet the R4 standards with basic 2,500 square feet common wall dwelling lots (townhouses) and 5,000 square feet cookie cutter detached single-family dwellings. However, because it is written in Policy 72.00 that it is the City's policy that planned developments shall be encouraged and be the favored form of residential development in the

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City, and in order to allow the developer to use unique and innovative development techniques as is the City's goal (see Goal V 2 above), the applicant has prepared a planned development application for the R4 zoned portion of the site to help meet the City's goals and policies. Likewise, the applicant is proposing to amend the planned development overlay created under Ordinance 4633 to strike the existing conditions and allow no less than 2 acres of neighborhood commercial and no more than 120 multi-family dwelling units on the C3 zoned portion of the site.

The Baker Creek North Planned Development will accrue the benefits sought by this policy in many ways, some of which are highlighted here. The development provides a bounty of open space, common walkways and recreational amenities to support the social fabric of the community and creating habitat space to benefit the environment. The proposed lot sizes and building setbacks create attainable housing choices for a variety of income levels. The mix of housing will promote social inclusion and an aesthetically diverse streetscape adding to the value of homes and property. The volume of new dwellings will help support the community's need for housing, providing economic and social benefits for the City. Smaller yards and clustering of density along the south side of the project adjacent to the transit corridor will allow for a reduction of resource consumption in terms of yard maintenance costs as well as an incremental reduction in transportation costs since more residents will live closer to the arterial and have convenient access to transit options in the future. Therefore, environmental benefits will be provided by a reduction in pollution that comes from less yard maintenance and fewer vehicle trips for residents. Higher density housing in the planned development will support the demand for future planned transit, which will deliver a social, economic and environmental benefit to all residents in that corridor.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #3, 4, 9 – 12, & 14. The proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The proposed provision of improved open spaces (public and private) and the protection of natural resources would meet the intention of this policy. Public and private parks within the planned development would provide social and recreation opportunities that would not otherwise exist but for the planned development process. Economic savings for the City would be realized through the arrangement for private maintenance of public open space until 2032 and the inclusion of alleys in private tracts or easements. Requirements for the preparation of Covenants, Conditions, and Restrictions (CC&Rs) and a Homeowner's Association will result in economic savings through the creation of processes to ensure adequate maintenance of the improvements within the subdivision and Planned Development. Environmental savings would be accrued through a number of elements of the Planned Development, including protection of a large area of land that is identified as 100-year floodplain, protection of significant trees, and orientation of lots and streets to reduce development on areas that slope towards the Baker Creek floodplain area. Conditions of approval are included to ensure these economic, social, and environmental savings result from the Planned Development.

Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

APPLICANT'S RESPONSE: The attached Typical Lots Plan indicates that the applicant is proposing 7 different single-family lot sizes with specifications to provide a variety of housing types within the development. Lots that would normally contain a common wall structure (a.k.a. townhouse) are proposed with side yards, so the lots are wider than the standard to accommodate the yards. These planned development lots allow a product that is similar to a townhouse, but better for the occupant in many ways, including livability, independence and privacy. These two types (SFD-26 & SFD-30) are the "small" lots. The two types (SFD-45 & SFD-40) slightly smaller than standard R-4 lots are "medium" lots. Lots larger than standard R-

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4 lots (SFD-50, SFD-60, & SFD-70) are “large” lots. The Preliminary Site Plans illustrate that some of the lots will be accessed by alleys and others directly from the street. Some will even have front yards facing a common walkway and green space. Also, lot sizes vary from street to street or block to block, and sometimes even alternate from lot to lot. This unique approach to the lot layout adds to the variety of housing available on a given street. Depending on the lot size, single-family homes will be developed as either one or two-story structures. With different single-family dwelling choices on small, medium and large sized lots, the planned development will offer attainable housing for a wide range of income levels within the community.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #11 & #12. The City concurs with the applicant’s findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The Planned Development includes the development of 7 different lot types, arranged in a transition of density from higher density on the southern portion of the site to lower density on the northern portion of the site where lots are closer in proximity to the environmentally sensitive area that is proposed to be dedicated as a public park. Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and potential prices within the Planned Development. Conditions of approval are included to include architectural review, design standards, and separation between similar home design to ensure that a variety and mix of housing types are provided within the subdivision and Planned Development.

Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

APPLICANT’S RESPONSE: The applicant has sited the proposed planned development to capitalize on its location along the bluff overlooking the Baker Creek riparian corridor. The general natural topography of the site will be retained with the proposed development. Proposed Tract F is an open space that will have a public path, benches and picnic amenities for the community, with excellent views of this natural feature. Tract L is also an area that will contain a trail with public access to view this significant adjacent natural area. Tract N is being preserved as a common open space with significant trees, and the trees on the rear of the lots along the east boundary adjacent to Oak Ridge development are also preserved, along with various single trees on the rear of lots along the site’s boundary. (see Landscape Plans)

FINDING: SATISFIED WITH CONDITION OF APPROVAL #9. The City concurs with the applicant’s findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The subject site contains many natural, topographic, and aesthetic features that the proposed Planned Development would retain and protect. The most significant of these natural features is the 100-year floodplain area that exists within the parcel proposed to be dedicated as a public park. No development is proposed to occur within that parcel, other than recreational uses, which will preserve the land and the environmental benefits and functionality that these lands serve in the Baker Creek corridor. Open space areas are proposed in Tract N and Tract F to preserve areas of steep slopes and stands of existing significant trees within the Planned Development boundary. The requested zoning departures of lot size averaging and reductions in lot sizes will encourage development of the site that would be sensitive to existing slopes, significant trees, and floodplains that are found within and near the site. A condition of approval is included to require the creation and improvement of the open space tracts that will provide for the preservation of existing natural features where applicable, as identified in the Planned Development (PD 1-19) Decision Document.

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

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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.

APPLICANT’S RESPONSE: The Baker Creek Planned Development includes 19 proposed common open space tracts that are designed to directly benefit future residents of the development. After the proposed open space tracts are developed with active and passive recreation amenities as shown on the applicant’s Landscape Plan sheets and the final plat records for the respective phase of development, the applicant is proposing to dedicate those tracts and facilities to the City of McMinnville that the City desires to own. Any tracts not dedicated or accepted by the City will be transferred to an incorporated homeowners association with an assessment and reserve fund to maintain the common areas for the community.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #9. The City concurs with the applicant’s findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The subdivision includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the subdivision boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). Improvements within these tracts and the park dedication parcel are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

APPLICANT’S RESPONSE: The submitted Preliminary Site Plans identify the location of 19 common open space tracts that are dispersed throughout the Baker Creek Planned Development and readily accessible to future occupants of the development. They are all adjacent to a public street with a sidewalk.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #9. The City concurs with the applicant’s findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The subdivision includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the subdivision boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). Improvements within these tracts and the park dedication parcel are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

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.

APPLICANT’S RESPONSE: The submitted Preliminary Site Plans and Preliminary Landscape Plan demonstrate how the proposed sidewalk and street system promote safe and efficient travel throughout the development. Roadways are fully looped with no cul-de-sacs. The plans illustrate how pedestrian and bicycle travel will be enhanced with the development of accessways which shorten the distance between residential blocks and provide access to open space areas. The proposed improvements include widening and striping the north side of Baker Creek Road to add a bike lane and extra wide sidewalk, as well as a center turn lane. Both Meadows Drive and Shadden Drive include a three-lane section at their southern ends with a right turn lane from these streets onto Baker Creek Road.

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FINDING: SATISFIED WITH CONDITION OF APPROVAL #9. The City concurs with the applicant's findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The subdivision includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the subdivision boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). Improvements within these tracts and the park dedication parcel are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application, but include many pedestrian and bicycle connections, pathways, and improvements.

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

APPLICANT'S RESPONSE: The submitted Preliminary Site Plan demonstrates that the proposed planned development connects to all streets which are stubbed to the subject site (see Exhibit 3). To provide connectivity and compatible circulation with adjoining properties, the applicant is proposing to extend NW Blake Street, NW Shadden Drive, NW Meadows Drive, and proposed NW Hill Lane with the proposed development. The internal streets are also stubbed out to facilitate future development of adjacent underdeveloped parcels.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.

APPLICANT'S RESPONSE: The applicant is proposing concurrent Comprehensive Plan Map and Zoning Map amendments to designated 48.7 acres of the site within the R4 district. The attached plans indicate that the Baker Creek Planned Development is located within the proposed R4 zoned portion of the site and will have a net density of 8.16 dwelling units/acre. There are no topographic or utility capacity constraints which limit the subject site's development potential. Water and sewer services are available adjacent to the site and can be extended to serve the development with on-site improvements constructed and paid for by the developer. Some phases of the development can be served by gravity sanitary sewer, but development of other phases include service from a pump station on proposed Tract "G" in Phase 1B. The applicant is not proposing to modify the allowed net density range of 8-30 dwelling units/acre allowed in the R4 zone with this application. See comments below under MMC Section 17.21.

FINDING: SATISFIED. The City concurs with the applicants finding's, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) and therefore the planned development policies of the Comprehensive Plan. The City clarifies that the overall net density of the planned development is just under the requirements of the underlying R-4 zone at 7.94 dwelling units per acre. Policy 79.00 allows for density to be less than that allowed under the zoning classification through a planned development overlay, which has been requested. The City adds that other conditions of approval will require the alleys serving the narrower lots to be private, which will likely increase the net density likely 8 dwelling units per acre to be within the range of the R-4 zone. In addition, as described by the applicant,

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the Planned Development plans do meet the density requirements of the R-4 zone on a lot size per unit basis per Section 17.12.060.

Policy 80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.

APPLICANT’S RESPONSE: The applicant is proposing to retain existing trees and wooded areas in common open space tracts and those preservable trees in rear yards where feasible as shown on the Landscape Plans.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) which requires the dedication of public and private open space tracts to preserve natural features, require additional analysis prior to the development of sloped lots, and require review and approval prior to the removal of preservable trees. The subdivision includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the subdivision boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). Improvements or preservation requirements within these tracts and the park dedication parcel are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

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.

APPLICANT’S RESPONSE: Pedestrian and bikeway paths are provided to connect the large active open spaces in the residential areas with convenient routes between residential blocks. The proposed paths and sidewalks also connect to the existing powerline trail which leads to a neighborhood park to the south and provides access to views of the adjacent significant natural space to the north of the site.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) which requires the dedication of public and private open space tracts, many of which include pedestrian and bicycle improvements to increase connectivity within the subdivision. The subdivision includes the development of 18 tracts for open space or recreational space, and also includes the park dedication parcel to the north of the subdivision boundary (Parcel D which is described as Exhibit C in Instrument No. 201904870, Yamhill County Deed Records). Improvements or preservation requirements within these tracts and the park dedication parcel are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.

APPLICANT’S RESPONSE: The site is located along NW Baker Creek Road, a minor arterial street, and within a planned public transit route (see also comments above under Policy 70.01). The proposed zoning and uses are consistent with this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the Planned Development includes a phasing pattern that results in greater residential densities

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closer to Baker Creek Road (which is designated as a minor arterial street), the neighborhood commercial uses that will be included in the commercial area near the intersection of NW Hill Road and NW Baker Creek Road, and the planned public transit route along NW Baker Creek Road. The greater residential densities, which transition in density from higher density in the southern portion of the site to lower density in the northern portion of the site, is identified in EXH-4 and shown below:



Policy 92.00 *High-density housing developments shall be encouraged to locate along existing or potential public transit routes.*

APPLICANT'S RESPONSE: As discussed above (see also comments under Policy 70.01), this proposed housing development is located along a potential public transit route per current transit planning documents. The applicant is proposing to develop high density housing along this potential public transit route, meeting this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 92.01 *High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use.*

APPLICANT'S RESPONSE: No portion of the site is located near incompatible uses such as railroad lines, heavy industrial uses, or other potential nuisance areas.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 92.02 *High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation.*

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APPLICANT’S RESPONSE: To the extent possible, this proposed housing development meets this policy. It is within reasonable walking distance to proposed on-site common open space parks and across the street from an existing City park property and trail system beginning at Meadows Drive at Baker Creek Road (with a planned neighborhood park improvement currently under construction south of this existing City park property and west of the existing trail). There is a future school site planned about ¼ miles south of the site on Hill Road. The applicant is proposing a planned development amendment to provide 6.62 acres of Commercial designated land at the corner of Hill Road and Baker Creek Road. The adjacent minor arterial is also planned for future public transportation.

FINDING: SATISFIED. The City concurs with the applicant’s findings, but adds that additional public park spaces will be developed and dedicated to the City within the subdivision, are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

Urban Policies

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). (as amended by Ord. 4796, October 14, 2003)*
- 5. Deleted as per Ord. 4796, October 14, 2003.*

APPLICANT’S RESPONSE: As shown on the preliminary utility plans, each proposed phase of the development will improve public facilities to provide an adequate level of urban services as required by this policy. In coordination with the City, the applicant has confirmed that adequate sanitary sewer capacity exists. Storm sewer improvements will be installed with each phase of the planned development. Streets will be built to City standards as shown by the plans. Water services for the proposed residential uses will be extended to the site from adjacent main lines.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #25 – 38. The City concurs with the applicant’s findings, and adds that conditions of approval are included to ensure that the detailed engineering and construction plan review process occur prior to the development of the subdivision. In addition, the proposed street access for the proposed development is adequate based on the Traffic Analysis Report provided. The traffic impact analysis (TIA) report provides analysis, and includes a project impact summary with conclusions on page 9. The TIA studied the intersections of Meadows Drive and Baker Creek Road, Shadden Drive and Baker Creek Road, and Michelbook Lane and Baker Creek Road. The TIA studied the traffic impacts of the development of 280 single family homes, as proposed in the Planned Development plans, and the development of 100,000 square feet of retail shopping center commercial uses on the adjacent site that is guided for Commercial on the Comprehensive Plan. The 100,000 square feet of retail shopping center commercial use is not expected to develop on the commercial

property, but was selected as the worst-case scenario in terms of trip generation. The summary table identifying the capacity analysis is provided in Table 2 of the TIA, and is provided below:

Intersection	Type of Control	Peak Hour	Traffic Scenario											
			2019 Existing				2029 Background				2029 Total			
			Crit. Mov't	LOS	Delay	v/c	Crit. Mov't	LOS	Delay	v/c	Crit. Mov't	LOS	Delay	v/c
Meadows Drive and Baker Creek Road	Two-way Stop	AM	NB	A	9.6	0.03	NB	B	10.6	0.14	SB	C	19.0	0.09
		PM	NB	A	9.4	0.03	NB	B	10.1	0.09	SB	F	56.2	0.20
Shadden Drive and Baker Creek Road	Two-way Stop	AM	NB	A	9.9	0.06	SB	C	18.4	0.17	SB	D	33.2	0.13
		PM	NB	A	9.8	0.06	SB	D	33.3	0.21	SB	F	137.3	0.16
Michelbook Lane and Baker Creek Road	Two-way Stop	AM	NB	B	10.9	0.08	NB	C	16.6	0.21	NB	D	28.7	0.45
		PM	NB	B	12.0	0.14	NB	F	65.6	0.78	NB	F	726.4	2.41
	Signal ¹	AM	-	-	-	-	-	B	11.0	0.39	-	B	15.3	0.47
		PM	-	-	-	-	-	B	11.7	0.54	-	B	19.8	0.70

Notes: 2010 Highway Capacity Manual methodology used in analysis, Synchro v9. NB - Northbound, SB - Southbound, Crit. Mov't - Critical movement or critical approach.

¹ Future signal identified in City's TSP - Not to be installed in conjunction with Baker Creek North Subdivision.

The "Summary and Recommendations" section of the TIA includes the following findings:

The City's mobility standard for intersection operations requires a v/c ratio of 0.90 or less. The stop controlled intersections on Baker Creek Road at Meadows Drive and at Shadden Drive will experience acceptable volume-to-capacity ratios of 0.20 or less in the peak hours through the year 2029 total traffic scenario. No mitigation is required at these locations. On the southbound access approaches the lane configuration will consist of a separate right turn lane and a combination through/left lane. The approaches shall be controlled with stop signing.

The stop controlled intersection of Baker Creek Road at Michelbook Lane will experience an acceptable volume-to-capacity (v/c) ratio of 0.78 or less in the peak hours through the year 2029 background traffic scenario. For the year 2029 total traffic scenario the intersection operations will exceed the City's v/c standard with a resulting value of 2.41 in the PM peak hour. This condition can be mitigated to a v/c of 0.70 by installing a traffic signal as identified in the City's TSP. This improvement has been planned by the City for safety and capacity reasons in order to satisfy the anticipated city-wide traffic growth projections. Therefore, no mitigation at the Baker Creek Road and Michelbook Lane intersection is recommended in conjunction with the proposed development.

Lot Sales Policy:

99.10 *The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the City Planning staff shall develop a formula to be applied to medium and large size subdivisions, that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.*

APPLICANT'S RESPONSE: None.

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FINDING: SATISFIED WITH CONDITION OF APPROVAL #8. A condition of approval is included to require that the applicant provide twenty-five percent (25%) of the single family lots within each phase of the subdivision for sale to the general public for a period of six months. The applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat for each subdivision. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred eighty (180) days prior to building permit issuance for said lots.

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.

APPLICANT'S RESPONSE: The development of the sites outlined in these applications will result in the improvement of the north side of the minor arterial called Baker Creek Road which to allow for the coordinated movement as envisioned by the City's Transportation System Plan. The proposed on-site streets, pedestrian accessways, and trail improvements will also promote this goal.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed street access for the proposed development is adequate based on the Traffic Analysis Report provided, as described in the finding for Policy 99.00 above.

Streets

Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

APPLICANT'S RESPONSE: This policy is met by the proposed roadways and lot frontages along those right-of-ways in the application's plans.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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).*
- 5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

APPLICANT'S RESPONSE: The attached preliminary development plans indicate that the proposed road sections meet the City design standards. Where proposed Charles Street does not extend straight east from proposed Alfred Drive to proposed Gregory Drive, a pedestrian path is provided to ensure minimal adverse effects on adjacent natural features as encouraged by factor 1 above. Where large blocks are proposed with mid-block pedestrian paths instead of streets under the flexibility proposed by the planned development application, policy design factor 2 above is being supported. The extra right turn lanes for southbound traffic at Meadows

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Drive and Shadden Drive are supporting design factor 3 above. The development will support all modes of transportation as encouraged by design factor 4. Connectivity to adjacent developments and extension of existing streets is proposed, while no cul-de-sacs are planned to provide conformance with design factor 5. Therefore, all design factors of this policy are met by the proposal.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

APPLICANT'S RESPONSE: The existing Baker Creek Road transportation corridor will be more efficiently utilized with this proposal, meeting the intent of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.

APPLICANT'S RESPONSE: The applications propose access at existing street intersections with Baker Creek Road. The traffic analysis provided shows this can be done safely even in the worst case scenario. No development or other access to Baker Creek Road from the commercial property is proposed at this time, although it may be proposed at a future time upon application for site development of that parcel.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that any future development of the commercial property will be subject to the Planned Development Overlay District that applies to that site, which is a separate overlay district.

Policy 121.00 The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.

APPLICANT'S RESPONSE: No direct access is proposed from the residential development to Baker Creek Road. Street intersections from this large scale residential development are proposed to match up with opposite existing intersections.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

1. *Major, minor arterials.*
 - Access should be controlled, especially on heavy traffic-generating developments.
 - 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

APPLICANT'S RESPONSE: Proposed improvements in all phases developed along Baker Creek Road will control and limit access to the existing intersections. The designs include an extra right turn lane at Meadows Drive and Shadden Drive to minimize delay. Approval of the development will also create additional connectivity to the minor arterial for other developments

via streets stubbed to adjacent properties. The proposed extension of exiting streets stubs will also disburse traffic volumes in adjacent residential communities. The attached plans indicate that required right-of-way widths are provided to facilitate the street improvements. No on-street parking is proposed on Baker Creek Road, an arterial street. Street trees will be provided in the planter strips of all proposed street improvements. The planned residential development also proposes landscaping to be installed in a private tract along the arterial as passive open space in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

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.*
- Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
- Off-street parking should be encouraged wherever possible.*
- Landscaping should be encouraged along public rights-of-way.*

APPLICANT'S RESPONSE: Anticipated through-traffic on local streets will serve this neighborhood only, not the larger regional area. The proposed street widths are standard for local streets. The width increases in the southern segments at the approach to Baker Creek Road to allow right turn only lanes. Off-street parking is encouraged with standard 20-foot driveway depths for two off-street parking spaces in front of the garage at a minimum on all single-family lots. Street trees will be provided along public rights-of-way as shown on the Street Tree Plan, and landscaping will be installed in open spaces adjacent to the streets. Therefore, this policy is met by the proposal.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 123.00 The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the proper development and maintenance of the road network within the urban growth boundary.

APPLICANT'S RESPONSE: All of the proposed street improvements are within the urban grown boundary and rights-of-way will be dedicated to the City after improvements to City standards are installed in compliance with this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.

APPLICANT'S RESPONSE: The proposed developments will achieve sufficient off street parking. Single-family residential lots will all have two off-street parking spaces in front of the garage door at a minimum.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.

APPLICANT'S RESPONSE: The proposed developments will encourage off-street parking. Single-family residential lots will all have two off-street parking spaces in front of the garage door at a minimum. The commercial parcel will also be provided with off-street parking. No parking will be allowed on Baker Creek Road, an arterial street.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.

APPLICANT'S RESPONSE: These development applications will result in the phased improvement of the north side of Baker Creek Road with a bicycle lane in the shoulder. The improvements also include an extension of the power line trail into the site with a connection to on-site walkways. As such, the improvements will connect people with elements called for in this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 130.05 In areas where bikeways are planned, the City may require that new development provide bikeway improvements such as widened streets, bike paths, or the elimination of on-street parking. At the minimum, new development shall be required to make provisions for the future elimination of on-street parking along streets where bikeways are planned so that bike lanes can be striped in the future. Bike lanes and bike paths in new developments shall be constructed to standards recommended in the bikeway plan.

APPLICANT'S RESPONSE: The applicant is proposing to install a bike lane on the north side of Baker Creek Road as phases of the planned development are constructed, meeting this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.

APPLICANT'S RESPONSE: The residential planned development will dedicate several tracts to the City for public park land in phases as part of the amenities offered with the planned development application. The applicant is also providing several private common area tracts which will be retained by the development's homeowners association. The open spaces will include paths and scenic areas for both active and passive enjoyment. In addition, the applicant is offering to donate an adjacent parcel to the City for use as a special use park with high natural recreational value to help the City meet its Park Master Plan goals.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

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.

APPLICANT'S RESPONSE: The proposed bike lane on Baker Creek Road will connect the surrounding neighborhoods. The connection of proposed sidewalks and open space tracts to

the power line trail at Meadows drive will provide a route to other parks and other activity areas to the south of the site. Therefore, this policy is met by the proposed development.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subdivision includes pedestrian connections within park and open space tracts, and the improvements within the tracts are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.24.00 The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

- 1. Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*

APPLICANT'S RESPONSE: The site is relatively flat, and the streets, walkways, and ramps are planned to comply with ADA standards.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that meets ADA accessibility guidelines.

- 2. Incorporate features that create a pedestrian friendly environment, such as:*
 - a. Narrower traffic lanes;*
 - b. Median refuges and raised medians;*
 - c. Curb extensions ("bulb-outs");*
 - d. Count-down and audible pedestrian signals;*
 - e. Wider sidewalks;*
 - f. Bicycle lanes; and*
 - g. Street furniture, street trees, and landscaping*

APPLICANT'S RESPONSE: The internal local streets will have traffic lanes that conform to City local street standards. Wider sidewalks are proposed along the north side of Baker Creek Road, on the west side of Meadows Drive to the roadway's first intersection, and for internal mid-block paths. The attached landscape plans indicate that street trees and landscaping is proposed throughout the development. Therefore, this policy is met.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, except where additional improvements are required by conditions of approval.

3. *Incorporate features that create a pedestrian friendly environment, such as:*
 - a. *Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.*
 - b. *Timing signals to minimize pedestrian delay and conflicts.*
 - c. *Balancing competing needs of vehicular level of service and pedestrian safety.*

APPLICANT'S RESPONSE: There are no signalized intersections near or internal to the site. This section is not applicable.

FINDING: SATISFIED. Policy 132.24.00(2) does not only apply to signalized intersections. However, the right-of-way improvements proposed in the subdivision plans include the improvements required for streets, which include pedestrian and bicycle improvements. Additional pedestrian and bicycle improvements are proposed within the park and open space tracts within the Planned Development, and required as conditions of approval.

Policy 132.26.00 The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville's parks and schools.

APPLICANT'S RESPONSE: The proposed improvements to transportation infrastructure support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that additional pedestrian and bicycle improvements are proposed within the park and open space tracts within the Planned Development. The specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.26.05 New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.

APPLICANT'S RESPONSE: The proposed new street connections have the elements to create the connectivity envisioned by this policy.

FINDING: SATISFIED. The right-of-way improvements proposed in the subdivision plans include the improvements required for streets, which include pedestrian and bicycle improvements. Additional pedestrian and bicycle improvements are proposed within the park and open space tracts within the Planned Development, and required as conditions of approval.

Policy 132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Policy 132.27.00 is satisfied by this proposal in that the proposed street design reflects and supports the Residential land use designation of the site as identified on the McMinnville Comprehensive Plan Map and urban development patterns within the surrounding

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area identified by elements of the Comprehensive Plan identified and addressed within this application. The proposed transportation facilities and services are appropriate to serve the needs of the proposed development and are supportive of adjacent neighborhoods as determined by the City's adopted standards identified in this application, findings and exhibits.

Policy 132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that allows for required movements for fire, medical, and police vehicles.

Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways.

APPLICANT'S RESPONSE: The street layout and the mid-block paths proposed are designed to encourage residents to walk and bike, and with density oriented closer to the future transit corridor, the transportation improvements will facilitate use of public transit in the future as stops will be close and walking distances reasonable. Homes are oriented away from arterial streets and landscaped open space tracts will buffer noise. Therefore, the proposed development supports this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.36.00 Through implementation of its Complete Streets policy and the TSP by enhancing its pedestrian and bicycle systems, the City of McMinnville will help encourage greater physical activity and improved health and welfare of its residents.

APPLICANT'S RESPONSE: The development has been designed to encourage walking to local amenities which will support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.38.00 Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.

APPLICANT'S RESPONSE: The street tree plan and landscaping of passive and active open spaces adjacent to public ways support this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the landscaping and streetscaping improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

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

1. *Pedestrian circulation;*
2. *Enhancement of emergency vehicle access;*
3. *Reduction of emergency vehicle response times;*
4. *Reduction of speeds in neighborhoods; and*
5. *Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.*

APPLICANT’S RESPONSE: All proposed street improvements include sidewalks to provide adequate circulation. Emergency vehicle access is ensured through the provision of streets built to City standards and the avoidance of cul-de-sacs through the planned looping of the internal street network. Temporary fire turn-arounds and fire lanes can be provided as necessary with the phasing of the project.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 132.41.05 *Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints.*

APPLICANT’S RESPONSE: No cul-de-sac streets are proposed, providing conformance with this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 132.41.10 *Limit Physical Barriers – The City should limit the placement of facilities or physical barriers (such as buildings, utilities, and surface water management facilities) to allow for the future construction of streets that facilitate the establishment of a safe and efficient traffic circulation network.*

APPLICANT’S RESPONSE: No physical barriers are proposed. This policy is met.

FINDING: SATISFIED. The City concurs with the applicant’s findings. The only major barriers between the proposed street network occur where the development site is crossed by the BPA power line easement, and on the eastern portion of the site where grades don’t allow west to east street connectivity. Where streets are not proposed to connect, pedestrian connections are provided, as described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.41.20 *Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic.*

APPLICANT’S RESPONSE: The roadway improvements proposed do not impair pedestrian nor bicycle movement. They enhance it through better connectivity and more facilities.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 132.41.25 *Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways.*

APPLICANT’S RESPONSE: Access is consolidated for single family residential properties to new street legs at existing intersections to conform to this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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Policy 132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.

APPLICANT’S RESPONSE: The street connections proposed between adjacent property and rights of way conform to this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 132.42.00 Generally, a major arterial street should not be widened beyond two through lanes in each direction with auxiliary turn lanes as appropriate. Minor arterials and collector streets should not be widened beyond one through lane in each direction with auxiliary left-turn lanes as appropriate. Major arterial streets with more than five lanes and minor arterial and collector streets with more than three lanes are perceived as beyond the scale that is appropriate for McMinnville.

APPLICANT’S RESPONSE: Baker Creek Road along the site frontage is a minor arterial and is not proposed to be widened beyond one through lane in each direction. The project conforms to this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 132.43.05 Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

- 1. Traffic circles;*
- 2. Painted or raised crosswalks (see also recommended crosswalk designation in Chapter 4);*
- 3. Landscaping barriers between roadway and non-motorized uses;*
- 4. Landscaping that promotes a residential atmosphere;*
- 5. Sidewalks and trails; and*
- 6. Dedicated bicycle lanes.*

APPLICANT’S RESPONSE: There is an existing traffic circle at Hill Road and Baker Creek Road at the SW corner of this project, whose north leg will be connected with a phase of the residential planned development. Crosswalks at Meadows Drive and Shadden Drive across Baker Creek Road are proposed to be striped. Street trees are proposed in planter strips along all streets promoting a residential character. There are sidewalks and trails throughout the project, and dedicated bike lanes will be striped along the site frontage. Therefore, this plan conforms to this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 132.43.10 Limited Neighborhood Cut-Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic control measures should be coordinated with the affected neighborhood.

APPLICANT’S RESPONSE: There is no risk of use of these streets as shortcuts for through traffic as there are no street connections, from the north residential neighborhoods, to other parts of the City or County. These local streets will only be used for local access. The plan conforms to this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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Policy 132.46.00 Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods.

APPLICANT'S RESPONSE: Streets are designed and will be constructed to City standards to meet this policy. Maintenance will be completed by the City. Street trees are proposed to improve air quality, noise buffering, and support water quality, as trees absorb rainfall. The right turn lane added to Meadows Drive and Shadden Drive will also decrease delay at the intersections. This will minimize negative impacts in terms of pollution and noise from cars during idling while queueing. This policy is supported by the project.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.46.05 Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective.

APPLICANT'S RESPONSE: Streets are designed and will be constructed to City standards to meet this policy. In some cases, large blocks are proposed with mid-block paths to facilitate pedestrian and bicycle connections. This approach supports this policy as the proposed streets with mid-block paths achieve the transportation objective.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.47.00 The City should update and maintain its street design standards to increase aesthetics of the street's environment through landscaping and streetscape design.

APPLICANT'S RESPONSE: These applications support a street aesthetic discussed in this policy through the proposed street trees and landscaped open space tracts along streets shown on the landscape plans.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the applicant submitted a Landscape Plan Review application for concurrent review with the Planned Development request. Findings for the Landscape Plan Review (which includes the street tree plan for the Planned Development site) are addressed in the Decision Document for that land use application.

Policy 132.51.05 Ensuring Future Sidewalk Connections – All future development must include sidewalk and walkway construction as required by the McMinnville Zoning Ordinance and City Code and adopted City of McMinnville Design Standards. All road construction or renovation projects shall include sidewalks. The City will support, as resources are available, projects that would remove identified barriers to pedestrian travel or safety.

APPLICANT'S RESPONSE: The proposed project will provide sidewalks in support of this policy in phases. It will result in sidewalk travel being continuous along the north side of Baker Creek Road, where it currently ends abruptly in the SE corner of the site in front of a church.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.51.10 Complete Connections with Crosswalks – All signalized intersections must have marked crosswalks. School crosswalks will be marked where crossing guards are provided. Subject to available funding, and where appropriate, marked crosswalks,

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along with safety enhancements (medians and curb extensions), shall be provided at unsignalized intersections and uncontrolled traffic locations in order to provide greater mobility in areas frequently traveled by persons with limited mobility. Marked crosswalks may also be installed at other high volume pedestrian locations without medians or curb extensions if a traffic study shows there would be a benefit to those pedestrians.

APPLICANT'S RESPONSE: The project will construct the north corners of the intersections of Baker Creek Road with Meadows Drive and Shadden Drive, such that all corners are improved, and provide crosswalks across Baker Creek Road in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.51.15 Connecting Shared-Use Paths – The City will continue to encourage the development of a connecting, shared-use path network, expanding facilities along parks and other rights-of-way.

APPLICANT'S RESPONSE: The shared use path under the BPA power lines will be extended north into the project as illustrated on the attached landscape plans in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.54.00 Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community.

APPLICANT'S RESPONSE: With the network of proposed sidewalks and paths, this project will promote this policy. Walking to future transit will be more feasible due to the clustering of housing density on the south side of the site closer to Baker Creek Road. The proposed neighborhood commercial area of no less than 2 acres is within reasonable walking distance of most of the proposed residential units, as well as other existing higher density housing to the south of Baker Creek Road. Thus, walking to shops, restaurants, and other services will be feasible. Walking for recreation will also be promoted with the connection/extension of the BPA powerline trail. In addition, a nature trail on the adjacent property proposed to be donated to the City as a Special Use Park will also connect to the BPA trail.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the specific park and open space tracts and the pedestrian and bicycle improvements within them are described in more detail in the finding for Policy 75.00 and 76.00 above.

Policy 132.56.00 Provide Bicycle Facilities on Arterials and some Collector Streets – To the extent possible, arterial and some collector streets undergoing overlays or reconstruction will either be re-striped with bicycle lanes or sharrow (bicycle/auto shared-lane) routes as designated on the Bicycle System Plan Map. Every effort will be made to retrofit existing arterials and selective collectors with bicycle lanes, as designated on the Bicycle System Plan Map.

APPLICANT'S RESPONSE: Baker Creek Road is a minor arterial and will have a bike lane striped on its north side as proposed in this application in support of this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.56.05 Mitigation of On-street Parking Loss From Bicycle Projects – New bicycle facilities require the removal of on-street parking spaces on existing streets, parking facilities should be provided that mitigate this loss, to the extent practicable.

APPLICANT'S RESPONSE: No on-street parking will be lost from the proposed bike facilities as no on-street parking exists on the north side of Baker Creek Road along the project frontage. This policy is not applicable.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.56.10 Eliminate Barriers to Bicycle Travel – The City will actively pursue a comprehensive system of bicycle facilities through designing and constructing projects, as resources are available, and implementing standards and regulations designed to eliminate barriers to bicycle travel. As a result of this policy, new developments or major transportation projects will neither create new, nor maintain existing, barriers to bicycle travel.

APPLICANT'S RESPONSE: This is a directive to the City. With the proposed bike land striping on the north side of Baker Creek Road, this project helps the City meet this policy by removing a barrier to bicycling on Baker Creek Road.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.57.00 Transit-supportive Street System Design – The City will include the consideration of transit operations in the design and operation of street infrastructure.

APPLICANT'S RESPONSE: This is a directive to the City. This policy is not applicable to this application. The proposed street improvements meet 4City standards.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 132.57.05 Transit-supportive Urban Design – Through its zoning and development regulations, the City will facilitate accessibility to transit services through transit-supportive streetscape, subdivision, and site design requirements that promote pedestrian connectivity, convenience, and safety.

APPLICANT'S RESPONSE: The proposed residential planned development is a subdivision with site design that directly supports this policy. The clustering of density with smaller lots on the south side of the project with multiple pathways to support access to Baker Creek Road, a planned transit route, supports convenient and safe connections to transit. The proposed planned development amendment to allow no less than 2-acres of commercial and no more than 120 multi-family dwelling units on the commercial designated property will likewise promote and support transit service and use in the area by creating a node of activity and density of use needed to support transit use volumes.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

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CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

APPLICANT'S RESPONSE: This goal is met for this project. Public and private utilities have been and will be planned and provided for in advance of or concurrent with development. This includes parks, streets and ways, water service, storm and sanitary sewer service, power, and other franchise utilities.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Sanitary Sewer System

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.

APPLICANT'S RESPONSE: This is a directive to the City. This policy will be met when construction plans are reviewed, field work is inspected, and work accepted.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 138.00 The City of McMinnville shall develop, or require development of, sewer system facilities capable of servicing the maximum levels of development envisioned in the McMinnville Comprehensive Plan.

APPLICANT'S RESPONSE: This is a directive to the City. The applicant will improve on-site sanitary sewer to meet City standards and connect that to the existing facilities already built with capacity for the proposed development.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.*

APPLICANT'S RESPONSE: This is a directive to the City. The City can allow extension of sanitary sewage because the proposed project meets the framework outlined in this policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Storm Drainage

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

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through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

APPLICANT’S RESPONSE: This is a directive to the City. The City will ensure it is met during review of construction plans for conformance with City standards. The preliminary utility plans show compliance is feasible.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

APPLICANT’S RESPONSE: The proposed project retains natural drainage ways for storm water drainage, conforming to this policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Water System

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.

APPLICANT’S RESPONSE: This is a directive to the City and McMinnville Water and Light. The applicant has been assured by these agencies that water service at urban densities is available to the site for development.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

APPLICANT’S RESPONSE: This is a directive to the City. The water services will be extended on-site with development to serve the new lots.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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.

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APPLICANT’S RESPONSE: This is a directive to the City and not applicable to this application.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #17. The City generally concurs with the applicant’s findings, but adds that conditions of approval are included to require consideration of McMinnville Water and Light standards and specifications during the construction of public facilities, as identified by McMinnville Water and Light during the land use application review process.

Water and Sewer – Land Development Criteria

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:

- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*

APPLICANT’S RESPONSE: The applicant recognizes these applications will be reviewed in coordination to McMinnville Water and Light for the City to obtain concurrence that sufficient water supply is available to meet demands of the development. This review will ensure that the proposed uses are commensurate with the planned comprehensive plan map designation for the area.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

- 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.*

APPLICANT’S RESPONSE: The applicant has coordinate with the City Public Works Department and received assurance that sufficient sewer capacity exists with the proposed on-site improvements and connections to the existing system.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

- 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.*

APPLICANT’S RESPONSE: This is a directive to the City and McMinnville Water and Light.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

- 4. Federal, state, and local water and waste water quality standards can be adhered to.*

APPLICANT’S RESPONSE: This is a directive to the City to review construction plans and field practices to ensure standards are adhered to.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

APPLICANT'S RESPONSE: This is a directive to the City to ensure policies are adhered to through the plan review and construction process.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Police and Fire Protection

Policy 153.00 The City 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Emergency services departments were provided an opportunity to review the proposal, and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

Parks and Recreation

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.

APPLICANT'S RESPONSE: This goal is not an approval criterion. The proposed donation of land for the Special Use Park site is called for in the City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999. The donation will help the City meet this goal of providing open spaces and scenic areas for the use and enjoyment of all citizens of the community. The applicant is also proposing to dedicate to the City with the recording of the plat (in phases) several tracts of land with open spaces and recreational facilities for the enjoyment of all citizens and to facilitate better access and enjoyment of the Special Use Park. Acceptance by the City of the proposed donation of land for the Special Use Park and acceptance of the dedication of the tracts will help the City meet the above goal. If the City does not accept the dedication of the tracts, then they will remain in private ownership of the development's homeowners association.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Where applicable, system development charge (SDC) credits will be provided for improvements of public park infrastructure.

Policy 163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails,

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and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)

APPLICANT’S RESPONSE: The City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, (page 41) states that Map 1 shows underserved neighborhoods. This Planning Areas map shows the subject site is located in Underserved Area 3. Underserved means not within a half mile of a neighborhood/community park or separated from it by a major street. To serve this area, the plan identifies actions in the Table 10 Recreation Facility Action Plan – Northwest on (page 43). The City is currently constructing a neighborhood park along Yohn Ranch Drive, located within a half mile of the subject site.

The proposed donation of land, dedication of tracts within the planned development, and other improvements proposed will help the City serve this area as intended by this policy and as envisioned by the parks plan through bringing to fruition many of the items in the action plan, including:

- City acquisition of a special use park adjacent to the BPA Easement (proposed land donation)
- City acquisition of a greenway to help connect Tice Park with the BPA Easement (dedication of proposed Tracts)
- Develop a trail in the greenway acquired

The proposed donation of the special use park is land that is partially within the 100-year floodplain. The portion outside the 100-year floodplain includes an old farm access haul road well suited for use as a greenway trail. The proposed off-site improvement of this trail with a bark chip surface will ensure minimum impact on environmentally sensitive lands while achieving the intent of this policy.

The tracts in the planned development are proposed to be improved with trails and dedicated to the City after the improvement are constructed. All of the proposed trails are located outside of the 100-year floodplain and do not contain environmentally sensitive lands.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

Policy 164.00 The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.

APPLICANT’S RESPONSE: There are no floodplain lands within the boundary of the planned development proposed for land division, so this policy does not apply to the planned development. The proposed donation of land for a special use park, which does include floodplain lands, is not part of the planned development. The park land is simply being offered to the City, and acceptance of the donation is sought concurrent with the development review. This will allow for efficient processing of the offer by City staff and permit the City to evaluate how the donation fits into the City’s park system. The City of McMinnville Parks, Recreation, and Open Space Master Plan, June 1999, (page 41) states, “The Director of Parks and Recreation oversees park acquisition...” It is hoped the proposed donation will be accepted by the Director and the City as it meets these policies.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

Policy 166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

APPLICANT'S RESPONSE: The proposed Planned Development meets these policies with the open spaces and natural areas proposed to be preserved in tracts, in addition to the mini-parks proposed to be developed in tracts.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

Policy 167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

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

APPLICANT'S RESPONSE: Where possible within the planned development boundary, which is an urban development, distinctive natural features are retained in tract areas. Tract N includes a grove of protected trees. The landscape plans indicate that many significant trees are preserved in the rear yards of lots, particularly on the north and east boundaries of the site. Large trees along Baker Creek Road could not be preserved as they were within the area of required frontage improvements.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

Policy 169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

APPLICANT'S RESPONSE: Drainage ways north of the site are not proposed to be developed.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

Policy 170.05 For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used. (Ord. 4796, October 14, 2003)

APPLICANT'S RESPONSE: The applicant has reviewed the adopted City of McMinnville Parks, Recreation, and Open Space Master Plan prepared for the City by MIG, Inc. on June 1999. The applicant owns a parcel with an area of 14.9 acres adjacent to and north of the proposed Baker

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Creek North Planned Development. Concurrent with this application, the applicant requests acceptance of the donation of this land to the City.

The donated parcel would become a Special Use Park, and allow for Trails and a Linear Park, as defined on page 10 of the City's Master Plan (see also Appendix A Facility Inventory's Map 2, the Master Plan map, where a Special Use Park symbol is located in the area). Acceptance of this donation by the City would allow it to fulfill the recommendations listed in Chapter 6 of the Master Plan related to benefiting the residents of McMinnville. Acquisition of this property is listed in the Master Plan in Table 10 - Recreation Facility Action Plan – Northwest (page 43) under "Special Use Parks" as a top priority. City ownership of this land would also allow the City to achieve another action item in this table, which is acquiring a "Greenway" to connect Tice Park to the BPA easement, as this property has an old farm haul road along the bluff from the BPA easement east to the adjacent property boundary that is well suited for development of a trail. This land donation will also allow the City to make a connection to the adjacent Baker Creek Greenway segment being proposed by an adjacent development (PDA 3-18/PDA 4-18/S 3-18), which is also an action item in Table 10 ("Develop a trail in the Baker Creek Greenway").

The purpose of the park land donation is to facilitate public open space enjoyment, protection of the floodplain from development encroachment, and conservation of riparian habitat along the waterway.

The proposed land donation is not part of the proposed planned development. The Proposed Planned development will create Tracts "F", "I", "J", "K", "L", "N" & "S", which the applicant recommends the City accept ownership of following installation of recreational amenities as proposed in their respective phases. These tracts include paths and trail improvements to support linear parks and greenspaces. These tracts and their improvements will facilitate public access to and enjoyment of the donated land.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion Planned Development (PD 1-19).

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Tentative Subdivision provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in

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accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. General Provisions

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings and proposed conditions of approval contained in this Decision Document.

Chapter 17.53. Land Division Standards

17.53.073 Preliminary Approval of Tentative Subdivision Plan.

- A. It shall be the responsibility of the Engineering Department and Planning Department to review a tentative plan to insure that it substantially conforms to the requirements of this chapter prior to the submittal of the plan to the Commission. The Planning Director may refuse to submit a tentative plan to the Commission if it is found that it does not substantially conform to the chapter requirements.
- B. Upon finding that a tentative plan substantially conforms to the requirements of this chapter, the Planning Director shall either approve the plan or approve the plan with conditions (for subdivisions with up to 10 lots). When the plan is for a subdivision with more than 10 (ten) lots, the plan along with the reports of appropriate officials and agencies shall be submitted to the Commission for review at its earliest practicable meeting.
- C. The decision of the Planning Director may be appealed to the Planning Commission as provided in Section 17.72.170. The decision of the Planning Commission may be appealed to the City Council as provided in Section 17.72.180. Approval of the tentative plan shall indicate approval for preparation of the final plat if there is no substantial

change in the plan of the subdivision and if the subdivider complies with the requirements of this chapter. (Ord. 4920, §4, 2010)

17.53.075 Submission of Final Subdivision Plat. Within 12 (twelve) months after approval of the tentative plan, the subdivider shall prepare a final plat in conformance with the tentative plan as approved. The subdivider shall submit the original drawing and two exact copies and any supplementary information to the City Engineer. Approval of the tentative subdivision plan shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #5 - 7. Conditions of approval are included to approve the phased subdivision proposed, and also to confirm that the tentative subdivision shall expire if final plats are not completed in a timely manner as proposed in the application materials.

- D. **Agreement for Improvements.** Before Director or Planning Commission approval is certified on the final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or execute and file with the City an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #10 & #20-24. Conditions of approval are included to require improvements prior to the recording of the subdivision plats for individual phases, and specifically require improvements within the public park dedication parcel prior to the platting of Phase 2A or 3A.

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.

APPLICANT'S RESPONSE: The streets will be created in conformance with the requirements for a subdivision. City Council has not initiated the establishment of a street on the subject site, therefore these conditions do not apply and have been omitted for brevity.

FINDING: SATISFIED. City concurs with the applicant's findings.

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- 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.

APPLICANT'S RESPONSE: The applicant will establish the proposed streets through the recording of a final plat. Therefore, these standards do not apply.

FINDING: SATISFIED. City concurs with the applicant's findings.

- 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.

APPLICANT'S RESPONSE: No partitioning is proposed, rather a subdivision is proposed as part of a planned development. The planned development proposes that the access easement preferred in subsection C.3. above over the creation of flag poles, be applied to the private drives proposed in subsection D. below.

FINDING: SATISFIED. City concurs with the applicant's findings.

- 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.

APPLICANT'S RESPONSE: The northwest corner of the planned development extends along a narrow bluff. Due to the existing parcels unusual topography, the most logical way to develop the parcel is to extend a private drive north from proposed Mercia Street. Therefore, access to Lots 204-208 in Phase 2C is proposed through a shared private drive in a common easement over Lots 206-208 as depicted on drawing PL-3 Preliminary Plat. Also, due to lot sizes and shapes that are deeper to protect trees in rear yards of nearby lots, the street is particularly far from Lot 269 in the corner of the site in Phase 3C. Therefore, the most feasible way to develop

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the parcel is to provide a shared private drive in common easement over Lot 270, as depicted on drawing PL-5 Preliminary Plat, to serve both Lots 269 and 270. This approach to lot access is proposed as part of the planned development as opposed to flag poles for each lot as it is the preferred method of access as described in subsection C.3. above. With approval of by the Planning Commission, access to these lots will meet the requirements of this code.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide and allow the shared access proposed above, and as required by the companion Planned Development (PD 1-19).

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.

APPLICANT'S RESPONSE: The attached Preliminary Plat drawings indicate that the private drive serving Lots 204-208 is located within an access easement on Lot 206-208, and the private drive serving Lots 269 and 270 is located within an access easement on Lot 270. The private drive improvements will be designed in accordance with the standards of Section 17.53.101(P). Necessary public utility easements are shown within the access easements on the lots adjacent to and served by the easements. The private drives will be identified as a common improvement in the CC&Rs and maintenance provisions will be included so new purchasers are aware of the maintenance costs. These documents will be recorded with final plats for each phase of the development.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide and allow the shared access proposed above, and as required by the companion Planned Development (PD 1-19).

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.
5. 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).

APPLICANT'S RESPONSE: The shared private drives proposed with this development are located in easements, and are not private streets, so it is the applicant's understanding a private street sign will not be required. No gates are proposed within or across public streets or private driveways.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.53.101 Streets.

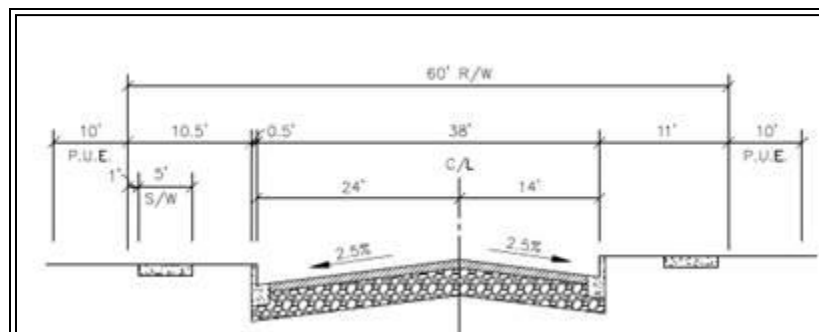
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- A. **General.** The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the 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
 2. 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.

APPLICANT'S RESPONSE: The attached plans illustrating the location, width, and grade of the proposed streets have been considered in relation to existing and planned streets, topography, public safety, and the proposed uses. As required by subsection 1. above, the arrangement of streets in the proposed subdivision provides for the extension of existing principal streets in surrounding areas. Namely, NW Blake Street is extended into the site from the east. Shadden Drive and Meadows Drive are extended north into the site opposite existing intersections of those streets with Baker Creek Road. A street north of Hill Road's new traffic circle which is also planned to extend north into the site will be named Hill Lane. Shadden Drive is also proposed to continue north in Phase 3B and align with a planned street in the adjacent development to the north of the site.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 and 19-21. Meadows Drive and Shadden Drive are proposed to have an offset crown to accommodate a right turn lane at their intersections with Baker Creek Road (see cross-section below). The City would prefer see the City's typical "Teepee" section so that the curb elevations match on each side of the street.



In order to meet a more typical City standard and allow for the curb elevations to match on each side of the street, a condition of approval is included to require that the street improvement between the curbs on Meadows Drive and Shadden Drive shall follow the City's typical "Teepee" section instead of the offset crown.

Other conditions of approval are included to ensure that direct access to Baker Creek Road is not provided for any individual lot, that the interior streets within the subdivision be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and 5-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, and that street grades

and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.

- 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.

APPLICANT'S RESPONSE: The applicant is proposing dedication of street rights-of-way and design of road improvements to conform to City standards.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #18. The City concurs with the applicant's findings, but adds that a condition of approval is included to verify the required public right-of-way dedication required along Baker Creek Road. All other right-of-way dedication shall be required during the platting of the subdivision phases.

- 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.

APPLICANT'S RESPONSE: Reserve strips or street plugs are not proposed with this application.

FINDING: SATISFIED. City concurs with the applicant's findings.

- D. Alignment. 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.

APPLICANT'S RESPONSE: Proposed streets which align with the continuation of existing street center lines are Hill Road, Meadows Drive, Shadden Drive, and Blake Street. Blake Street and proposed Augustine Place intersections are spaced approximately 200 feet apart, as are the intersections of Kent Street and Emma Streets.

FINDING: SATISFIED. City concurs with the applicant's findings.

- E. Future extension of streets. 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.

APPLICANT'S RESPONSE: Shadden Drive in Phase 3B, and Williams Drive in Phase 3C, are proposed to be extended to the north and south boundaries of the site to provide access to adjoining land. No reserve strips or street plugs are proposed.

FINDING: SATISFIED. City concurs with the applicant's findings.

- 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.

APPLICANT'S RESPONSE: The proposed intersection angles of this development meet the above standards as shown on the plans.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #13. One intersection is not designed at a right, or 90 degree, angle. The intersection of Gregory & Augustine Streets is designed with a "Y" configuration is, and appears to have the ability to be redesigned to be closer to a 90 degree angle. Therefore, a condition of approval is included to require that the proposed intersection of Gregory & Augustine Streets shall be redesigned such that the intersection angle is at as near to 90 degrees as practical.

- G. Existing streets. 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.

APPLICANT'S RESPONSE: NW Baker Creek Road is the only existing street adjacent to the tract of land proposed for development. The applicant is proposing to dedicate 18-feet of right-of-way and install a ½ street improvement and striping along the north side of the road to conform to the design standard for a minor arterial. Lane widths will be sufficient along the site's frontage. The south side of the right-of-way was already improved with earlier development and sufficient pavement exists on that half of the right-of-way to achieve the required road section.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #18. The City concurs with the applicant's findings, but adds that a condition of approval is included to verify the required public right-of-way dedication required along Baker Creek Road.

- H. 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.

APPLICANT'S RESPONSE: The site is the “adjoining property” in this case and the proposed Baker Creek Road improvements are completing the other half of a street developed with an earlier project.

FINDING: SATISFIED. City concurs with the applicant's findings.

- I. Cul-de-sacs. 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.

APPLICANT'S RESPONSE: There are no cul-de-sacs proposed with this planned development, therefore these standards do not apply.

FINDING: SATISFIED. City concurs with the applicant's findings.

- J. Eyebrows. 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.)

APPLICANT'S RESPONSE: The applicant is not proposing to install eyebrows with the proposed development, therefore these standards do not apply.

FINDING: SATISFIED. City concurs with the applicant's findings.

- K. Street names. 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.)

APPLICANT'S RESPONSE: As required, all extended streets maintain the same street names with the proposed development. Streets names for new streets have been proposed with the Preliminary Plat for review and approval of the Planned Director. The proposed streets reflect an English history theme.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #16. City concurs with the applicant's findings, but adds that the City already has a “Harold Court” and a “Emma Drive”. To ensure that duplicative street names are not used, a condition of approval is included to require different street names for proposed “Harold Drive” and “Emma Street” to be submitted for review at the time of final platting.

- L. Grades and curves. 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:

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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.

APPLICANT'S RESPONSE: Preliminary grading plans and street profiles have been submitted and the applicant intends to construct these requirements. Street design will comply with City requirements during the permitting of public improvement construction plans.

FINDING: SATISFIED. City concurs with the applicant's findings.

- M. Streets adjacent to a railroad right-of-way. 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.

APPLICANT'S RESPONSE: The subject site is not located within the vicinity of a railroad right-of-way. Therefore, these standards do not apply.

FINDING: SATISFIED. City concurs with the applicant's findings.

- N. Frontage roads/streets. 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.

APPLICANT'S RESPONSE: The site design includes a 10-foot wide landscaped common open space tract between the proposed residential lots and NW Baker Creek Road right-of-way, so no lots directly abut an arterial street. This section is not applicable.

FINDING: SATISFIED. City concurs with the applicant's findings.

- O. Alleys. 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.

APPLICANT'S RESPONSE: The proposed planned development is not located in a commercial or industrial district. The site's design includes proposed public alleys with 22-foot right-of-ways. See the Site Plan Exhibit SP-5 for the alley section. A standard alley may only be 20-foot wide, but the Applicant is proposing the extra two feet of width to allow a six-inch gap on both sides from edge of right-of-way to back of the six-inch flush curb creating the unobstructed area for placement of the property pins and to provide a full twenty feet wide paved surface. This alley

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configuration will allow for extra maneuvering space for vehicles entering and exiting driveway on lots served by the alleys. This in combination with the proposed full 20-foot setback from the right-of-way to the face of a garage will make for a safe and functional public alley. The applicant seeks the City's approval of these alleys as part of this planned development.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #14. Section 17.53.101(O) only requires alleys in commercial and industrial districts. However, in order to achieve the narrow lot size and varied lot dimensions identified as an objective of the companion Planned Development (PD 1-19), the applicant is proposing alleys to serve lots that are less than 40 feet in width. A condition of approval is included to require that the alleys be created in tracts or shared access easements, and that the tracts or easements be maintained by the properties that utilize the alleys for access.

- P. Private way/drive. 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.

APPLICANT'S RESPONSE: The applicant has addressed how the proposed private drive meets the standards of Section 17.53.100(D) in this narrative. The private drive has an adequate width for the proposed use and will be constructed to the same structural standards as a public street as required by this code. The submitted Preliminary Utility Plan indicates that storm drainage facilities have also been provided within the private drive to manage storm drainage.

FINDING: SATISFIED. City concurs with the applicant's findings.

- Q. Bikeways. 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.)

APPLICANT'S RESPONSE: The applicant is proposing to widen NW Baker Creek Road along the planned development's site frontage as required by this code and will stripe bike lanes and restripe travel lanes accordingly. The proposed planned development improvements are shown on exhibits SP-1 and SP-2 Site Plans.

FINDING: SATISFIED. City concurs with the applicant's findings.

- 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.)

APPLICANT'S RESPONSE: The applicant is not proposing to develop a new residential collector nor arterial street within the Baker Creek North Planned Development. Therefore, these standards do not apply.

FINDING: SATISFIED. City concurs with the applicant's findings.

- S. Sidewalks. 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.)

APPLICANT'S RESPONSE: The proposed planned development has frontage on Baker Creek Road, a minor collector in a residential area. Therefore, this section does not apply. The applicant is proposing to install a meandering 10-foot wide sidewalk along the planned development's frontage on NW Baker Creek Road as shown on the exhibit SP-1 Site Plan. The applicant is also proposing to install a 12-foot wide sidewalk along the west side of Meadows Drive, south of Kent Street to its intersection with Baker Creek Road, with half the sidewalk in the ROW and half in the adjacent open space tract. This sidewalk will effectively extend the BPA trail to the common area amenities at Kent Street, where the applicant is proposing to dedicate open space tracts to the City with the proposed improvements. The applicant seeks approval of these wider sidewalks in these locations as designed.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide and allow for the wider sidewalks described above, and as required by the companion Planned Development (PD 1-19).

- 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-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

APPLICANT'S RESPONSE: Park strips are provided between the curb and sidewalk of all streets in accordance with the above standards. Street trees proposed in park strips are shown on drawing L1.0 Street Tree Plan. The applicant is requesting landscape plan review concurrent with this planned development application. Chapter 17.58 is addressed below.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the applicant submitted a Landscape Plan Review application for concurrent review with the Planned Development request. Findings for the Landscape Plan Review (which includes the street tree plan for the Planned Development site) are addressed in the Decision Document for that land use application.

- 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.)

APPLICANT'S RESPONSE: The applicant is not proposing to install gates within or across public rights-of-way. Therefore, these standards have been met.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.53.103 Blocks.

- A. General. 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. Size. 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.

APPLICANT'S RESPONSE: The proposed block layout has been proposed taking into account adequate lot sizes, street width and the site's topography, as well as adjacent street network.

Land outside of the urban growth boundary is located to the west of the subject site, and sloping topography and the 100-year floodplain and urban growth boundary are to the north. The adjacent constrained lands make it infeasible to extend public streets in those directions to create smaller block perimeters. Where a street can be extended in the northeast boundary of the site for future development, it is proposed. The adjoining street network represented by Blake Street justifies an exception to this standard along the east side of the project.

The block bound by proposed Emma Street, Meadows Drive and Shadden Drive is adjacent to an arterial street, Baker Creek Road. Its perimeter is controlled by the existing spacing between Meadows Drive and Shadden Drive. This spacing meets the above standards. The spacing between along Hill Lane at the north leg of the existing traffic circle also meets this code.

The site's block pattern is also constricted by the BPA easement, adjacent substation property, the large C-3 zoned parcel, Baker Creek Road's arterial intersection spacing standards, and existing development to the east. Where large blocks are proposed, mid-block paths and open space tracts are proposed to facilitate pedestrian connectivity and access to the greatest extent practicable (as shown on Exhibit 3's sheet EXH-4).

The applicant seeks approval of the proposed planned development block pattern.

FINDING: SATISFIED. The proposed block lengths and block perimeter lengths comply with the requirements of the Planned Development (PD 1-19). The planned development allows a maximum block length of approximately 645 feet (the approximate maximum length of the block length of Kent Street between Hill Lane and Harold Drive) and a maximum block perimeter of approximately 2,325 feet (the approximate length of the block bounded by Meadows Street, Emma Street, Shadden Drive, and Baker Creek Road). No proposed block length or block perimeter exceeds these distances. Also, the City notes that the Planned Development will require mid-block crossings in tracts where block lengths or block perimeter lengths are exceeded, and the subdivision allows for these mid-block crossings to be developed. Improvements within these tracts are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

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

Attachments:

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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.

APPLICANT'S RESPONSE: The attached Preliminary Plat indicates that the applicant is proposing to dedicate 10-ft. wide public utility easements along all street right-of-ways within the proposed planned development. Other easements through proposed lots or tracts are also shown, as necessary, at the required widths.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private tracts as described and proposed above, and as required by the companion Planned Development (PD 1-19). Some of these tracts will include mid-block crossings where block lengths or block perimeter lengths are exceeded, and the subdivision allows for these mid-block crossings to be developed. Improvements within these tracts are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

2. 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.

APPLICANT'S RESPONSE: The subdivision is not traversed by a water course. This section is not applicable.

FINDING: SATISFIED. City concurs with the applicant's findings.

3. 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)

APPLICANT'S RESPONSE: Pedestrian ways that are in tracts greater than ten (10) feet in width are proposed at several locations in the form of mid-block paths throughout the development.

FINDING: SATISFIED. The City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private tracts as described and proposed above, and as required by the companion Planned Development (PD 1-19). Some of these tracts will include mid-block crossings where block lengths or block perimeter lengths are exceeded, and the subdivision allows for these mid-block crossings to be developed. Improvements within these tracts are described in more detail in the Decision Document for the Planned Development (PD 1-19) land use application.

17.53.105 Lots.

- A. Size and shape. 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

Attachments :

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of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

APPLICANT'S RESPONSE: The applicant has submitted a Planned Development application to create 280 single-family detached lots within the R-4 zoned portion of the site. Through the planned development process, the applicant is proposing to modify lot sizes so that all lots will be buildable and conform to the planned development's zoning overlay. The planned development includes appropriate sized and orientated lots for each unique site condition. Smaller lots are located closer to Baker Creek Road and will facilitate future planned transit along the roadway. Larger deeper lots are arranged adjacent to natural features. Medium lots are located in the middle area as a transition to density. Narrow lots are oriented to the street or common open space tracts with garage loading from an alley in the rear, while medium and large lots have access oriented to adjacent streets. Lots adjacent to the BPA easement are predominately oriented with the rear yard toward the easement, and this easement has been placed in an open space tract.

The width and depth of the proposed lots are also appropriate for the location of the lot. There are seven different lot types, organized by typical lot width, as shown on Exhibit 3's Lot Type Plan sheet EXH-3. Where a lot depth exceeds two times the average width, as requested with approval of this Planned Development, the dimensions are prudent as described below:

- SFD-70 lots would normally have a lot depth of no more than 140-feet. Of the 21 lots of this type, the proposed depths are typically less than 150-feet, with only a few approaching 160-feet. Therefore, this variance from the standards is a marginal amount. These lots are all on the perimeter of the project with the rear of the lots adjacent to sloping land that is proposed to be donated as a future special use park. The proposed depths as shown on Exhibit 3's Preliminary Plat sheets PL-1 through PL-5, allow for these lots to act as a buffer between the future open space and the developed portion of the site, so this added depth to the lots is appropriate for the location.
- SFD-60 lots would normally not have a lot depth of no more than 120-feet. Of the 36 lots of this type, the proposed depths are all less than 120-feet meeting this code standard, except for lots 206 & 207 which have a 25-foot wide driveway easement encumbering the front of the lots. Therefore, the functional depth of these lots is less than 120-feet, meeting the intent of this code section.
- SFD-50 lots would normally not have a lot depth of no more than 100-feet. Of the 48 lots of this type, many conform to this code. Where they do not, they are adjacent to the exterior of the project like the SFD-70 lots. The added depth also helps preserve trees on Lots 269-280, provide a buffer from the adjacent use on Lots 122-129 or 126-203, and rear yards of Lots 137 and 212 which are adjacent to the side yard of another lot to provide added lot depth and buffer the adjacent use. As such, the intent of this code section is met by the added depth of these planned development lots.
- SFD-40 and SFD-45 lots would normally not have a lot depth of no more than 80-feet or 68 feet respectively, if conforming to this code subsection exactly. Of the respective 50 and 47 lots of these types, all of lot depths are greater than that which the code would prescribe. An 80-foot deep lot could have a 20-foot garage setback in the front and a 20-foot rear yard setback, leaving 40-feet of depth for the dwelling unit. However, that would mean the ground floor depth of the livable part of the dwelling would be only 20-feet deep after providing 20-feet for the typical depth of a garage. The planned development request for flexibility of this standard to allow for lot depths ranging from 90-feet to just over 100-feet means these dwellings will be 10-feet to 20-feet deeper than if conforming to the code. The proposed lots will have more functional internal ground floor space within the dwelling,

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as well as an increased area on the second floor. Lot depths of 100-feet, plus or minus, are ordinary depths for single-family dwelling lots so this request is within reason. These dimensions are also appropriate for the higher density portions of this site these lots occupy, providing conformance with the intent of this code.

- SFD-30a and SFD-26a lots would normally not have a lot depth of no more than 60-feet or 52 feet respectively. Of the respective 24 and 54 lots of these types, all of lot depths are greater than that which the code would prescribe. This code section also states that “all lots in a subdivision shall be buildable,” The lots are proposed to be 90-feet deep, which is a necessary depth to make them buildable. With the exception of Lots 17-20 and 81-84, all of which have front yards facing Shadden Drive or Meadows Drive, respectively, and are therefore deeper.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) which allows for the 7 different lot types and the lot configurations described above.

- 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.

APPLICANT’S RESPONSE: All proposed lots about upon a street for a width of 25-feet as required by this section, except those listed here. Through this planned development process, the applicant seeks approval for the alternative proposed access:

- Lots 21-32 in Phase 1A, Lots 44-49 in Phase 1B, and Lots 69-77 in Phase 1C have over 25-feet of frontage on the proposed public alley at the rear of the lot, and 25-feet of frontage on the proposed common area tract with a pedestrian way at the front of the lot.
- Lot 269 is served by a shared drive in an easement over the flag pole portion of adjacent Lot 270. Per drawing PL-5 Preliminary Plat, the flag portion of Lot 270 has 20.08’ of public street frontage.
- Lots 204-208 on drawing PL-3 Preliminary Plat are served by a shared drive in an easement over the front of lots 205-208 that is 25-feet wide, providing more than the required frontage on a public street.
- Lot 129 is shown on drawing PL-3 Preliminary Plat to have 20.34-ft. of frontage for the flag pole portion of the lot.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) which allows for the 7 different lot types and the lot configurations described above.

- C. Through lots. 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.

APPLICANT'S RESPONSE: No through lots are proposed within the planned development. They have been avoided, so this section has been met.

FINDING: SATISFIED. City concurs with the applicant's findings.

- D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

APPLICANT'S RESPONSE: As far as practicable, each lot's side property line runs at or near right angles to the adjacent streets.

FINDING: SATISFIED. City concurs with the applicant's findings.

- E. Flag lots. 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.

APPLICANT'S RESPONSE: Flag lots were avoided with the design of the planned development as much as possible. Flag lots are proposed only in three locations: 1) Lot 129 in Phase 2A, 2) Lots 269 and 270 in Phase 3C, and 3) Lots 204-208 in Phase 2C. In both the 2nd and 3rd instance, a private access drive in an easement is proposed to serve multiple lots, as is the preferred manner to provide access as described in Section 17.53.100 C.3. above. After consideration of topography, adjacent lots, and utilities, it was determined that street layouts to increase individual lot frontage for each of the lots listed above is not feasible, an inefficient use of land, and/or contrary to the policies of the Comprehensive Plan and this code. Flag lots and associated easements were determined to be the only way to reasonably access the rear portions of the lots to be subdivided.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.53.110 Lot Grading. 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.

APPLICANT'S RESPONSE: The exhibit drawings GR-1 through GR-5 Grading Plans demonstrate that the proposed cuts and fills conform to these standards. The proposed storm drainage system is shown on drawings UT-1 through UT-5 Utility Plans.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.53.120 Building Lines. If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.

APPLICANT'S RESPONSE: A special rear yard setback of 30-ft. is proposed for those lots where large oak trees are proposed to be preserved. The additional setback area will be identified on deed restrictions for the respective lots.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed subdivision proposal would be consistent with the companion Planned Development (PD 1-19) which allows for revised setbacks and the special rear yard setback described above.

17.53.130 Large Lot Subdivision. In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

APPLICANT'S RESPONSE: The drawings show that full development of the planned development area is proposed with this application. Therefore, the above standards do not apply.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.53.140 Left-over Land. 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).

APPLICANT'S RESPONSE: All land not developed as single-family lots or public right-of-ways has been identified as Tracts A-S on the applicant's Preliminary Plat drawings. Tracts A-F and H-S will be developed as common open space areas. Tract G will be developed as a sanitary sewer pump station. Therefore, there are no left-over strips of land within the proposed planned development.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.53.151 Specifications for Improvements. The City Engineer has submitted and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:

- A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;
- B. Drainage facilities;
- C. Sidewalks in pedestrian ways;
- D. Sewers and sewage disposal facilities.

17.53.153 Improvement Requirements. The following improvements shall be installed at the expense of the subdivider:

- A. Water supply system. All lots within a subdivision shall be served by the City water supply system.
- B. Electrical system. All lots within a subdivision shall be served by the City electrical system.
- C. Sewer system. All lots within a subdivision shall be served by the City sewer system.
- D. Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected

to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.

- E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.
- A. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.
- B. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.
- C. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #10 & 20 - 23. Conditions of approval are included to require that public improvements are constructed to City standards and that all improvement requirements are achieved in the construction of the subdivision.

Chapter 17.60. Off-Street Parking and Loading

17.60.050. Spaces – Number required. Except for one or two upper-story residential dwelling units above a non-residential use, off-street parking spaces for dwellings shall be located on the same lot with the dwelling. All other required parking spaces shall be located not farther than two hundred feet from the building or use they are required to serve, measured in a straight line from the building.

APPLICANT'S RESPONSE: Each single-family lot is provided with off-street parking spaces on the same lot as the dwelling as shown on the drawings SP-1 through SP-5 Site Plans.

FINDING: SATISFIED. City concurs with the applicant's findings.

17.60.060. Spaces – Number required. [...]

- A. Residential land use category: [...]
- 5. Single-family and two-family dwelling. Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.

APPLICANT'S RESPONSE: Although detailed building plans have not been completed, most of the proposed single-family lots will have homes with 3-4 bedrooms, therefore 2 parking spaces are required. The attached Site Plans indicates that each dwelling is provided with 2 off-street parking spaces in garages and another 2 spaces in proposed driveways. City staff will verify that the minimum required number of required off-street parking spaces are provided for each lot during building permit review when each dwelling's total number of bedrooms is apparent.

FINDING: SATISFIED. City concurs with the applicant's findings.

CD

Attachments:

Attachment 1 – Application and Attachments



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

503-434-7311
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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A LANDSCAPE PLAN AND STREET TREE PLAN FOR THE BAKER CREEK NORTH SUBDIVISION

DOCKET: L 12-19 (Tree Removal, Landscape Plan and Street Tree Plan)

REQUEST: Approval of a Tree Removal, Landscape Plan and Street Tree Plan for the Baker Creek North subdivision.

LOCATION: The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

ZONING: R-4 (Multiple Family Residential)

APPLICANT: Stafford Development Company, LLC

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: October 11, 2019

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 5, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE: The application for Landscape Plan and Street Tree Plan review was submitted concurrently with applications for Comprehensive Plan Map Amendment, Zone Change, Planned Development, and Planned Development Amendment. As described in Section 17.72.070 of the McMinnville Municipal Code, concurrent applications shall be processed simultaneously and subject to the hearing procedure that affords the most opportunity for public hearing and notice. Therefore, the application for Landscape Plan and Street Tree Plan review shall be processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

- CRITERIA:** The applicable criteria are specified in Section 17.57.070 (Area Determination – Planning factors) of the McMinnville Zoning Ordinance, McMinnville City Code.
- APPEAL:** As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline is February 8, 2020.
- 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; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Landscape Plan (L 12-19) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

RECOMMENDATION: APPROVAL WITH CONDITIONS

City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

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

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – McMinnville Water and Light Comments

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. Staff has found the information provided to accurately reflect the current Planned Development Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

Subject Property & Request

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

The application (L 12-19) is a request for approval of a Tree Removal, Street Tree Plan and Landscape Plan for the proposed Baker Creek North subdivision. Street Tree Plans are required for new subdivisions with curb-side planting strips. Landscaping is required in the R-4 (Multi-Family Zone) except for the construction of single-family or two-family residential units. Permits for proposed tree removals shall be granted if part of an approved development project.

The Street Tree Plan and Landscape Plan were submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested Street Tree Plan and Landscape Plan are being reviewed concurrently with a Comprehensive Plan Map Amendment, Zone Change, Planned Development, Planned Development Amendment, and Subdivision to allow for the development of the 280 lot subdivision proposed in the Planned Development plans and future commercial development.

Excerpts from Land Use Application Narrative and Findings:

Planned Development

This requested new planned development is for a residential community of 48.7 acres with 280 lots for single-family detached dwelling units. As described above, the applicant is proposing to zone this area R-4, therefore this portion of the site will be designated with an R4-PD planned development overlay. [...]

Open Spaces

Included with the planned development are 19 common open space tracts (Tract "A" - "S"). After the proposed open space tracts are developed with the proposed active and passive recreation amenities, the applicant is proposing to dedicate many of those tracts and facilities to the City of McMinnville as public parks. The applicant requests the City accept them when recording final plats for the phase of development containing the respective tracts. The common open space areas have been designed to meet a variety of recreational needs. They will serve as centers for community interaction within the community. They can also serve as resources for the general public, once accepted as park land by the City. Proposed recreational amenities include a sports court, multiple play structures, sand box, picnic shelter, picnic tables, and park benches, trails and paths, and more. The open space areas have been sited to extend the City's network of park facilities by extending the existing powerline trail north to proposed "Kent Street Trailheads", where users can connect to the nature trail to the north and paved urban off-street path network to the south and park areas.

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Attachment 2 – McMinnville Water and Light Comments

These tracts when owned by the City will be an excellent asset to the City's park system. They will also facilitate access to the City's planned Special Use Park to the north of the site, which will extend the natural trail east to allow connection to other segments leading ultimately to Tice Park as envisioned.

Modifications

Below is a list of adjusted development standards as requested through the planned development process: [...]

- 8) **Street Trees:** Street tree spacing varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The planned development compensates for the increase in spacing in the following ways.
 - The planned development avoids the reduction in the allowed street trees that would occur through a strict application of the spacing standards. The applicant is proposing to encroach into the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-ft. spacing for requirement street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-45 lots, but may occur on other lots in the development.
 - SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
 - Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
 - The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
 - Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.

Tree Removal Permit, Street Tree Plan and Landscape Plan Review

Tree removal is allowed by code as part of an approved development project, and street tree planting is required in a new residential subdivision. Trees needed to be removed to facilitate the development project are shown on landscape drawing L1.0 Street Tree Plan, as are the proposed street tree plantings in the public right of way. Modifications are requested under the planned development to allow variation to the spacing standards of street trees due to conflict with improvements. Trees that will be preserved in tracts and the rear of lots are shown with protective fencing on this drawing. Additional trees are shown to be planted in common area open space tracts within the planned development on the other landscaping plan sheets L2.0-L10.0."

See Vicinity Map (Figure 1), Existing Zoning (as approved with concurrent zone change request) (Figure 2), Proposed Site Plan (Figure 3), Proposed Street Tree Plan (Figure 4), and Proposed Landscape Plan (Figures 5-9) below.

Attachments :

Attachment 1 – Application and Attachments

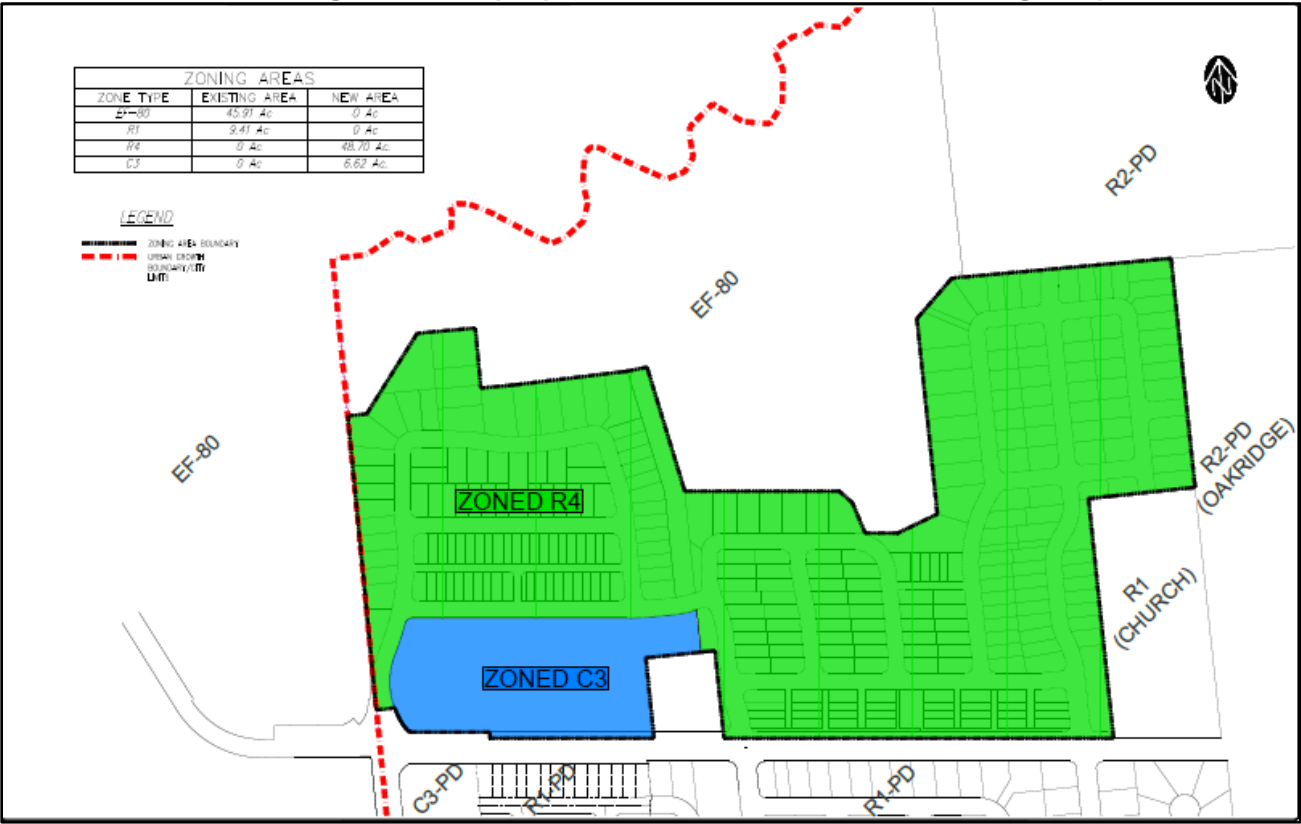
Attachment 2 – McMinnville Water and Light Comments

Figure 1. Vicinity Map (Subject Site Area Approximate)



Figure 2. Existing Zoning

*Note – Zoning shown as proposed with concurrent Zone Change request



Attachments :

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Attachment 2 – McMinnville Water and Light Comments

Figure 3. Proposed Site Plan

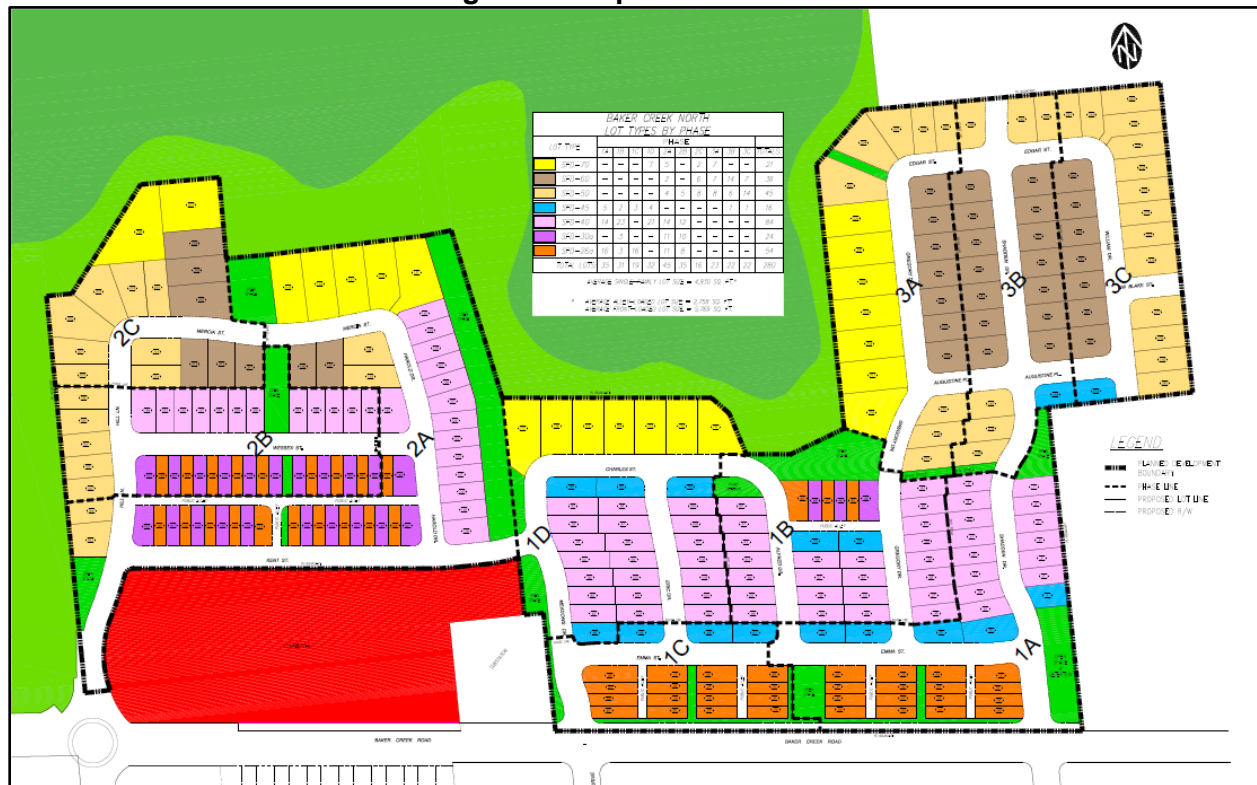
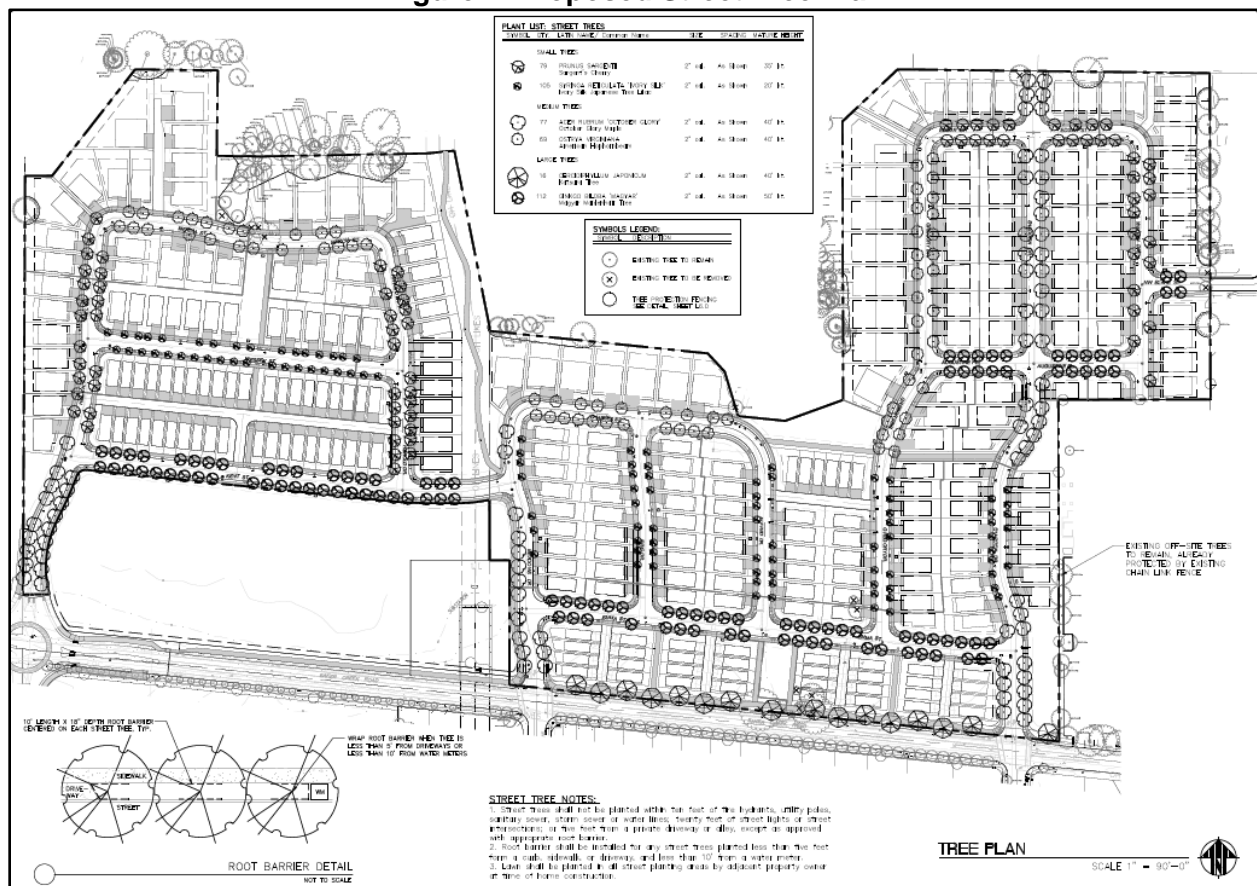


Figure 4. Proposed Street Tree Plan



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Figure 5. Proposed Landscape Plan

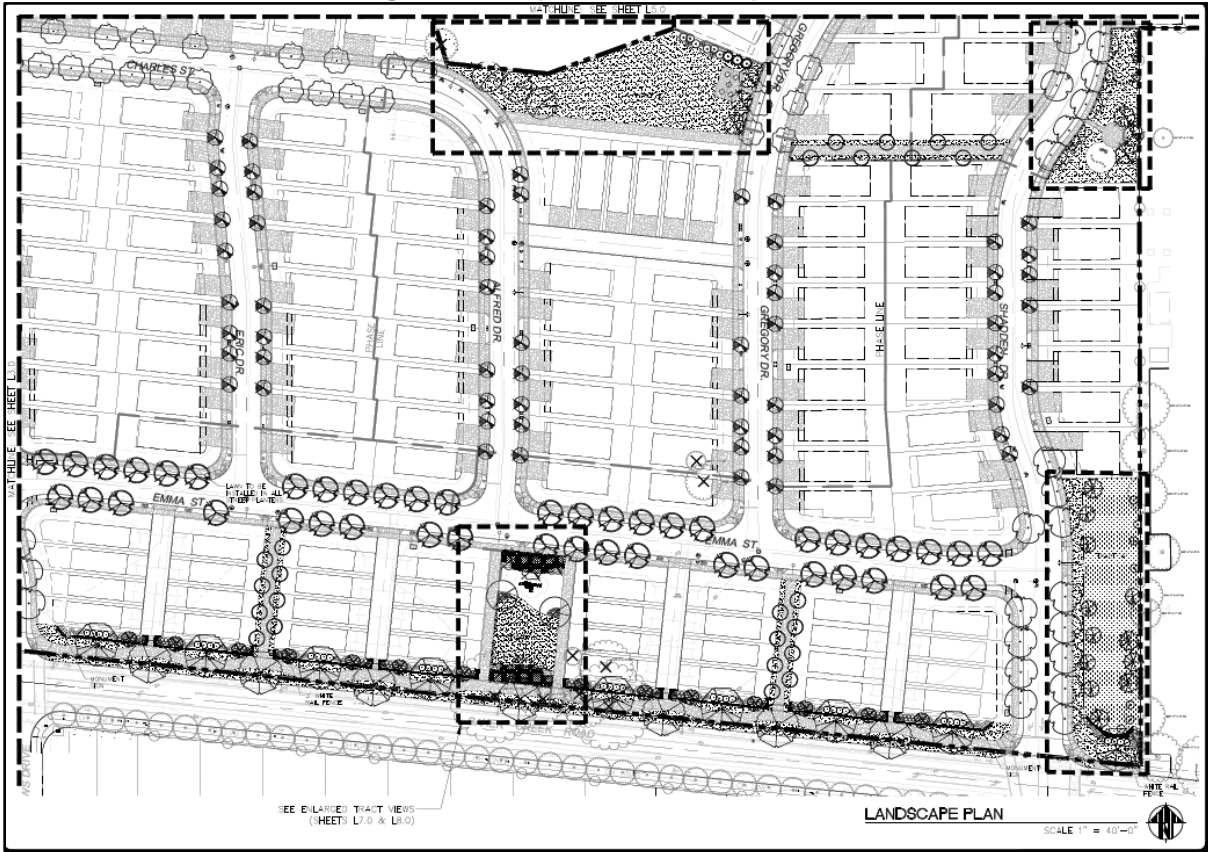
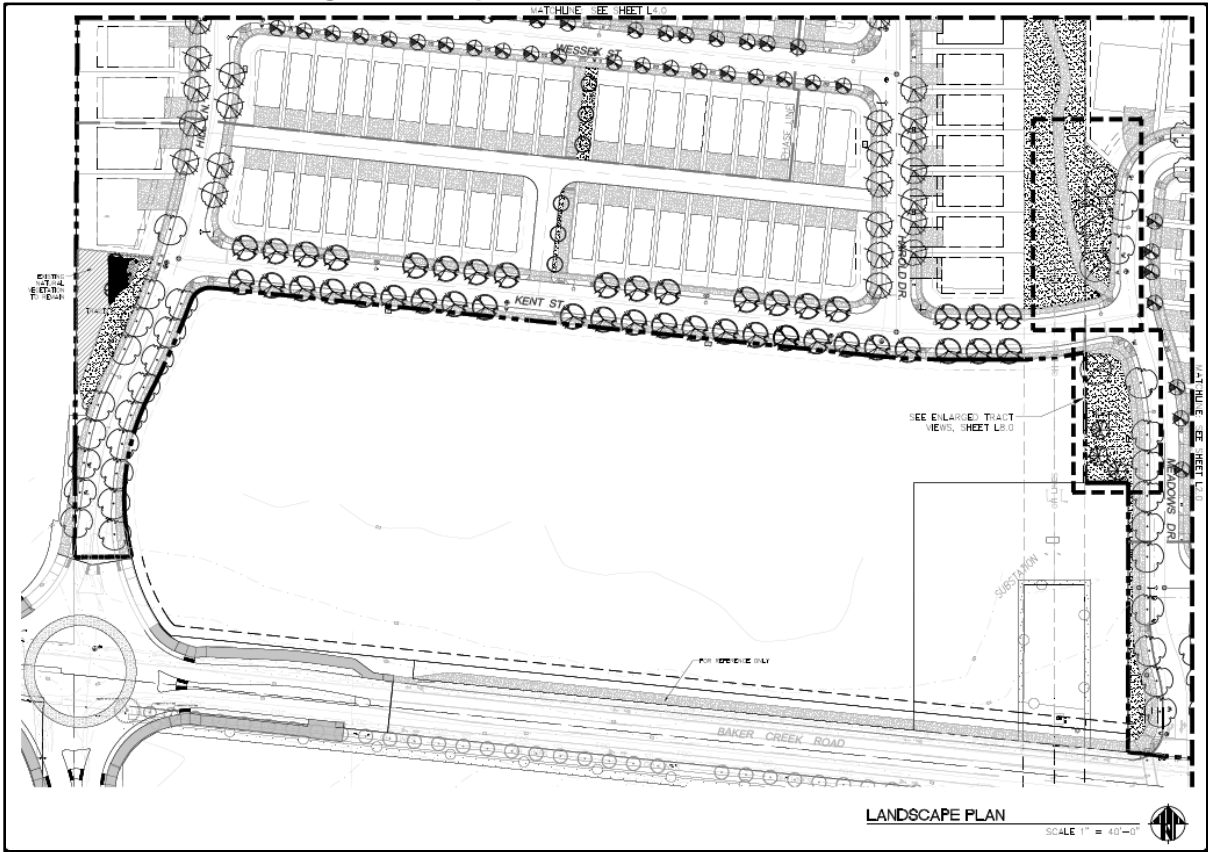


Figure 6. Proposed Landscape Plan (cont'd.)



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Figure 7. Proposed Landscape Plan (cont'd.)

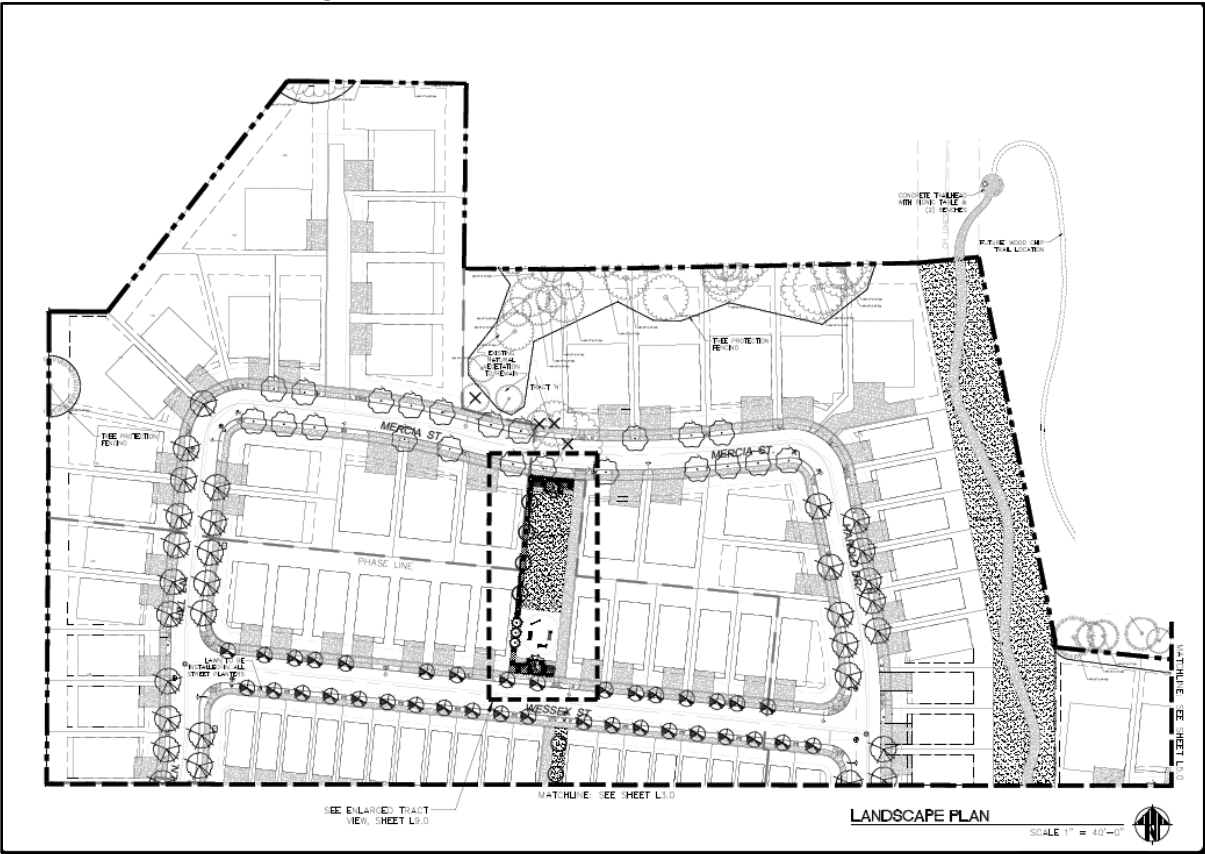
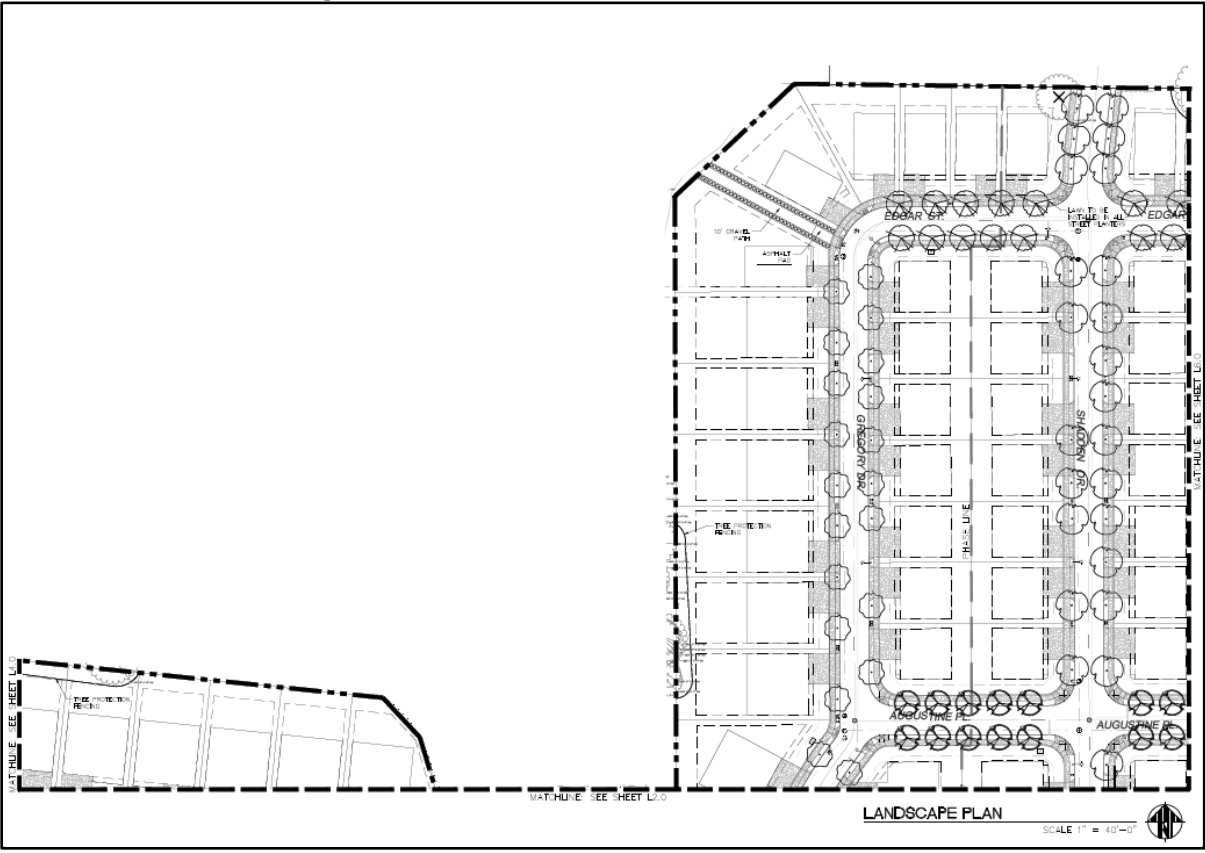
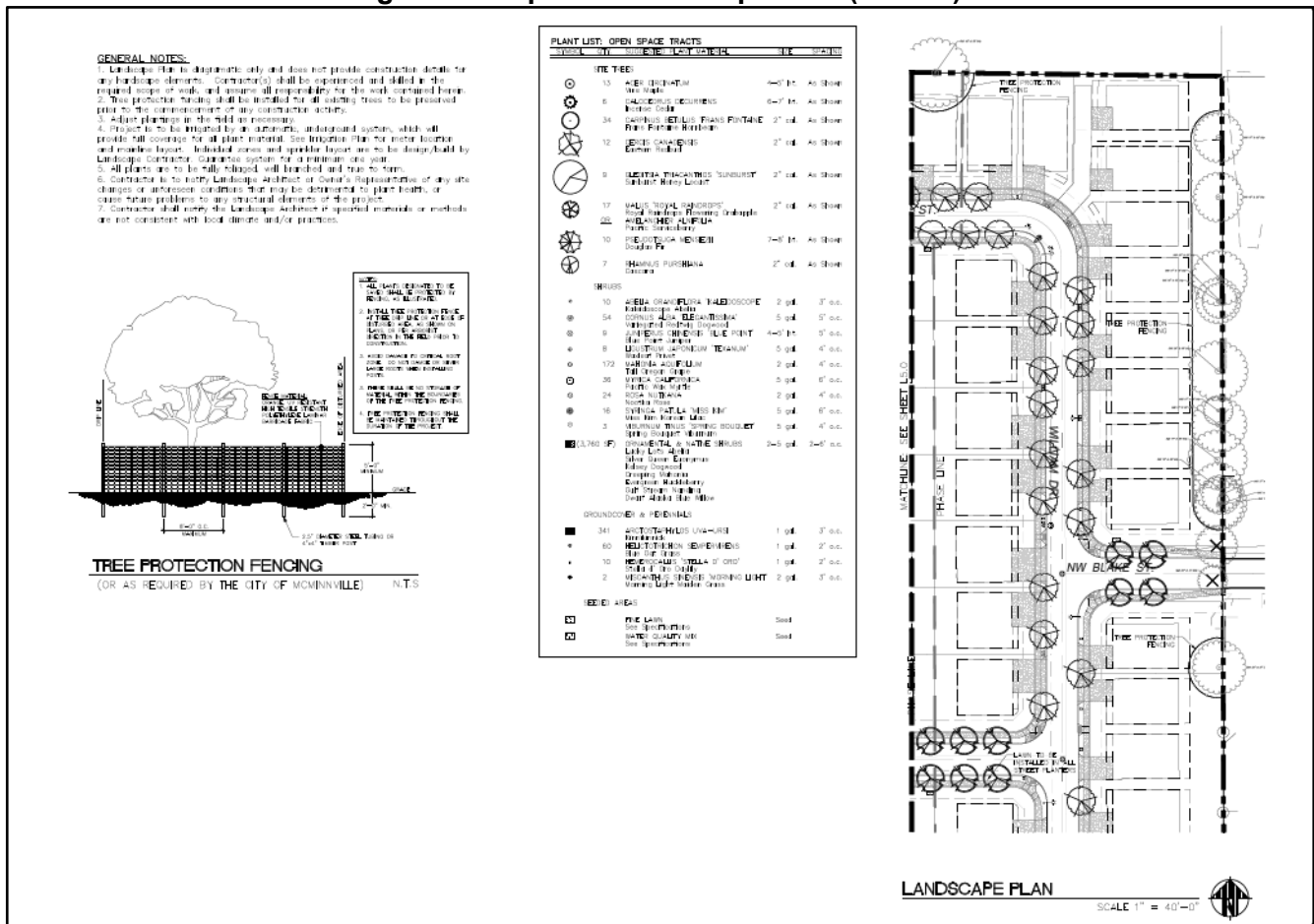


Figure 8. Proposed Landscape Plan (cont'd.)



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Figure 9. Proposed Landscape Plan (cont'd.)

Background

Summary of Criteria & Issues

The application (L 12-19) includes requests for approval of Tree Removal, Street Tree Plan and Landscape Plan.

The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the McMinnville Municipal Code (MMC). Section 17.58.050 of the MMC requires a permit for Tree Removal to be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

The Street Tree Plan is subject to applicable criteria and standards found in Chapter 17.58 (Trees) of the MMC. As it relates to street trees, the purpose of Chapter 17.58 is to establish and maintain the maximum amount of tree cover on public and private land in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the city; to increase property values and build

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stronger ties within neighborhoods; and to promote a diverse, healthy, and sustainable community forest.

The Landscape Plan is subject to landscaping planning factors found in Section 17.57.070 (Area Determination – Planning Factors) of the MMC. The specific planning factors required to be taken under consideration for the review of the landscape plan are below:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.
5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

The applicant has provided findings to support the requests for Tree Removal and a Street Tree Plan. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. That the decision for approval of Baker Creek North Tree Removal, Street Tree Plan, and Landscape Plan (L 12-19) is not rendered, and does not take effect, until and unless the Tentative Subdivision request (S 1-19) is approved by the City Council.
2. That a revised street tree, landscape, and irrigation plan reflecting the conditions of approval and the final subdivision site plan and utility design shall be submitted to the McMinnville Planning Department for final review and approval by the Planning Director.
3. That all costs and liability associated with tree removal shall be borne by the applicant.
4. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during the tree removal or planting process.
5. That only the 17 existing trees identified for removal on Drawing L1.0 Street Tree Plan shall be approved for removal.
6. That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station structure from surrounding properties.
7. That trees in Open Space Tract 'I' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet.
8. That trees in Open Space Tract 'J' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet, and trees in Tract 'J' shall have a maximum mature canopy

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height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.

9. That trees in Open Space Tract 'K' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.
10. That no trees are allowed within Open Space & Access Easement Tract 'L'. Trees adjacent to Tract L shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement. No picnic table or other amenity shall block access to transmission facilities.
11. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
12. That an automatic irrigation system be provided to landscape areas within Open Space Tract 'S'.
13. That all landscaping approved by the City and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.
14. That the approved street tree species for the Baker Creek North subdivision are:
 - a. Small Trees
 - i. *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac)
 - b. Medium Trees
 - i. *Acer rubrum* 'October Glory' (October Glory Red Maple)
 - ii. *Cercidiphyllum japonicum* (Katsura Tree)
 - iii. *Ginkgo biloba* 'Magyar' (Magyar Ginkgo)
 - iv. *Ostrya virginiana* (American Hophornbeam)
 - v. *Prunus sargentii* (Sargent Cherry)
15. That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:
 - a. Sewage Pump Station Tract 'G': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
 - b. Open Space Tract 'F': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
 - c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
 - d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;
 - e. Lot 50: One (1) street tree shall be provided between the water meter and alley, outside of the clear vision triangle;
 - f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
 - g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
 - h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;
 - i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
 - j. Lots 35, 117, 130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;
 - k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.

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16. That no street tree shall be located within the transmission line easement. Street trees adjacent to the transmission line easement shall have a maximum mature canopy height of 40 feet and shall be located such that no tree canopy encroaches into the transmission line easement.
17. That small street trees shall be spaced at no more than 30 feet, and medium street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement. When adjacent to the exterior side yard of any corner lot, or along open space, detention, or sewage pump station tracts, street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement.
18. That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk 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, street trees shall be provided with two (2) deep watering tubes to promote deep root growth.
19. Where street trees are planted in the approximately 10 foot long planter strips between driveways on neighboring lots, root barrier protection shall be provided around the perimeter of the entire planting strip to a minimum depth of eighteen (18) inches.
20. Where street trees are planted in any location less than 10 feet from a water meter, root barrier protection shall be provided along the sidewalk and curb as required by condition #16, and root barrier protection shall also be provided immediately adjacent to the water meter between the sidewalk and curb to a minimum depth of eighteen (18) inches.
21. That the applicant is reminded that trees are not to be planted within:
 - a. Five (5) feet of a private driveway or alley;
 - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
 - c. Twenty (20) feet of street light standards or street intersections.
20. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
21. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
22. That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

III. ATTACHMENTS:

1. L 12-19 Application and Attachments (on file with the Planning Department)

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2. McMinnville Water and Light Comments – Letter dated November 15, 2019

IV. COMMENTS:**Agency Comments**

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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments relating to the Tree Removal, Street Tree Plan, and Landscape Plan were received:

- McMinnville Engineering Department
 - McMinnville Municipal Code Section (MMC) 12.20.030(B) requires that the maximum width of driveways for properties with street frontage between 20 and 75 feet wide shall be not more than 40% of the frontage. The proposed lot configurations for SFD-70, SFD-60, and SFD-40, as shown on page EXH-5, do not meet the Ordinance standard. Additionally, a review of the Site Plan (SP) sheets indicates that the driveways for lots 117, 130, 131, 132, 202, 203, 224, 225, 228 and 271 do not comply with the Ordinance standard.
 - MMC Section 12.20.070 indicates that if a driveway is constructed or installed on a corner lot, such driveway shall not be built closer than 30 feet from the point of intersection of the two curb lines projected ahead. A review of the Site Plan (SP) sheets indicates that the driveway for lot 35 may not comply with that standard.
 - Recognizing that street tree plans are reviewed and approved at a later date by the Planning Department and the Landscape Review Committee, we did note that several of the proposed tree locations will need to be adjusted due to probable conflicts with utilities and due to street sight distance concerns.
 - There are 19 tracts designated as open space in the proposal. One of these, tract G, is designated for a proposed pump station. Staff's understanding was that only tracts I, J, K and L were being considered for dedication to the City as public open space as part of this development, with developer built improvements constructed on them. However, in reviewing the narrative and findings information, it appears that the applicant is requesting that:
 - Parcel D (14.92 acres) be accepted by the City as a future public park. This is flood plain property north of the planned development site, and the application notes that a chipped path would be constructed as an off-site improvement in conjunction with phase 2A and/or phase 3A of the subdivision.
 - Tracts F, I, J, K, L, N, and S within the planned development are recommended by the applicant to be accepted by the City as public park land. The proposal shows various developer constructed improvements to be included with these tracts.
 - Park Donation: the applicant is requesting that the City accept Parcel D as part of this application. At this time, staff does not believe that the City has the maintenance capacity to take on additional new park acreage, and would not recommend accepting ownership or maintenance responsibility for this parcel.

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- Open Space Tracts: Staff's understanding was that tracts I, J, K and L were to be improved as an extension of the BPA pedestrian path, with a concrete pathway, landscaping, pedestrian scale lighting and pedestrian benches. However, in looking at the proposal, I see some significant variation from that understanding:
- Tract I: shows turf, trees and a pathway (sidewalk). Staff's understanding was that this was to be 10' walk; it appears to be drawn as a typical 5' sidewalk.
- Tract J: shows dog park and skate park improvements. Staff's understanding was that this was to be a meandering 10' path with landscaping.
- Tract K: shows turf, trees, landscaping, with benches. This matches our understanding.
- Tract L: shows an offset 10' gravel pathway, and turf for a portion of the tract. The remaining portion is labelled as "existing grass field to remain", with a 10' gravel pathway. This is not similar to the existing BPA pathway design as per earlier discussion, and does not provide an accessible surface for pedestrians.
- As noted above, staff does not believe that the City has the current park maintenance capacity to take on any additional park land. That being said, the opportunity to extend the BPA pathway to the north and connect this development with park improvements to the south is recognized as an important opportunity. It is also recognized that maintenance of the extension will come at the expense of reduced maintenance in other existing facilities. Unfortunately, the proposed improvements on these tracts are not similar to the existing BPA pathway design, and include elements (skate park, dog park) that the City does not have the resources to maintain. So based on that, staff does not believe it would be in the City's best interests to accept these tracts as proposed. The plans for Tracts I, J, K, and L should be modified to match the City's development of the trail system in the rest of the BPA corridor to the south of Baker Creek Road.
- Tract F is shown as a sloped parcel overlooking the floodplain to the north, with a chipped path future connection to the floodplain. Other improvements shown include a shelter, landscaping, turf, trees and park amenities. Staff does not believe the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.
- Tract N is shown as open space. From the narrative, it appears this is proposed as open space to preserve existing trees. Staff does not believe that the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.
- Tract S is shown as a proposed pedestrian connection from Edgar Street to the proposed floodplain park donation. Staff would see this as a pedestrian connection that would be provided and maintained by the developer. Should in the future the floodplain property become the City's, staff would see maintenance access coming from the north end of the BPA path extension and would not need Tract S for maintenance access. Thus, and it should remain private with maintenance by the Home Owners Association.
- McMinnville Water and Light

Included as Attachment #2

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Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.
2. The applicant submitted the Street Tree Plan and Landscape Plan Review application (L 12-19) on April 30, 2019.
3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.
4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.
5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.
7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

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VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.
2. **Size:** The Planned Development Overlay District is proposed to be approximately 48.7 acres in size. The proposal includes the dedication of a 14.92 acre parcel adjacent to the proposed Planned Development Overlay District, which is proposed to be dedicated as a public park.
3. **Comprehensive Plan Map Designation:** Planned Development Area: Residential. Park Dedication Parcel: Residential and Floodplain
4. **Zoning:** Planned Development Area: R-4 (Multiple Family Residential). Park Dedication Parcel: EF-80 (Exclusive Farm Use) and F-P (Flood Plain)
5. **Overlay Zones/Special Districts:** None.
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, is located within Zone A of the 100-year floodplain of Baker Creek, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels.
8. **Other Features:**
 - a. **Wetlands:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, contains wetlands.
 - b. **Slopes:** A majority of the site is relatively flat, but the property begins to slope to the north along the northern edges of the subject site. This portion of the property slopes downward towards Baker Creek, which is located to the north of the subject site.
 - c. **Easements and Utilities:** A 60 foot wide easement, as identified in Film Volume 40, Page 851, Yamhill County Deed Records, for the benefit of the Bonneville Power Administration exists running south to north through the center portion of the site, in the general location of the existing electrical power transmission lines.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 96 feet. New local residential streets to serve the proposed subdivision are proposed.

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VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Landscape Plan Review are specified in Section 17.57.070 of the Zoning Ordinance. The applicable criteria for a Tree Removal application and a Street Tree Plan Review are specified in Chapter 17.58 of the Zoning Ordinance

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL IV 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 122.00: The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:

- 1. Major, minor arterials.
–Landscaping should be encouraged along public rights-of-way.*
- 2. Major, minor collectors.
–Landscaping should be encouraged along public rights-of-way.*
- 3. Local Streets
–Landscaping should be encouraged along public rights-of-way.*

APPLICANT'S RESPONSE: [...] Street trees will be provided in the planter strips of all proposed street improvements. The planned residential development also proposes landscaping to be installed in a private tract along the arterial as passive open space in support of this policy.

[...] Street trees will be provided along public rights-of-way as shown on the Street Tree Plan, and landscaping will be installed in open spaces adjacent to the streets. Therefore, this policy is met by the proposal.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #6. The City concurs with the applicant's finding. Street trees will be installed along the public right-of-way along all new local streets within the new subdivision, and also along the right-of-way of NW Baker Creek Road adjacent to the new subdivision. The trees will be located within curb-side planting strips, and will be of a species from the approved McMinnville Street Tree List or otherwise approved by the City.

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Additionally, Open Space Tract H would provide landscaping along the adjacent arterial street, NW Baker Creek Road. Landscaping is proposed for all open space tracts adjacent to local street rights-of-way within the subdivision, except for Tract G. Therefore, a condition requiring landscaping to be provided for Open Space Tract G is included.

CONDITION FOR FINDING: That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station from surrounding properties.

Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

- 1. Incorporate features that create a pedestrian friendly environment, such as: [...]*
- g. Street furniture, street trees, and landscaping*

APPLICANT'S RESPONSE: [...] The attached landscape plans indicate that street trees and landscaping is proposed throughout the development. Therefore, this policy is met.

FINDING: SATISFIED. The City concurs with the applicant's finding. Street trees will be installed along the public right-of-way along all new streets within the new subdivision, and also along the existing right-of-way of NW Baker Creek Road adjacent to the new subdivision. The trees will be located within curb-side planting strips, and will be of a species from the approved McMinnville Street Tree List, or otherwise approved by the City.

Policy 132.38.00: Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.

APPLICANT'S RESPONSE: The street tree plan and landscaping of passive and active open spaces adjacent to public ways support this policy.

FINDING: SATISFIED. The City concurs with the applicant's finding. Street trees and open space landscaping proposed in the street tree plan and landscape plans submitted for review would enhance the aesthetics and livability of the planned development.

Policy 132.43.05: Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

- 3. Landscaping barriers between roadway and non-motorized uses;*
- 4. Landscaping that promotes a residential atmosphere;*

APPLICANT'S RESPONSE: [...] Street trees are proposed in planter strips along all streets promoting a residential character. [...]

FINDING: SATISFIED. The City concurs with the applicant's finding. Street trees will be installed along the public right-of-way along all new streets within the new subdivision, and also along the existing right-of-way of NW Baker Creek Road. The trees will be located within curb-side planting

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strips, promoting a residential atmosphere and provide a barrier between the roadway and non-motorized uses.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Landscape Plan review provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. General Provisions

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

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APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

Chapter 17.57. Landscaping

17.57.010 Purpose and intent. The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. [...]

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed landscape plan would enhance the appearance of the city and will benefit the economic, ecological, and aesthetic environment of the city. The landscape plan as proposed and with recommended conditions meets the intent and purpose of the Landscaping chapter, as described in the findings for the specific landscape plan review criteria below.

17.57.030 Zones where required. Landscaping shall be required in the following zones except as otherwise noted: [...]

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single Family or Two-Family Residential unit);
- D. C-3 (General Commercial zone).

APPLICANT'S RESPONSE: The planned development is within the R-4 zone, however it is proposed with single-family residential units, so no landscaping is required per this section. No specific development or use is proposed within the proposed C-3 zone, so no landscaping is required for that area.

FINDING: SATISFIED. The planned development is proposed to be within the R-4 zone and developed with single-family residential units, therefore landscaping for those proposed single-family lots is not required. However, the 18 common open space tracts would be within the R-4 zone and not developed with single-family or two-family residential units. Therefore, landscaping is required for all proposed open space tracts.

17.57.040 Specific uses requiring landscaping.

17.57.040(D). Multiple-family, commercial, and industrial uses in residential planned developments, subject to the landscaping requirements of the type of use in the planned development.

APPLICANT'S RESPONSE: The applicant is not proposing multi-family uses with this residential planned development. Therefore, these standards do not apply.

FINDING: SATISFIED. The City concurs with the applicant's finding's findings. The City adds that no commercial or industrial uses are proposed at this time within the planned development. Therefore, no additional landscaping requirements based on other types of uses in the planned development are required.

17.57.070 Area Determination – Planning Factors.

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17.57.070(A). Landscaping shall be accomplished within the following ranges:

3. Multiple-family, twenty five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #6. The amount of landscaping proposed for the common tracts can be seen in the table below.

Tract	Proposed Uses	Gross Area (square feet)	Landscaping Proposed (s.f.)	Percent of Gross Area
A	storm water detention	17,431	17,431	100
B	open space, playground	15,422	15,422	100
C	open space, playground	7,695	7,695	100
D	pedestrian access way	1,841	1,841	100
E	pedestrian access way	2,357	2,357	100
F	open space, picnic shelter	22,105	22,105	100
G	sewage pump station	4,062	0	0
H	open space	8,795	8,795	100
I	bicycle/pedestrian trail	2,702	2,702	100
J	bicycle/pedestrian trail, open space	7,036	7,036	100
K	bicycle/pedestrian trail, open space	3,622	3,622	100
L	bicycle/pedestrian trail, open space, BPA access	41,905	41,905	100
M	n/a	n/a	n/a	n/a
N	open space, tree preservation	14,326	14,326	100
O	open space	7,110	7,110	100
P	pedestrian access way	1,274	1,274	100
Q	pedestrian access way	2,125	2,125	100
R	open space, playground	10,822	10,822	100
S	pedestrian access way	2,871	2,871	100

Landscaping has been proposed in excess of the 25 percent minimum for each common tract in the planned development, except for Tract G, the sewage pump station tract. Therefore, a condition is included requiring a minimum 25 percent of the gross area of Tract G be provided with landscaping.

CONDITION FOR FINDING: That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station from surrounding properties.

17.57.070(B). The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

17.57.070(B)(1). Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.

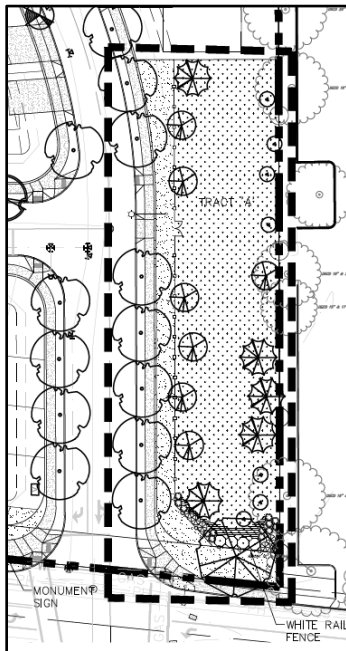
APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #6-11, and 16. The applicant is proposing the following landscaping for open space tracts:

Attachments :

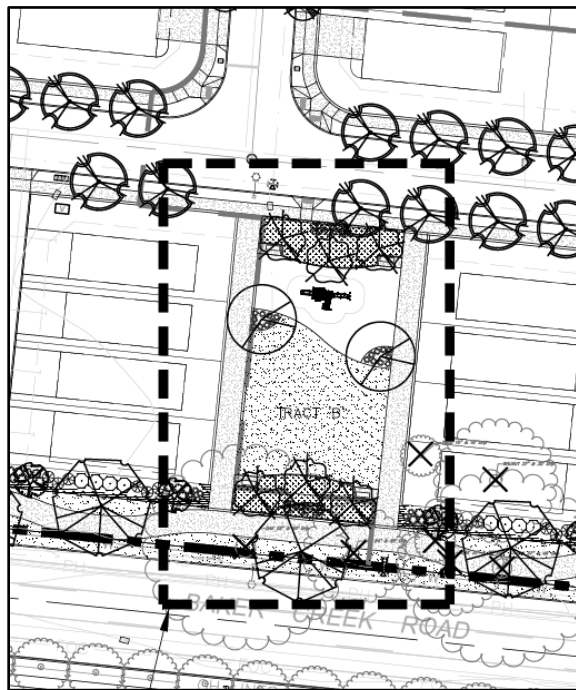
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Open Space & Detention 'Tract A':

Tract A is located at the southeastern corner of the proposed planned development, at the corner of Baker Creek Road and Shadden Drive. It's primary function is to serve as a storm water detention facility, and the proposed landscaping is reflective of that purpose. Native tree species *Acer circinatum* (Vine Maple), *Pseudotsuga menziesii* (Douglas Fir), and *Rhamnus purshiana* (Cascara) are proposed around the perimeter of the detention area. At the south end of the detention area near Baker Creek Road, a planting area is proposed with a variety of native evergreen shrubs, including *Cornus alba* 'Elegantissima' (Variegated Redtwig Dogwood), *Mahonia aquifolium* (Tall Oregon Grape), *Myrica californica* (Pacific Wax Myrtle), and *Arctostaphylos uva-ursi* (Kinnikinnick). A Water Quality Facility Mix consisting of Dwarf Tall Fescue, Dwarf Perennial Rye, Creeping Red Fescue, and Colonial Bent Grass, all grasses, is proposed throughout the remainder of the open detention area. A white rail fence matching the fence proposed along Baker Creek Road separates the detention area from open space planted with a fine lawn seed mix.

Adjacent to Tract A to the east is an off-street parking lot for a church. Proposed planting around the perimeter of the detention area, in combination with existing trees within the adjacent parking area and along the property line, would serve to screen and buffer the detention area from the adjacent church property.

Open Space & Private Utility Easement 'Tract B':

Tract B is located amid the SFD-26a lots proposed along Baker Creek Road. It would serve several functions, including active and passive recreation space and as a mid-block pedestrian way connecting Baker Creek Road to Emma Street.

The north and south ends of the tract have the same landscape treatment, *Cercis canadensis* (Eastern Redbud) trees and *Syringa patula* 'Miss Kim' (Miss Kim Korean Lilac) planted in a mix of small ornamental and native shrubs. The mix includes the ornamental shrubs Lucky Lots Abelia, Silver Queen Euonymus, Gulf Stream Nandina, and Dwarf Alaska Blue Willow, and native shrubs Kelsey Dogwood and Evergreen Huckleberry. Four benches are located in the planting areas to provide seating opportunities.

A play structure is located in the northern portion of the tract, with engineered wood fiber surfacing.

A lawn area is located to the south of the play structure. Planting areas with *Gleditsia triacanthos* 'Sunburst' (Sunburst Honey Locust) trees and *Helictotrichon sempervirens* (Blue

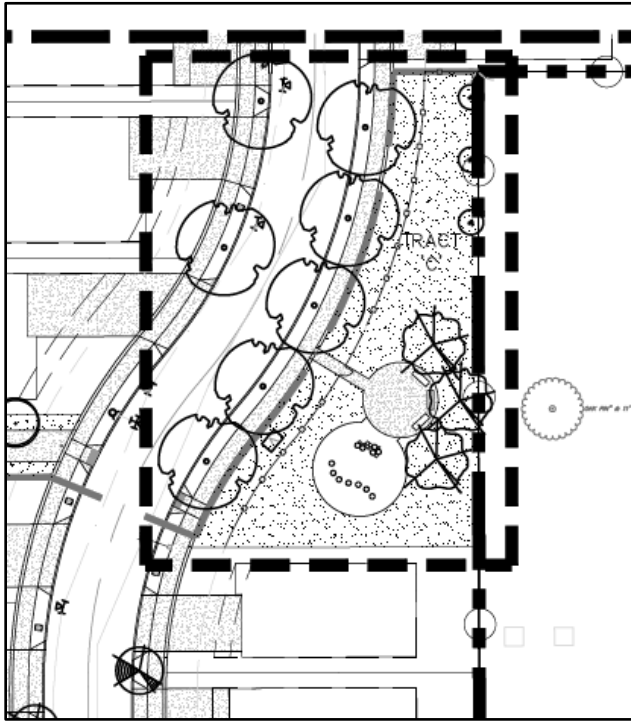
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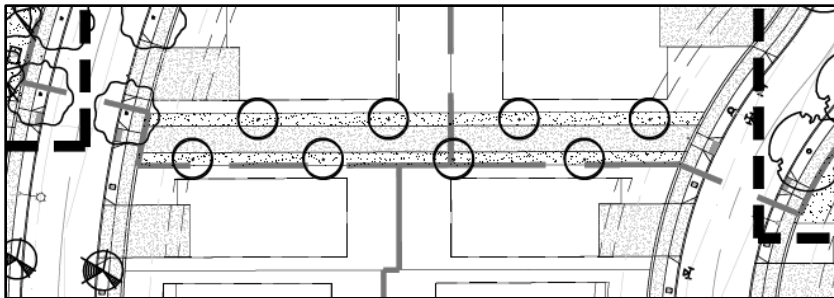
Oat Grass) provide separation between the spaces. Paths on the east and west sides of the tract connect the sidewalks along Baker Creek Road and Emma Street.

Open Space 'Tract C':



Tract C is located along Shadden Drive, north of Tract A. In Tract C, a three (3) foot white rail fence matching that found around the Tract A detention area and along Baker Creek Road encloses an open lawn space and a play area. The play elements in the Tract C are natural wood stumps arranged to create a climbing element and trail on an engineered wood fiber surface. Next to the play area is a seating area with three (3) benches under *Cercis canadensis* (Eastern Redbud) trees. *Acer circinatum* (Vine Maple) trees would provide additional screening of the open space from the adjacent church property to the east.

Open Space 'Tract D' & 'Tract E':



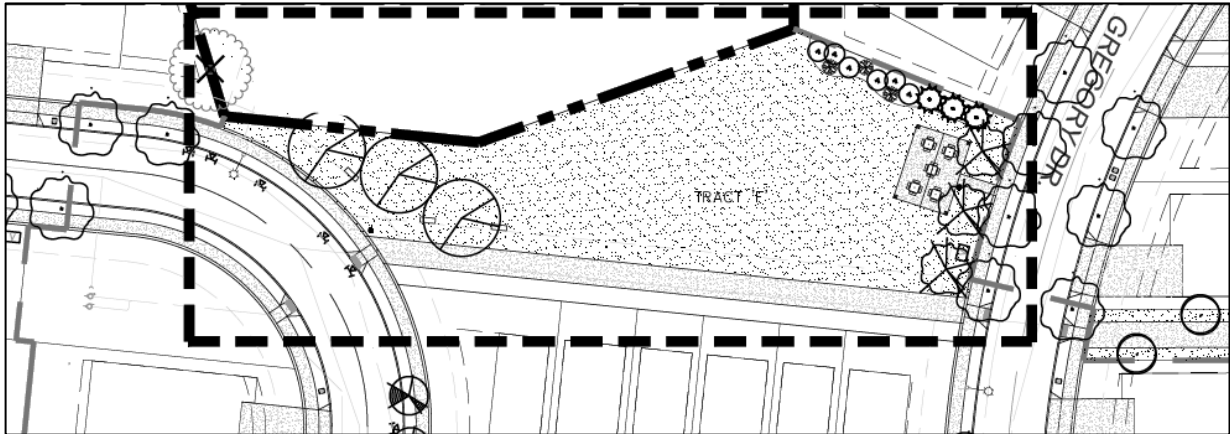
Tracts D and E connect across phase lines to provide a pedestrian connection from Shadden Drive to Gregory Drive. On each side of a 10 foot wide path, a five (5) foot wide landscape area is proposed with *Carpinus betulus* 'Frans

Fontaine' (Frans Fontaine Hornbeam) trees and lawn. The trees are spaced at 50 feet on center, alternating spacing on each side of the path. Frans Fontaine Hornbeams grow to 40 feet tall and 25 feet wide. The proposed spacing of the trees would allow near continuous canopy over the walkway.

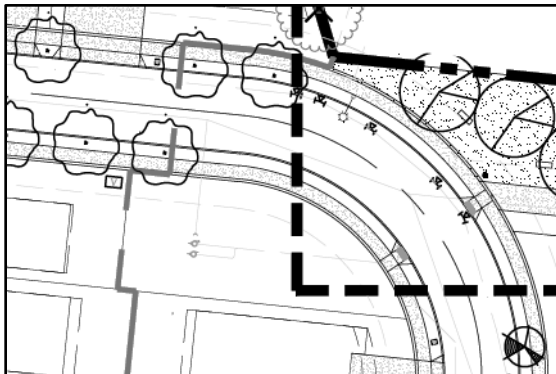
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Open Space 'Tract F':

Tract F is centrally located in the planned development between Gregory Drive and Charles Street. It is contiguous to the proposed 14.9 acre park dedication to the north. It is accessed from sidewalks along Gregory Drive and Charles Street, and from a pedestrian walkway in an access easement along the southern edge of the tract. On the western side of the tract, *Gleditsia triacanthos* 'Sunburst' (Sunburst Honey Locust) trees and benches would be along a future woodchip path leading to the park trail to the north. A large open lawn area would separate the western side from the picnic shelter on the eastern side of Tract F. A permanent picnic shelter measuring approximately 22 feet by 30 feet would cover five (5) picnic tables. *Cercis canadensis* (Eastern Redbud) trees would buffer the shelter from the Gregory Drive right-of-way, and a row of *Calocedrus decurrens* (Incense Cedar), *Acer circinatum* (Vine Maple), and *Syringa patula* 'Miss Kim' (Miss Kim Korean Lilac) would provide screening and buffering from the adjacent residential lot to the north, Lot 216.

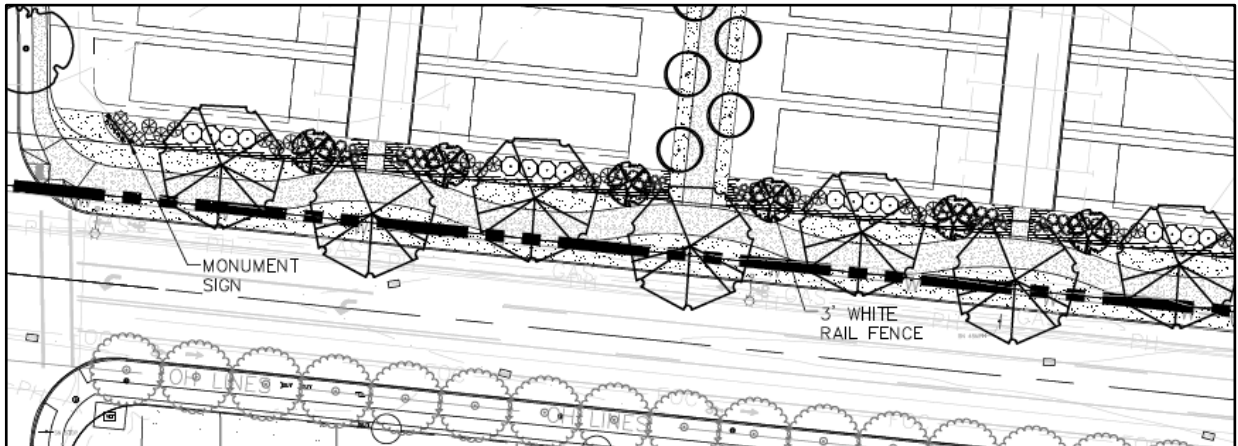
Pump Station 'Tract G':

Landscaping was not proposed for Tract G at the intersection of Charles Street and Alfred Drive, where a sewer pump station is located. Tract G is adjacent to residential lots 60, 109, and 110, and is across the street from lots 49, 111, and Open Space Tract F. There is no screening or buffering of the pump station from the adjacent residential uses. A condition of approval requiring landscaping to screen and buffer the sewage pump station has been included.

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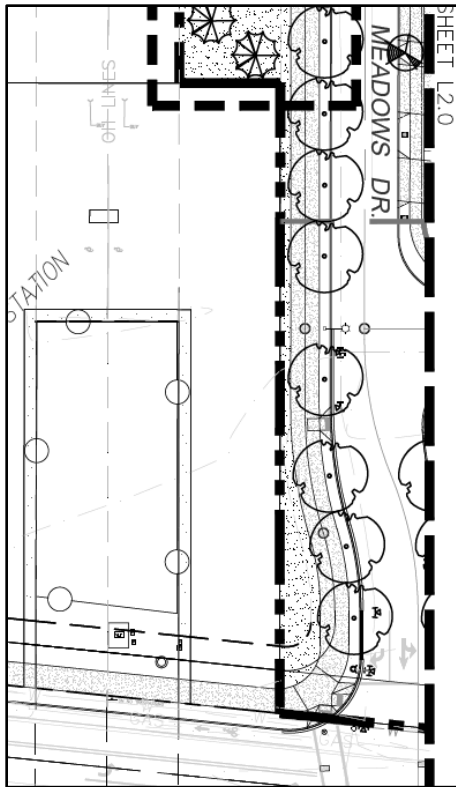
Open Space & Private Utility Easement 'Tract H':

Tract H is a ten (10) foot wide space located along the planned development's Baker Creek Road frontage, from Shadden Drive to Meadows Drive and north of additional right-of-way dedication. Separating the meandering sidewalk, street trees, and lawn in the right-of-way from Tract H is a three (3) foot high white rail fence, consistent with existing fencing along the developments at the south side of Baker Creek Road and Hill Road. The fencing would end in monument signs at the Meadows Drive and Shadden Drive intersections with Baker Creek Road. Behind the white rail fence, planting areas are proposed. A repeating pattern of ornamental and native shrubs and trees is proposed adjacent to each SFD-26a lot along Baker Creek Road, with connections to the alleys, pedestrian ways, and open space tracts between the planting areas. Shrubs proposed in these areas include *Juniperus chinensis* 'Blue Point' (Blue Point Juniper), *Cornus alba* 'Elegantissima' (Variegated Redtwig Dogwood), *Myrica californica* (Pacific Wax Myrtle), *Mahonia aquifolium* (Tall Oregon Grape), and *Helictotrichon sempervirens* (Blue Oat Grass). In each planting area, *Malus* 'Royal Raindrops' (Royal Raindrops Flowering Crabapple) or *Amelanchier alnifolia* (Pacific Serviceberry) trees are proposed.

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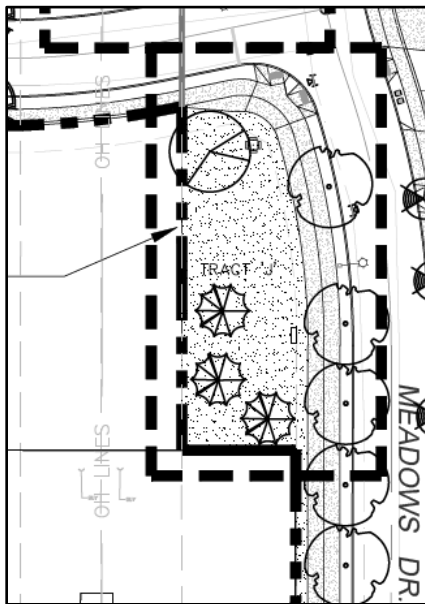
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Open Space 'Tract I':

Tract I is located between the McMinnville Water and Light Substation and Meadows Drive. It would be the beginning of the northerly extension of the Westside Bicycle/Pedestrian Greenway, which currently terminates across Baker Creek Road from Tract I. A 10 foot wide paved multi-use trail is proposed similar to the existing multi-use trail to the south. Lawn is proposed throughout the tract, with street trees lining the trail adjacent to Meadows Drive.

Based on comments from McMinnville Water & Light, trees surrounding the electric substation should be limited in height to 25 feet. A condition is included limiting the height of any trees located in Open Space Tract I to a maximum mature canopy height of 25 feet.

Open Space 'Tract J':

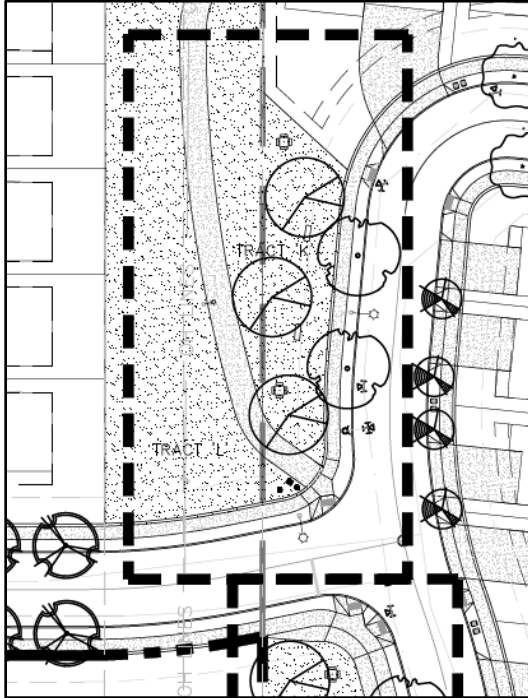
Tract J located north of the McMinnville Water and Light substation and east of the adjacent commercially zoned property, at the intersection of Meadows Drive and Kent Street. It is the continuation of the multi-use trail from Tract I. Like in Tract I, a 10 foot wide multi-use trail is proposed as a continuation of the Westside Bicycle/Pedestrian Greenway. An open lawn space is proposed adjacent to the substation and commercial property. Evergreen *Pseudotsuga menziesii* (Douglas Fir) trees and a deciduous *Gleditsia Triacanthos* 'Sunburst' (Sunburst Honey Locust) are indicated on the Landscape Plan along the west and south property lines bordering the substation and commercial property. A picnic table is proposed in the lawn area, and a bench is proposed adjacent to the trail.

Douglas Fir trees can grow to approximately 100 feet tall and 30 feet wide, and Sunburst Honey Locust grow to approximately 40 feet tall and wide. Based on comments from McMinnville Water & Light, trees surrounding the electric substation should be limited in height to 25 feet. Additionally, trees adjacent to the transmission easement should be limited in height 40 feet and located such that no canopy encroaches into the transmission easement. A condition is included limiting the height of any trees in Open Space Tract J adjacent to the electric substation to a maximum mature canopy height of 25 feet, and no tree in Tract J shall exceed a maximum mature canopy height of 40 feet or be located such that no canopy encroaches into the transmission easement.

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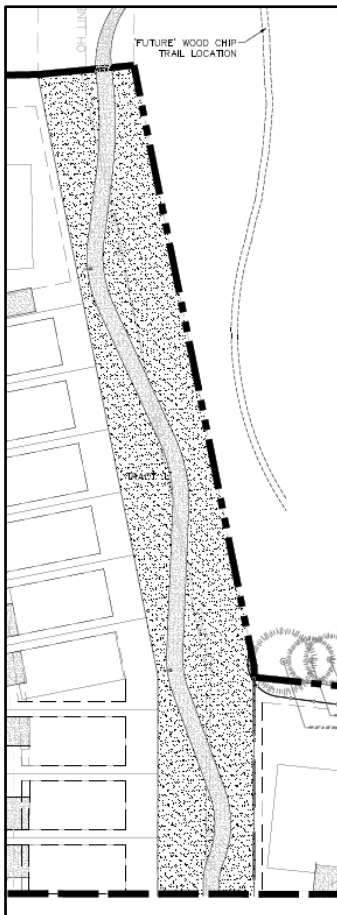
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Open Space 'Tract K':

Tract K is the northerly continuation of the Westside Bicycle/Pedestrian Greenway multi-use trail across Kent Street. The tract is between Tract L (described below) and Meadows Drive. Lawn is indicated on the Landscape Plan for Tract K, and three (3) *Gleditsia Triacanthos* 'Sunburst' (Sunburst Honey Locust) are shown, making a visual connection with the same tree proposed in Tract J. Two (2) benches and a picnic table would be located below the Sunburst Honey Locusts in the open lawn area of Tract K.

Sunburst Honey Locusts grow approximately 40 feet tall and wide. Based on comments from McMinnville Water & Light, trees in Tract K should be located such that no canopy encroaches into the transmission easement. A condition is included limiting the height of any trees in Open Space Tract K to a maximum mature canopy height of 40 feet and to locations such that no canopy encroaches into the transmission easement.

Open Space & Access Easement 'Tract L':

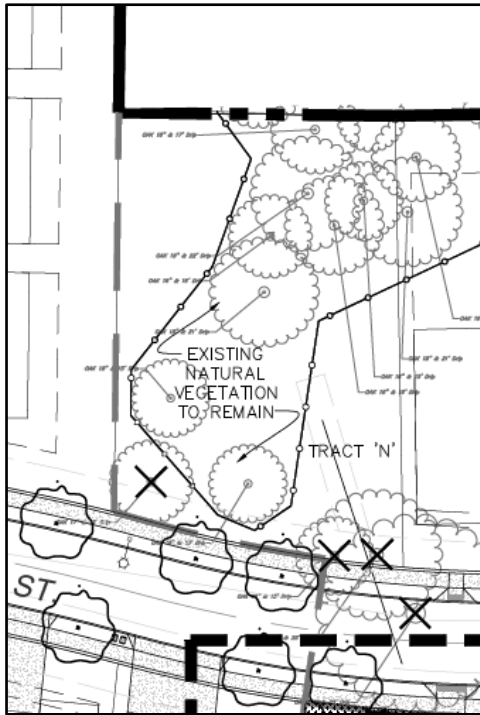
Tract L is the northernmost extension of the Westside Bicycle/Pedestrian Greenway through the planned development and BPA easement, leading to the proposed park dedication. A 10 foot wide multi-use trail is proposed, meandering through an open lawn area below overhead electric transmission lines. Because of the overhead lines, trees in the Access Easement are not recommended. Based on McMinnville Water & Light comments, conditions of approval are included to restrict the placement of trees inside Open Space & Access Easement Tract L, limiting the height of any trees in adjacent to Tract L to a maximum mature canopy height of 40 feet and to locations such that no canopy encroaches into the transmission easement, and to ensure no picnic table or other public amenity blocks access to transmission facilities.

Additionally, no street trees should be located within the public right-of-way in the transmission line easement, where they would be in incompatible with electrical transmission lines overhead.

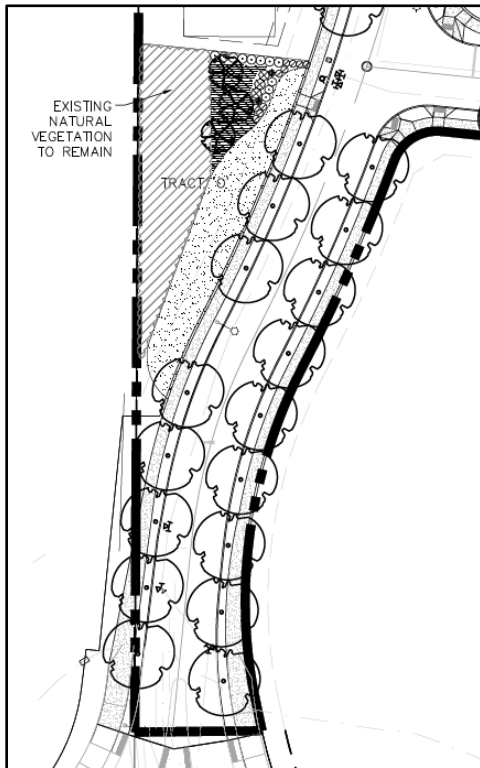
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Open Space 'Tract N':

Tract N is located north of Mercia Street. It slopes from the Mercia Street down to the proposed park dedication, and has many mature native oak trees that are part of a larger stand extending into the park to the north. Four trees are requested to be removed to accommodate site development, but the remainder of existing trees and vegetation in Tract N would remain largely undisturbed. A storm water discharge would be located within Tract N.

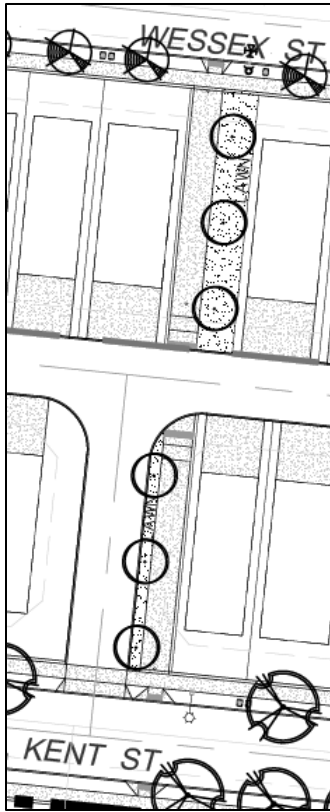
Open Space 'Tract O':

Open Space Tract O is located on the west side of Hill Lane, north of the roundabout at Baker Creek Road and Hill Road. Existing natural vegetation is retained on the west side of the tract. Open lawn is proposed along the Hill Lane right-of-way which is shown with a sidewalk and street trees. At the north end of the open space, a planting area is proposed adjacent to Lot 163. The landscape plan specifies an evergreen hedge of *Ligustrum japonicum* 'Texanum' (Waxleaf Privet) along the northern lot line. *Malus* 'Royal Raindrops' (Royal Raindrops Flowering Crabapple) or *Amelanchier alnifolia* (Pacific Serviceberry) trees are shown among a mix of ornamental shrubs Lucky Lots Abelia, Silver Queen Euonymus, Gulf Stream Nandina, and Dwarf Alaska Blue Willow, and native shrubs Kelsey Dogwood and Evergreen Huckleberry. Other plants proposed in the planting area are *Abelia grandiflora* 'Kaleidoscope' (Kaleidoscope Abelia), *Juniperus chinensis* 'Blue Point' (Blue Point Juniper), *Viburnum tinus* 'Spring Bouquet' (Spring Bouquet Viburnum), and *Miscanthus sinensis* 'Morning Light' (Morning Light Maiden Grass).

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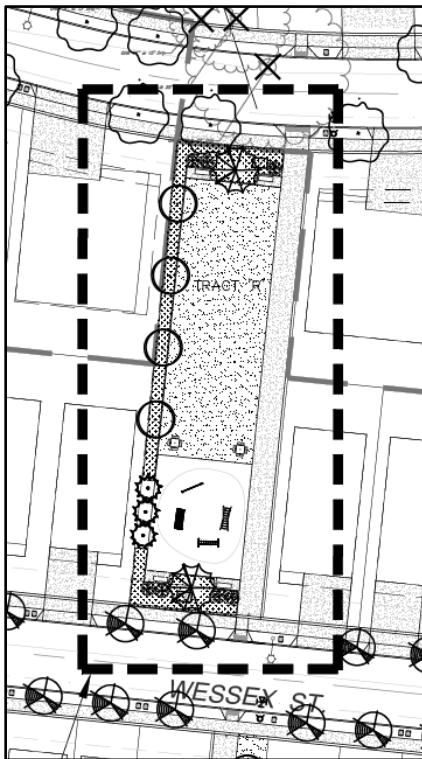
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Open Space 'Tract P' and Open Space 'Tract Q':

Tract P is an open space tract adjacent to the public alley proposed between Lots 152 and 153. A 10 foot wide walkway would provide pedestrian access through the space and connect to Tract Q to the north. Between the pedestrian path and the alley is a planter strip with three (3) *Carpinus betulus* 'Frans Fontaine' (Frans Fontaine Hornbeam) trees and lawn. The trees are spaced at 30 feet on center, which would allow near continuous canopy over the walkway. Frans Fontaine Hornbeam have an approximate 25 foot wide canopy.

Tract Q is the portion of the midblock pedestrian accessway from Wessex Street to the alley, between Lots 175 and 176. A 10 foot wide walkway aligns with the walkway in Tract P to the south. Between the walkway and Lot 176, an open space approximately 12 feet wide with three (3) *Carpinus betulus* 'Frans Fontaine' (Frans Fontaine Hornbeam) trees and lawn is proposed. The trees are spaced at 30 feet on center, which would allow near continuous canopy over the walkway. Frans Fontaine Hornbeam have an approximate 25 foot wide canopy.

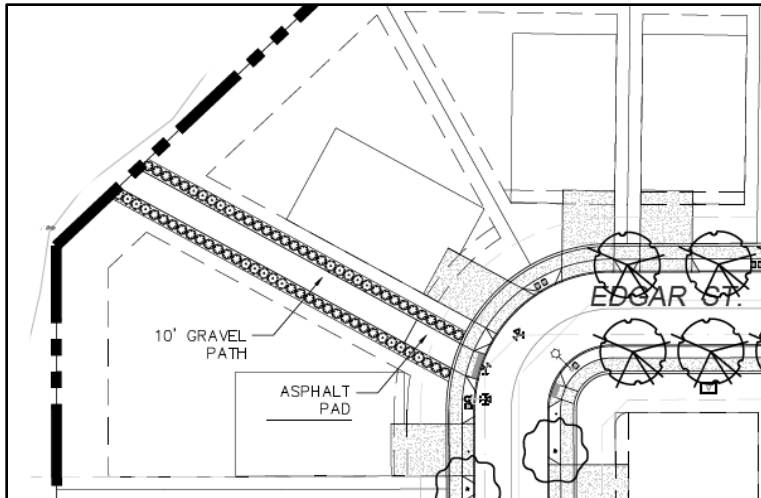
Open Space 'Tract R':

Tract R is located between Mercia Street and Wessex Street, and is the northern continuation of the midblock pedestrian accessway that includes Tracts P and Q. Tract R also includes passive and active recreation amenities. The 10 foot wide pedestrian path is located along the eastern edge of the tract. Around the remainder of the perimeter of the open space, planting areas are proposed to screen and buffer Tract R from the adjacent residential lots and the Mercia and Wessex Street rights-of-way. On the west side of Tract R, four (4) *Carpinus betulus* 'Frans Fontaine' (Frans Fontaine Hornbeam) are shown at 30 feet on center. Three (3) *Calocedrus decurrens* (Incense Cedar) are shown at 10 feet on center. On the north and south ends of Tract R adjacent to the rights-of-way, Douglas Fir trees are proposed with Miss Kim Korean Lilac shrubs. The remainder of the perimeter planting is the ornamental and native shrub mix including Lucky Lots Abelia, Silver Queen Euonymus, Gulf Stream Nandina, Dwarf Alaska Blue Willow, Kelsey Dogwood, and Evergreen Huckleberry. A playground is located on the south end of Tract R, with four (4) distinct play elements. Four benches are located around the perimeter, and an open lawn space with two (2) picnic tables makes up the northern portion of the open space.

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Open Space 'Tract S':

Tract S is located at the intersection of Edgar Street and Gregory Drive. It is a pedestrian accessway leading to the nature trail in the proposed park dedication. A 10 foot wide gravel path with an asphalt pad near the street intersection is flanked by five (5) foot wide planting strips. Plants proposed along the path are *Rosa nutkana* (Nootka Rose) and *Mahonia aquifolium* (Tall Oregon Grape). Both species are native to the Pacific Northwest.

Generally, the proposed landscaping is compatible with the proposed project and the surrounding and abutting properties and the uses occurring thereon. However, no landscaping was proposed for Pump Station Tract G, which the City has determined to be not compatible with the project or with surrounding properties. Restrictions on tree height and location in Tracts I, J, K, and L adjacent to and including the electrical substation and transmission line easement will ensure compatibility with the surrounding uses. Landscaping is shown within the public utility easement adjacent to the right-of-way in Tracts A, B, H, O, R, and S. Landscape design should accommodate utilities.

CONDITIONS FOR FINDING: That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station from surrounding properties.

That trees in Open Space Tract 'I' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet.

That trees in Open Space Tract 'J' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet, and trees in Tract 'J' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission easement.

That trees in Open Space Tract 'K' shall have a maximum mature canopy height of 40' and be located such that no tree canopy encroaches into the transmission easement.

That no trees are allowed within Open Space and Access Easement Tract 'L'. Trees adjacent to Tract 'L' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement. No picnic table or other public amenity in Tract 'L' shall block access to transmission facilities.

That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor

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adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.

That no street tree shall be located within the transmission line easement. Street trees adjacent to the transmission line easement shall have a maximum mature canopy height of 40 feet and shall be located such that no tree canopy encroaches into the transmission line easement.

17.57.070(B)(2). Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #6. The uses proposed in open space tracts throughout the planned development are consistent with permitted uses in the underlying residential zone (R-4), and would not be generally be considered conflicting land uses that require extensive screening. The proposed landscape plans for the open space tracts specify perimeter landscaping where feasible and practical that would provide appropriate screening and buffering of certain uses within each open space tract from adjacent uses. See table below:

Tract	Proposed Uses	Adjacent Uses	Screening Recommended	Screening Provided	Additional Screening Recommended
A	storm water detention	church right-of-way	✓	✓	
B	open space, playground	residential lots right-of-way	✓	✓	
C	open space, playground	church residential lots right-of-way	✓	✓	
D	pedestrian access way	residential lots right-of-way		✓	
E	pedestrian access way	residential lots right-of-way		✓	
F	open space, picnic shelter	residential lots right-of-way park dedication access easement	✓	✓	
G	sewage pump station	residential lots right-of-way open space	✓		✓
H	open space	residential lots right-of-way	✓	✓	
I	bicycle/pedestrian trail	substation right-of-way			
J	bicycle/pedestrian trail, open space	substation right-of-way future commercial	✓	✓	
K	bicycle/pedestrian trail, open space	residential lots right-of-way bike/ped trail		✓	
L	bicycle/pedestrian trail, open space, BPA access	residential lots right-of-way park dedication			
N	open space	residential lots right-of-way		✓	

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		park dedication			
O	open space	residential lots right-of-way agriculture		✓	
P	pedestrian access way	residential lots right-of-way		✓	
Q	pedestrian access way	residential lots right-of-way		✓	
R	open space, playground	residential lots right-of-way	✓	✓	
S	pedestrian access way	residential lots right-of-way		✓	

No landscaping is proposed for Tract G, the sewage pump station. Given the central location of the tract and pump station and the variety of adjacent uses, a condition has been included requiring landscaping for Tract G that provides screening of the permanent pump station structure from surrounding properties.

CONDITION FOR FINDING: That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station structure from surrounding properties.

17.57.070(B)(3). The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The applicant has retained the majority of the existing trees found on the site, requesting only to remove 17 trees that are necessary for the grading and site development of the planned development as proposed. Of the 17 trees proposed for removal, 5 would be removed to accommodate additional required right-of-way dedication and improvements along the north side of Baker Creek Road. The existing grade has been preserved around the existing trees that are to remain. Additionally, the landscape plans specify tree protection fencing beyond the dripline and the critical root zone of existing trees to provide further protection during construction of the planned development. The applicant has also incorporated existing natural areas into the development of the project, specifically in Open Space Tracts 'N' and 'O'.

17.57.070(B)(4). The development and use of islands and plantings therein to break up parking areas.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. No parking areas outside of the individual residential lots are proposed within the planned development, therefore this planning factor is not applicable.

17.57.070(B)(5). The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #14. The applicant is proposing to install six (6) different street tree species within the Baker Creek North subdivision. The

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proposed street tree species are identified in the plant list below, found on drawing L1.0 Street Tree List. All proposed tree species were found on the McMinnville Street Tree List, as approved by Resolution 2016-22. A revised street tree list updating the McMinnville Street Tree List approved by Resolution 2016-22 was developed by the Landscape Review Committee and approved by Resolution 2019-26.

PLANT LIST: STREET TREES						
SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING	MATURE HEIGHT	
SMALL TREES						
	79	PRUNUS SARGENTII Sargent's Cherry	2" cal.	As Shown	35' ht.	
	105	SYRINGA RETICULATA 'IVORY SILK' Ivory Silk Japanese Tree Lilac	2" cal.	As Shown	20' ht.	
MEDIUM TREES						
	77	ACER RUBRUM 'OCTOBER GLORY' October Glory Maple	2" cal.	As Shown	40' ht.	
	69	OSTRYA VIRGINIANA American Hophornbeam	2" cal.	As Shown	40' ht.	
LARGE TREES						
	16	CERCIDIPHYLLUM JAPONICUM Katsura Tree	2" cal.	As Shown	40' ht.	
	112	GINKGO BILOBA 'MAGYAR' Magyar Maidenhair Tree	2" cal.	As Shown	50' ht.	

All the proposed street trees except for the *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) are Recommended Medium Tree Species on the revised street tree list approved by Resolution 2019-26. The categorization of recommended tree species was updated in the new list.

McMinnville Street Tree List

Recommended Medium Tree Species

Scientific Name Common Name	Minimum Planter Width (ft.)	Under Wires?	Mature Height (ft.)	Canopy Width (ft.)	Tree Form	Flowers	Fall Color	Native	Comments
<i>Acer rubrum</i> 'October Glory' October Glory Red Maple	5	No	40	35		n/a			One of the last trees to color in fall
<i>Cercidiphyllum japonicum</i> Katsura Tree	5	No	40	40		n/a			Sensitive to drought
<i>Ginkgo biloba</i> 'Magyar' Magyar Ginkgo	5	No	50	25		n/a			Male only; More upright and narrow than Autumn Gold
<i>Ostrya virginiana</i> Hophornbeam	5	No	40	25		n/a			Hop-like fruit, slow growing; tolerant of urban conditions
<i>Prunus sargentii</i> Sargent Flowering Cherry	5	No	30	30					Single pink flowers; good fall color; mahogany colored bark

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The proposed species that is not found on the street tree list, *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac), is consistent with the desired characteristics for street trees, found in the McMinnville Street Tree List:

- Single trunked to allow for adequate vision clearance;
- Growth characteristics that allow for the lower branching to be maintained at a minimum of eight feet above grade to allow for adequate vision and pedestrian clearance;
- Non-columnar to provide the maximum amount of tree canopy (some exceptions);
- Relatively deeper rooting system to protect sidewalks, lawns, and utilities;
- Not brittle or weak-wooded;
- Deciduous;
- Do not drop excessive amounts of litter (fruits, nuts), have thorns, or excessive sap; and
- Not listed as a prohibited tree.

The Ivory Silk Japanese Tree Lilac is a flowering, single-trunked deciduous tree that matures to approximately 25 feet in height and 15 feet in width, placing it in the small tree category. Its upright form yields good clearance below. It is not found on the prohibited tree list. Although not found on the updated Street Tree List, the City finds that the proposed *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) is an appropriate small street tree species because it is consistent with the desired street tree characteristics.

CONDITION FOR FINDING: That the approved street tree species for the Baker Creek North subdivision are:

- a. Small Trees
 - i. *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac)
- b. Medium Trees
 - i. *Acer rubrum* 'October Glory' (October Glory Red Maple)
 - ii. *Cercidiphyllum japonicum* (Katsura Tree)
 - iii. *Ginkgo biloba* 'Magyar' (Magyar Ginkgo)
 - iv. *Ostrya virginiana* (American Hophornbeam)
 - v. *Prunus sargentii* (Sargent Cherry)

17.57.070(B)(6). Suitable watering facilities or irrigation systems must be included in or near all planted areas.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #12. The applicant has submitted irrigation plans specifying an automatic irrigation system for all landscaping within open space tracts, except for Tract S, and for all street trees adjacent to open space tracts. Additionally automatic irrigation is provided for street trees on the block north of the commercially zoned property, bounded by Wessex Street to the north, Hill Lane to the west, Kent Street to the south, and Harold Drive to the east, and for the block north of Baker Creek Road, bounded by Shadden Drive to the east, Meadows Drive to the west, and Emma Street to the north.

The irrigation plan indicates that no automatic irrigation system is proposed for Phase 3 of the Planned Development. Included in Phase 3 is Open Space Tract S, the pedestrian access from Edgar Street to the nature trails in the proposed park dedication. According to the Irrigation Plan, Tract S "Native shrubs to be watered by hand until established". However, suitable watering facilities are not indicated on the submitted plans. Therefore, a condition requiring automatic irrigation for Tract S has been included.

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CONDITION FOR FINDING: That an automatic irrigation system be provided to landscape areas within Open Space Tract 'S'.

17.57.070(C) All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #13. A condition of approval is included to require that all landscaping approved by the City and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

CONDITION FOR FINDING: That all landscaping approved by the City and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

Chapter 17.58. Trees

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to increase property values and build stronger ties within neighborhoods; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The street tree plan will establish tree cover on new public right-of-way to be dedicated to the City. It will provide for tree-lined streets in the new residential planned development and will enhance the appearance of the City. Conditions of approval have been included in the findings described in further detail below to ensure that the planting of street trees meets all necessary street tree standards, which will result in the appropriate planting and maintenance of the street trees. This will help minimize hazard, nuisance, damage, and maintenance costs.

Section 17.58.020 Applicability. The provisions of this ordinance shall apply to:

- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees with trunks located completely or partially within any public area or right-of-way;
- C. All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;

APPLICANT'S RESPONSE: The applicant is requesting development review of its application for a planned development and subdivision to create 280 single-family detached lots, construct public streets and alleys, and develop common open space areas as illustrated on the plans. Therefore, per subsection D. above, the provisions of Chapter 17.58 apply to trees on the planned development site.

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FINDING: SATISFIED. The City concurs with the applicant's finding.

Section 17.58.040 Tree Removal/Replacement.

17.58.040(A). The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Requests for tree removal or pruning of trees outside of the Downtown Tree Zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal. Requests for tree removal within the Downtown Tree Zone shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or their designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Director, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if written notice of the appeal is filed with the Planning Department within 15 (fifteen) days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.

APPLICANT'S RESPONSE: The exhibit landscaping plan drawing L1.0 Street Tree Plan indicates that the applicant is proposing to remove trees to facilitate site development of the planned development. The applicant requests concurrent review and approval of this request with the proposed planned development and subdivision applications.

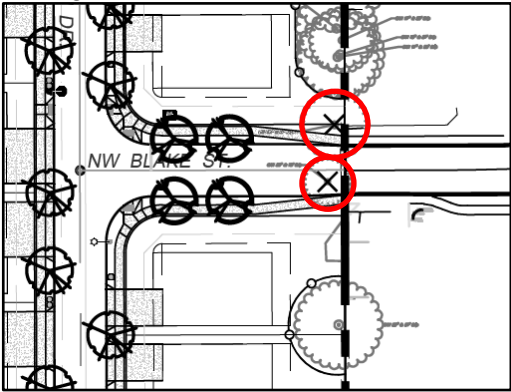
FINDING: SATISFIED. The City concurs with the applicant's finding's finding. Drawing L1.0 Street Tree Plan indicates that 17 trees are proposed for removal. The applicant has indicated the location, type, and size of the trees requested for removal on the Street Tree Plan, shown in more detail in Street Tree Plan Enlargements A-F and accompanying tree schedules below. The requested tree removals are not designated as exempt by the zoning ordinance, therefore the requested removals require City approval.

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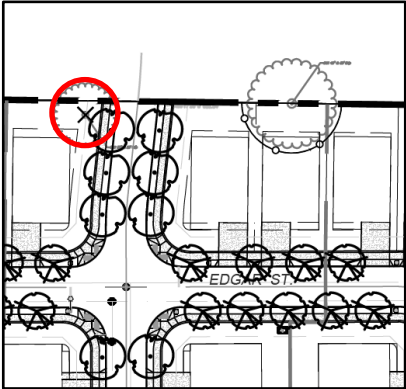
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Enlargement A: Blake Street



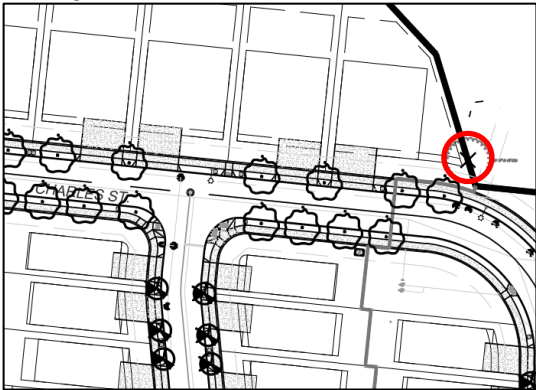
Blake Street	
Species	Size (DBH)
Oak	27"
Oak	28"

Enlargement B: Shadden Drive



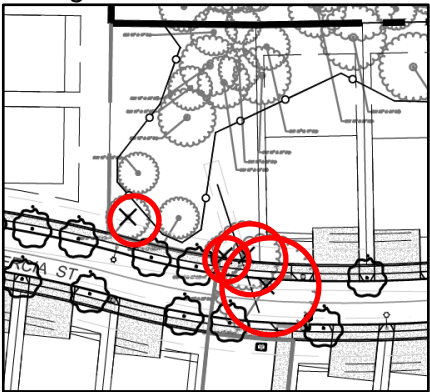
Shadden Drive	
Species	Size (DBH)
Oak	38"

Enlargement C: Charles Street



Charles Street	
Species	Size (DBH)
Oak	27"

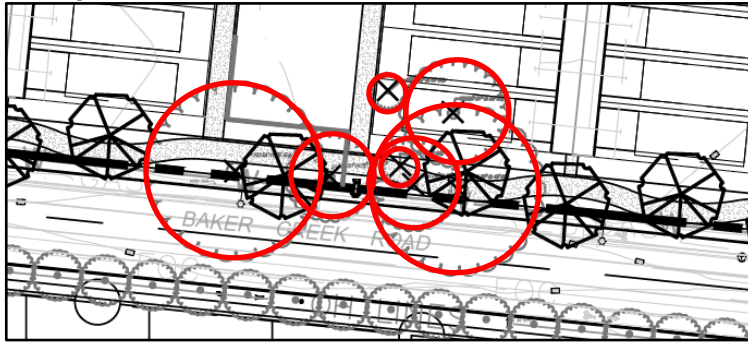
Enlargement D: Mercia Street



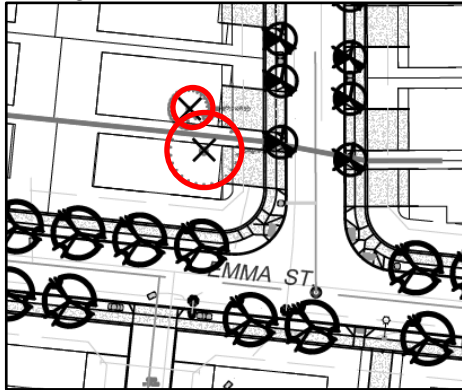
Mercia Street	
Species	Size (DBH)
Oak	17"
Oak	18"
Oak	Unknown
deciduous	Unknown

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Enlargement E: Baker Creek Road

Baker Creek Road	
Species	Size (DBH)
Oak	52"
Oak	24"
deciduous	10"
Walnut	37"
deciduous	unknown
Oak	33"
Oak	37"

Enlargement F: Emma Street

Emma Street	
Species	Size (DBH)
Apple	14"
deciduous	11"

17.58.040(B). Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. [...]

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Because the tree removal request relates to trees on developable land undergoing development review and not street tree removal, this standard is not applicable to this request.

17.58.040(C). The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #3 and 4. Conditions of approval have been included to ensure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

CONDITION FOR FINDING: That all costs and liability associated with tree removal shall be borne by the applicant.

That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during the tree removal or planting process.

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17.58.040(D). Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city [...]

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The applicant has proposed to remove 17 existing trees from the property to facilitate site development of the planned development. The landscape plan indicates that 108 trees are proposed to be planted within the open space tracts of the planned development. With a tree replacement ratio of over 6 to 1, the City does not require additional specific replacement trees for the 17 trees requested for removal.

17.58.040(E). The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Because the tree removal request relates to trees on developable land undergoing development review and not street tree removal, this standard is not applicable to this request.

17.58.040(F). The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Because the tree removal request relates to trees on developable land undergoing development review and not street tree removal, this standard is not applicable to this request.

17.58.040(G). Other conditions may be attached to the permit approval by the Landscape Review Committee as deemed necessary.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #21. A condition of approval have been included to ensure that McMinnville's street tree standards are met.

CONDITION FOR FINDING: That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.

17.58.050 Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.

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- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.
- D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

APPLICANT'S RESPONSE: With concurrent review and approval of this tree removal request with the proposed planned development and subdivision applications, the trees proposed for removal are part of an approved development project which meets criteria C. above.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #5. The City concurs with the applicant's finding's finding. The applicant has requested the removal of 17 trees with concurrent review and approval of this request with the proposed planned development and subdivision applications. Removal of the 17 identified trees would facilitate the site development of the planned development and subdivision, if approved.

CONDITION FOR FINDING: That only the 17 trees identified for removal on Drawing L1.0 Street Tree Plan shall be approved for removal.

17.58.080 Street Tree Planting—When Required. All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

APPLICANT'S RESPONSE: The proposal is for a new subdivision so street tree planting is required in the curb-side planting strip.

FINDING: SATISFIED. The City concurs with the applicant's finding's finding.

17.58.090 Street Tree Standards.

17.58.090(A). The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2016-22, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.

APPLICANT'S RESPONSE: Proposed street tree species were chosen from the McMinnville Street Tree List. The trees are identified on the attached landscape drawing L1.0 Street Tree Plan, which was prepared by a landscape architect.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #14. The applicant is proposing to install six (6) different street tree species within the Baker Creek North subdivision. The proposed street tree species are identified in the plant list below, found on drawing L1.0 Street Tree List. All proposed tree species were found on the McMinnville Street Tree List, as approved by Resolution 2016-22. A revised street tree list updating the McMinnville Street Tree List approved by Resolution 2016-22 was developed by the Landscape Review Committee and approved by Resolution 2019-26.

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PLANT LIST: STREET TREES						
SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING	MATURE HEIGHT	
SMALL TREES						
	79	PRUNUS SARGENTII Sargent's Cherry	2" cal.	As Shown	35' ht.	
	105	SYRINGA RETICULATA 'IVORY SILK' Ivory Silk Japanese Tree Lilac	2" cal.	As Shown	20' ht.	
MEDIUM TREES						
	77	ACER RUBRUM 'OCTOBER GLORY' October Glory Maple	2" cal.	As Shown	40' ht.	
	69	OSTRYA VIRGINIANA American Hophornbeam	2" cal.	As Shown	40' ht.	
LARGE TREES						
	16	CERCIDIPHYLLUM JAPONICUM Katsura Tree	2" cal.	As Shown	40' ht.	
	112	GINKGO BILOBA 'MAGYAR' Magyar Maidenhair Tree	2" cal.	As Shown	50' ht.	

All the proposed street trees except for the *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) are Recommended Medium Tree Species on the revised street tree list approved by Resolution 2019-26. The categorization of recommended tree species was updated in the new list.

McMinnville Street Tree List

Recommended Medium Tree Species

Scientific Name Common Name	Minimum Planter Width (ft.)	Under Wires?	Mature Height (ft.)	Canopy Width (ft.)	Tree Form	Flowers	Fall Color	Native	Comments
<i>Acer rubrum</i> 'October Glory' October Glory Red Maple	5	No	40	35		n/a			One of the last trees to color in fall
<i>Cercidiphyllum japonicum</i> Katsura Tree	5	No	40	40		n/a			Sensitive to drought
<i>Ginkgo biloba</i> 'Magyar' Magyar Ginkgo	5	No	50	25		n/a			Male only; More upright and narrow than Autumn Gold
<i>Ostrya virginiana</i> Hophornbeam	5	No	40	25		n/a			Hop-like fruit, slow growing; tolerant of urban conditions
<i>Prunus sargentii</i> Sargent Flowering Cherry	5	No	30	30					Single pink flowers; good fall color; mahogany colored bark

The proposed species that is not found on the street tree list, *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac), is consistent with the desired characteristics for street trees, found in the McMinnville Street Tree List:

- Single trunked to allow for adequate vision clearance;
- Growth characteristics that allow for the lower branching to be maintained at a minimum of eight feet above grade to allow for adequate vision and pedestrian clearance;
- Non-columnar to provide the maximum amount of tree canopy (some exceptions);

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- Relatively deeper rooting system to protect sidewalks, lawns, and utilities;
- Not brittle or weak-wooded;
- Deciduous;
- Do not drop excessive amounts of litter (fruits, nuts), have thorns, or excessive sap; and
- Not listed as a prohibited tree.

The Ivory Silk Japanese Tree Lilac is a flowering, single-trunked deciduous tree that matures to approximately 25 feet in height and 15 feet in width, placing it in the small tree category. Its upright form yields good clearance below. It is not found on the prohibited tree list. Although not found on the updated Street Tree List, the City finds that the proposed *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) is an appropriate small street tree species because it is consistent with the desired street tree characteristics.

CONDITION FOR FINDING: That the approved street tree species for the Baker Creek North subdivision are:

- a. Small Trees
 - vi. *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac)
- b. Medium Trees
 - vii. *Acer rubrum* 'October Glory' (October Glory Red Maple)
 - viii. *Cercidiphyllum japonicum* (Katsura Tree)
 - ix. *Ginkgo biloba* 'Magyar' (Magyar Ginkgo)
 - x. *Ostrya virginiana* (American Hophornbeam)
 - xi. *Prunus sargentii* (Sargent Cherry)

17.58.090(B). Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

APPLICANT'S RESPONSE: Following site construction, the street trees will be planted according to the specifications of this code section, as noted on the attached landscaping plans included with this application.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #20. The City concurs with the applicant's finding's finding. A condition of approval is included to ensure that street trees shall meet City standards for size and quality at the time of planting.

CONDITION FOR FINDING: That street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

17.58.090(C). Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. [...]

APPLICANT'S RESPONSE: The proposed stature of the street trees, small, medium, and large, as well as the mature height and proposed spacing are referenced on the landscaping drawing L1.0 Street Tree Plan. This planned development is a residential neighborhood where street

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trees are evenly spaced where possible. The applicant is requesting concurrent approval by the City to permit variations to the spacing as shown on the plans. The proposed modifications are due to specific site limitations inherent in a planned development with a mix of housing types, a variety of lot widths, and range of driveway types, coupled with pedestrian curb ramps, alley access ramps, lamp posts, and other utility conflicts.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 and 17. The Street Tree Plan has been requested for concurrent review and approval with the Planned Development and Subdivision applications. Approval of the Planned Development and Subdivision would allow variances to lot sizes and widths. The Street Tree Plan illustrates the proposed lot layout, along with proposed building envelopes, driveways, and utility locations. The applicant is requesting as part of the planned development approval street tree spacing that varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The applicant notes that the planned development compensates for the increase in spacing in the following ways:

- The applicant is proposing to encroach into the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-ft. spacing requirement for street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-45 lots, but may occur on other lots in the development.
- SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
- Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
- The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
- Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.

The applicant is proposing six different street trees. One species, *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac), grows to 25 feet tall and 15 feet wide and would be considered a small stature tree. The other five species are found in the Recommended Medium Tree Species section of the McMinnville Street tree list approved by Resolution 2019-26. *Acer rubrum* 'October Glory' (October Glory Red Maple) grows to approximately 40 feet tall and 35 feet wide. *Prunus sargentii* (Sargent Cherry) grows to approximately 30 feet tall by 30 feet wide, *Ostrya virginiana* (American Hophornbeam) grows to approximately 40 feet tall and 25 feet wide. *Cercidiphyllum japonicum* (Katsura Tree) grows to approximately 40 feet tall and wide. *Ginkgo biloba* 'Magyar' (Magyar Ginkgo) grows to approximately 50 feet tall and 25 feet wide. All reach height or canopy dimensions identified by the medium stature tree category.

Based on the infrastructure conflicts and constraints, the applicant has generally proposed street trees that comply to the spacing standards where possible. Where the small stature trees are proposed in front of narrower lots, the spacing is typically 20 to 30 feet, unless greater spacing is required due to setbacks from infrastructure. Where medium stature trees are proposed in front of wider lots, the spacing is typically 30 feet unless larger spacing is required due to setbacks from infrastructure.

Along Baker Creek Road, *Cercidiphyllum japonicum* (Katsura Tree), are spaced on alternating sides of a meandering sidewalk at approximately 50 to 60 feet on center. This exceeds the

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maximum spacing for a medium street tree, and full canopy coverage would not be achieved. The trees are spaced such that the small trees proposed within Open Space Tract 'H', *Malus 'Royal Raindrops'* (Royal Raindrops Flowering Crabapple) or *Amelanchier alnifolia* (Pacific Serviceberry), would fill in the spaces between the Katsura Trees and provide near continuous canopy along the sidewalk. However, the right-of-way along Baker Creek Road has minimal utility and improvement conflicts and the maximum street tree spacing for medium trees of 30 feet, including Katsura Trees, can be achieved. A condition of approval has been included to require maximum street tree spacing for small and medium street tree of 30 feet, unless may be appropriate to ensure that more regular or maximum street tree spacing is achieved where possible.

Additional locations have been identified where additional street trees can possibly be added to achieve more regular spacing, or where maximum street tree spacing can be achieved. Maximum street tree spacing can be achieved adjacent to open space tracts and exterior side yards where street trees are required. These locations typically do not have infrastructure constraints associated with the fronts of lots. More regular spacing can be achieved by identifying gaps in the street tree plan where trees can be accommodated. A condition of approval has been included to identify additional locations street trees may be appropriate to ensure that more regular or maximum street tree spacing is achieved where possible.

CONDITION FOR FINDING: That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:

- a. Sewage Pump Station Tract 'G': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
- b. Open Space Tract 'F': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
- c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
- d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;
- e. Lot 50: One (1) street tree shall be provided between the water meter and alley, outside of the clear vision triangle;
- f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
- g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
- h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;
- i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
- j. Lots 35, 117, 130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;
- k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.

That small street trees shall be spaced at no more than 30 feet, and medium street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement. When adjacent to the exterior side yard of any corner lot, or along open space, detention, or sewage pump station tracts, street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement.

17.58.090(D). When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb.

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APPLICANT'S RESPONSE: The landscape strips of the proposed development are primarily located adjacent to local residential streets, with one strip also located along a minor arterial street. The proposed street trees and landscape strips meet the above standards (see Exhibit 3).

FINDING: SATISFIED. The subdivision includes new local residential streets. The applicant has provided a five (5) foot wide planting strip along all streets within the subdivision, which is greater than the three (3) foot minimum requirement. The species of street trees being proposed are considered "small" and "medium" sized trees in the McMinnville Street Tree List. Small trees require a minimum four (4) foot wide planter strip, and medium sized trees require a minimum five (5) foot wide planter strip based on the requirements of the McMinnville Street Tree List, and this is being satisfied with the proposed planter strip. Baker Creek Road, identified as minor arterial in the 2010 McMinnville Transportation System Plan, is proposed to have a variable width planter strip that is between six (6) and 14 feet wide. No tree proposed along Baker Creek Road is closer than four (4) feet from the back of the sidewalk or closer than two and one-half (2 ½) feet from the face of the curb.

17.58.090(E). Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.

APPLICANT'S RESPONSE: The landscape plan drawing L1.0 Street Tree Plan illustrates that the proposed street trees are properly spaced from utilities, street intersections, driveways, alleys, as required by this Section, except in some cases driveway wings and water meter boxes encroach into the 5-foot and 10-foot spacing requirements. However, the proposed root barrier detail provides a means to deal with this encroachment in a way that will allow a tree to still be planted. Utilities shown on this drawing account for some of the proposed gaps in standard street tree spacing. The applicant seeks concurrent approval of this Street Tree Plan with the proposed planned development and subdivision.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 and 18-21. As part of the Street Tree Plan review and the concurrent planned development review, the applicant is requesting modification of the standards for spacing street trees from infrastructure improvements found in the planting strip. As discussed above, the variety of proposed lot widths increases the conflicts with the infrastructure. To provide for more opportunities for street trees in constrained areas of the planned development at a more consistent spacing, the applicant is proposing plant trees in the approximately 10 foot long maximum planter strip that will be between the driveways on neighboring lots, and in some locations that would be less than the standard 10 feet away from water meters. To mitigate the requested reduced setbacks from driveways and water meters, the applicant has proposed increased root barrier protection adjacent to those improvements. A condition of approval has been included to require that root barrier protection be provided around the entire perimeter of the approximately 10 foot long planter strips between driveways, and adjacent to water meters, extending from the curb to the sidewalk, when a tree is located less than 10 feet from a water meter.

It was noted in comments from the Engineering Department that the proposed lot configurations for the SFD-70, SFD-60, and SFD-40 lots do not comply with maximum driveway width standards. Additionally, driveways for lots 117, 130, 131, 132, 202, 203, 224, 225, 228, and 271 do not comply with maximum driveway width standards. Reconfiguration of the lots and driveways may provide more opportunity for street trees in the planter strip. Therefore a condition of approval has been included to require a revised street tree plan showing

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reconfigured driveway layouts and additional required street trees, if appropriate, be submitted to the Planning Department for review and approval.

Additionally, other utilities have been identified on the Street Tree Plan, and a condition has been included to require that setbacks from utilities be maintained.

CONDITIONS FOR FINDING: That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk 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, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.

Where street trees are planted in the approximately 10 foot long planter strips between driveways on neighboring lots, root barrier protection shall be provided around the perimeter of the entire planting strip to a minimum depth of eighteen (18) inches.

Where street trees are planted in any location less than 10 feet from a water meter, root barrier protection shall be provided along the sidewalk and curb as required by condition #16, and root barrier protection shall also be provided immediately adjacent to the water meter between the sidewalk and curb to a minimum depth of eighteen (18) inches.

That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:

- a. Sewage Pump Station Tract 'G': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
- b. Open Space Tract 'F': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
- c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
- d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;
- e. Lot 50: One (1) street tree shall be provided between the water meter and alley, outside of the clear vision triangle of the alley and the street;
- f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
- g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
- h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;
- i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
- j. Lots 35, 117, 130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;
- k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.

That the applicant is reminded that trees are not to be planted within:

- a. Five (5) feet of a private driveway or alley;
- b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
- c. Twenty (20) feet of street light standards or street intersections.

17.58.090(F). Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as

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approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

APPLICANT'S RESPONSE: There are no street trees on or adjacent to the subject site. Therefore, these standards do not apply.

FINDING: SATISFIED. The City concurs with the applicant's finding's finding.

17.58.090(G). Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City.

APPLICANT'S RESPONSE: The applicant is not proposing to locate street trees within sidewalk cuts, therefore these standards do not apply.

FINDING: SATISFIED. The City concurs with the applicant's finding's finding.

17.58.100 Street Tree Plans.

17.58.100(A)(1). Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.

APPLICANT'S RESPONSE: The applicant is requesting approval of a Planned Development application to create 280 single-family detached lots, construct public streets and alleys, and develop common open space areas. The applicant is also proposing to plant street trees with the planned development project in phases. The applicant is requesting concurrent approval of the street tree plan (L1.0) with this application.

FINDING: SATISFIED. The City concurs with the applicant's finding's finding. Street tree planting plans (L1.0) have been submitted to the City for concurrent review and approval.

17.58.110 Street Tree Planting.

17.58.110(A)(1). Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.

APPLICANT'S RESPONSE: As required, the developer will provide a surety bond at the developer's expense to the City to assure the planting of the required street trees shown on the approved Street Tree Plan.

FINDING: SATISFIED. The City concurs with the applicant's finding.

17.58.120 Street Tree Maintenance.

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- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.
- B. Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.
- C. Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees.
- D. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Section 17.58.040.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #22. A condition of approval has been included to ensure that the street trees are continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

CONDITION FOR FINDING: That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

JF

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PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128
www.mcminnvilleoregon.gov

PUBLIC HEARING NOTICE

PLANNING COMMISSION REVIEW OF COMPREHENSIVE PLAN AMENDMENT, ZONE CHANGE, PLANNED DEVELOPMENT AMENDMENT, PLANNED DEVELOPMENT (NEW), TENTATIVE SUBDIVISION, & LANDSCAPE PLAN REQUESTS

BAKER CREEK NORTH LOCATED AT NORTHEAST CORNER OF THE INTERSECTION OF NW HILL ROAD & NW BAKER CREEK ROAD

NOTICE IS HEREBY GIVEN that applications for a Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Planned Development, Tentative Subdivision, and Landscape Plan Review 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 Chuck Darnell with any questions at 503-434-7311, or chuck.darnell@mcminnvilleoregon.gov.

DOCKET NUMBER: CPA 1-19 / ZC 1-19 / PDA 2-19 / PD 1-19 / S 1-19 / L 12-19
 (Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Planned Development, Tentative Subdivision, and Landscape Plan Review)

REQUEST: The applicant is requesting the approval of six concurrent actions. The actions include:

- 1) Comprehensive Plan Map Amendment on the southwestern portion of the site to reduce the size of an existing area designated as Commercial on the Comprehensive Plan Map. The proposed amendment would result in 4.76 acres of existing Commercially designated land being designated as Residential;
- 2) Zone Change from mix of R-1 (Single Family Residential) and EF-80 (remnant County Exclusive Farm Use zone from prior to annexation) to a mix of 6.62 acres of C-3 (General Commercial) and 48.7 acres of R-4 (Multiple Family Residential);
- 3) Planned Development Amendment to reduce the size of the existing Planned Development Overlay District governed by Ordinance 4633 to the size of the proposed 6.62 acre C-3 (General Commercial) site and amending the conditions of approval of the Commercial Planned Development Overlay District to allow up to 120 multiple family dwelling units and require a minimum of 2 acres of neighborhood commercial uses on the site;

- 4) Planned Development to allow for the development of 280 single family detached dwelling units, public right-of way improvements, and open spaces on the proposed 48.7 acres of R-4 (Multiple Family Residential) land with modifications from the underlying zoning requirements for lot size, setbacks, lot dimensions and frontages, driveway widths, alley widths, block lengths, block perimeter lengths, street tree spacing standards, and street tree setbacks from utilities;
- 5) Tentative Subdivision to allow for a 10-phase subdivision including a total of 280 single family detached dwelling units, public right-of-way improvements, and open spaces consistent with the proposed Planned Development plan;
- 6) Landscape Plan Review for the landscaping of proposed open space tracts within the subdivision phases and a street tree plan for the planting of street trees in the planter strips within the right-of-way adjacent to the single family dwelling unit lots.

APPLICANT: Stafford Development Company, LLC

SITE LOCATION(S): Northeast corner of the intersection of NW Hill Road and NW Baker Creek Road (see attached map)

MAP & TAX LOT(S): Tax Lots 100, 105, 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lot 106, Section 18, T. 4 S., R. 4 W., W.M.

ZONE(S): R-1 (Single Family Residential) & EF-80 (Exclusive Farm Use)

MMC REQUIREMENTS: McMinnville City Code (MMC), Chapter 17.53, Sections 17.51.030(C), 17.57.070(B), 17.58.090, 17.74.020, & 17.74.070 (see reverse side for specific review criteria)

NOTICE DATE: November 7, 2019

PUBLIC HEARING DATE: December 5, 2019 at 6:30 P.M.

HEARING LOCATION: McMinnville Civic Hall Building
200 NE 2nd 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 5th Street, McMinnville, OR 97128, or by email to chuck.darnell@mcminnvilleoregon.gov.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at www.mcminnvilleoregon.gov.

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)

MMC, Section 17.51.030 Procedure (Planned Development). The following procedures shall be observed when a planned development proposal is submitted for consideration: [...]

- C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
 - 1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
 - 2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
 - 3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
 - 4. The plan can be completed within a reasonable period of time;
 - 5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
 - 6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
 - 7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;

MMC, Chapter 17.53 Land Division Standards

All applicable criteria found in Chapter 17.53 shall apply to this request.

MMC, Section 17.57.070 Area Determination—Planning factors (Landscape Plan Review). [...]

- B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
 - 1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
 - 2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
 - 3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
 - 4. The development and use of islands and plantings therein to break up parking areas.
 - 5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
 - 6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;

MMC, Section 17.58.090 Street Tree Standards

All applicable criteria found in Section 17.58.090 shall apply to this request.

MMC, Section 17.74.020: Comprehensive Plan Map Amendment and Zone Change - Review Criteria.

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

MMC, Section 17.74.070: Planned Development Amendment - Review Criteria.

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

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

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

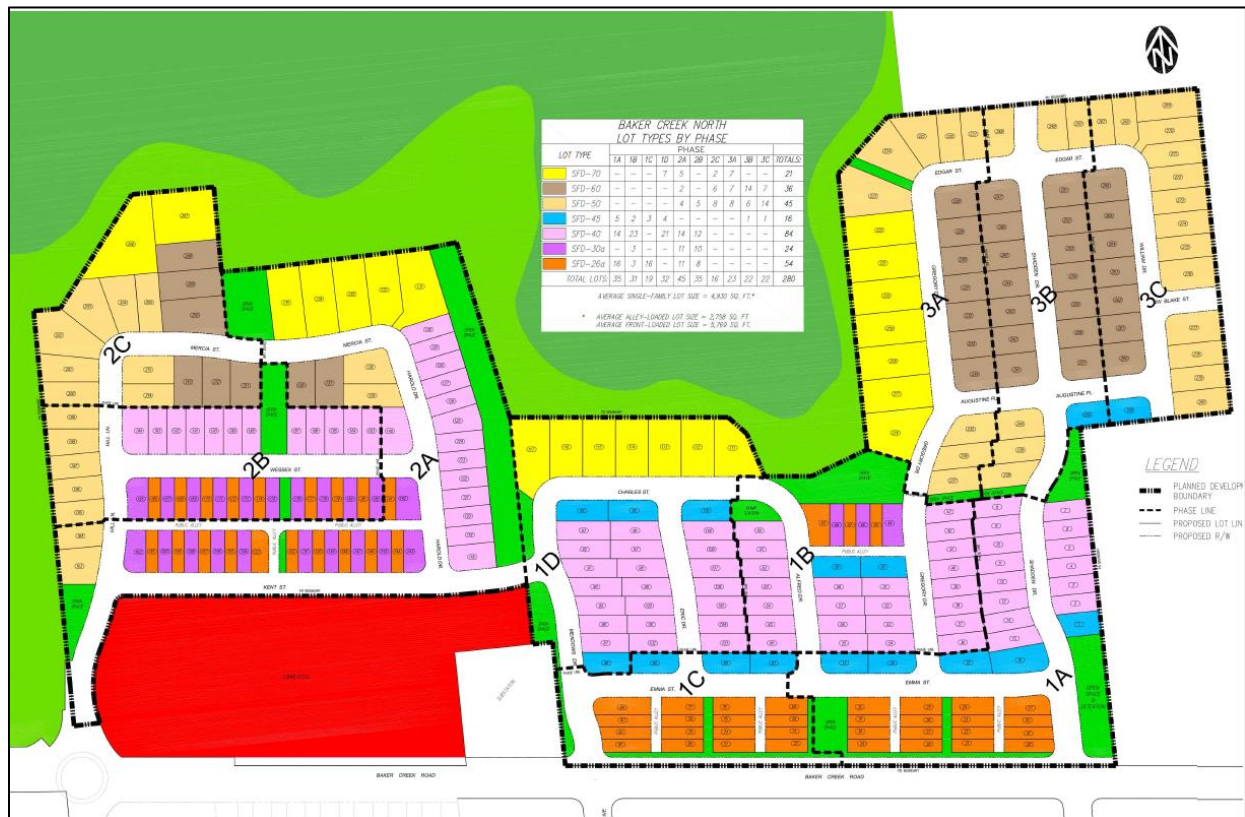
- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

Planned Development Overlay Ordinances

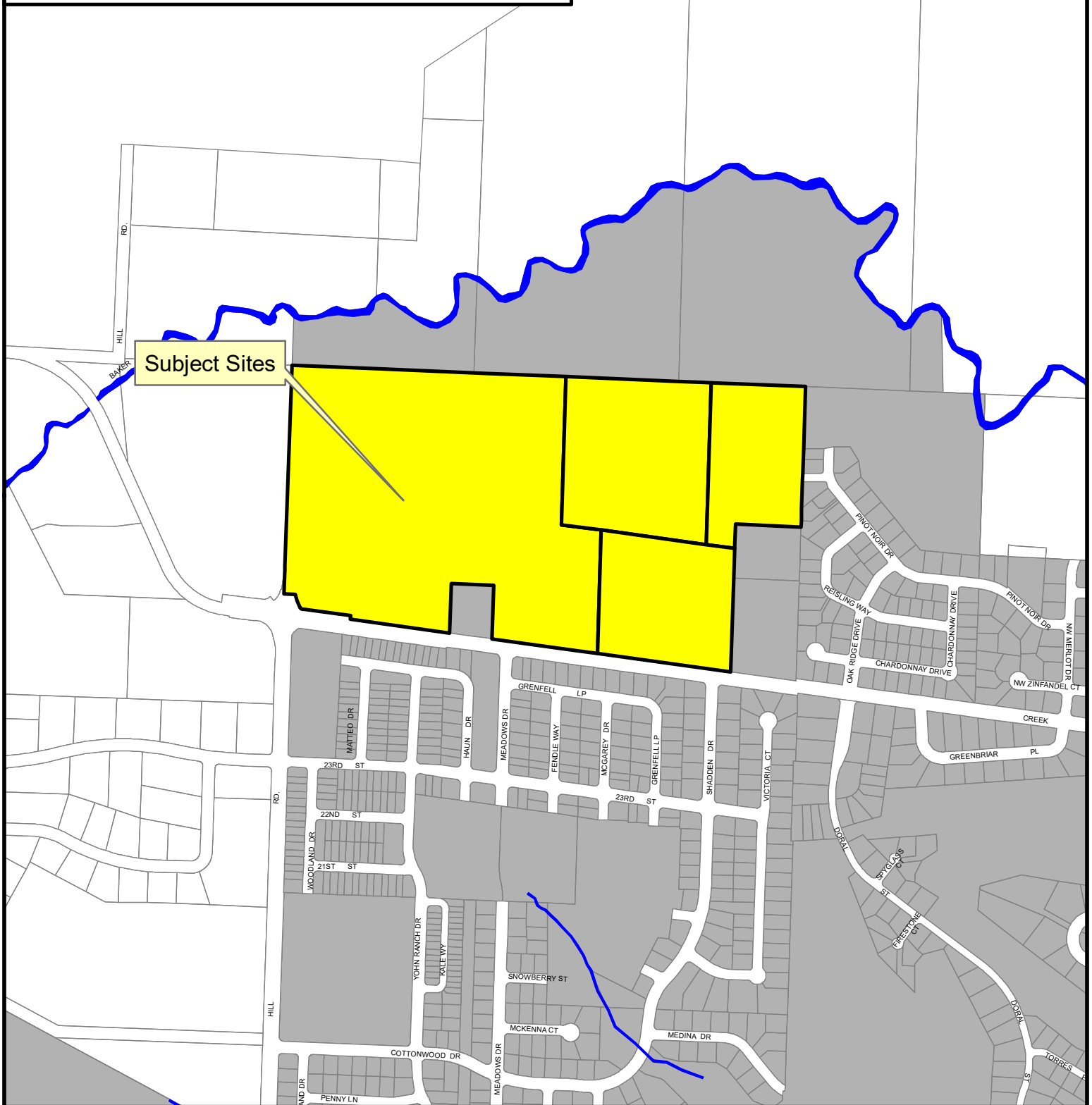
Ordinance No. 4633

All applicable criteria found in Planned Development Ordinances 4633 shall apply to this request.

PROPOSED DEVELOPMENT PLAN:



Vicinity Map



Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
1	R4417BB01600	2767 NW PINOT NOIR DR	LIERMAN JEAN TRUSTEE FOR THE	LIERMAN JEAN TRUSTEE FOR THE	2767 NW PINOT NOIR DR	MCMINNVILLE	OR	97128
2	R4418AD10900		MCMINNVILLE CITY OF	MCMINNVILLE CITY OF	230 NE 2ND ST	MCMINNVILLE	OR	97128
3	R4418AD09300	2387 NW FENDLE WY	JOHNSON SCOTT A	JOHNSON SCOTT A	2387 NW FENDLE WY	MCMINNVILLE	OR	97128
4	R4417BB02100	2653 NW REISLING WY	SCHMIDT TIFANIE R	SCHMIDT TIFANIE R	2653 NW REISLING WAY	MCMINNVILLE	OR	97128
5	R4407 00701	10551 NW BRENTANO LN	DAVISON LINDA L & RONALD C TRUSTEES	DAVISON LINDA L & RONALD C TRUSTEES	10551 NW BRENTANO LN	MCMINNVILLE	OR	97128
6	R4418 00107		BAKER CREEK DEVELOPMENT LLC	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO	OR	97034
7	R4417BB01300	2741 NW PINOT NOIR DR	FREY JAMES A II & ANDREA L TRUSTEES	FREY JAMES A II & ANDREA L TRUSTEES	1271 NE HIGHWAY 99W NO 501	MCMINNVILLE	OR	97128
8	R4417BB07003	2849 NW PINOT NOIR DR	RUDOLPH BRETT &	RUDOLPH BRETT &	2849 NW PINOT NOIR DR	MCMINNVILLE	OR	97128
9	R4417BB01500	2781 NW PINOT NOIR DR	BOURNE JASON R &	BOURNE JASON R &	2781 NW PINOT NOIR DR	MCMINNVILLE	OR	97128
10	R4418AD03500	2386 NW VICTORIA CT	BROOKING PAUL A TRUSTEE	BROOKING PAUL A TRUSTEE	2386 NW VICTORIA CT	MCMINNVILLE	OR	97128
11	R4418AD03200	2377 NW VICTORIA CT	BECK DAVID P & JEANNE C TRUSTEES	BECK DAVID P & JEANNE C TRUSTEES	PO BOX 670	AMITY	OR	97101
12	R4418AD07200	1819 NW GRENFELL LOOP	CLEARKEY LLC	CLEARKEY LLC	2597 NW ALICE KELLEY ST	MCMINNVILLE	OR	97128
13	R4407 00904		EICHLER LEON	EICHLER LEON	PO BOX 250	AMITY	OR	97101
14	R4417BB01800	2705 NW REISLING WY	HENDERSON THOMAS E JR	HENDERSON THOMAS E JR	2705 NW REISLING WY	MCMINNVILLE	OR	97128
15	R4418AD02000	2394 NW SHADDEN DR	HALL LACHLAN S TRUSTEE	HALL LACHLAN S TRUSTEE	1036 SW 2ND ST	MCMINNVILLE	OR	97128
16	R4418AD00100	1775 NW GRENFELL LOOP	VARGAS GERARDO	VARGAS GERARDO	1775 NW GRENFELL LOOP	MCMINNVILLE	OR	97128
17	R4418 00103		CHURCH OF JESUS CHRIST OF	CHURCH OF JESUS CHRIST OF	50 E NORTH TEMPLE ST	SALT LAKE	UT	84150
18	R4418AD00200	1769 NW GRENFELL LOOP	DAVIS JULIE R	DAVIS JULIE R	1769 NW GRENFELL LOOP	MCMINNVILLE	OR	97128
19	R4418AD02100	2380 NW SHADDEN DR	INLOW KENNETH R	INLOW KENNETH R	2380 NW SHADDEN DR	MCMINNVILLE	OR	97128
20	R4418AD03400	2390 NW VICTORIA CT	LONG ERNEST J	LONG ERNEST J	2390 NW VICTORIA CT	MCMINNVILLE	OR	97128
21	R4418AD00300	1757 NW GRENFELL LOOP	MCLAUGHLIN PATRIC	MCLAUGHLIN PATRIC	1757 NW GRENFELL LP	MCMINNVILLE	OR	97128
22	R4417BB00900	2662 NW REISLING WY	BOYDEN STEPHANIE M CO-TRUSTEE	BOYDEN STEPHANIE M CO-TRUSTEE	2662 NW REISLING WAY	MCMINNVILLE	OR	97128
23	R4418AD11200	2395 NW HAUN DR	LONG KRISTEN	LONG KRISTEN	625 ESKATON CR #343	GRASS VALLEY	CA	95945
24	R4418AD09500	2388 NW FENDLE WY	HYDE RONALD E	HYDE RONALD E	2388 NW FENDLE WY	MCMINNVILLE	OR	97128
25	R4418 00102	1645 BAKER CREEK RD	CHURCH OF JESUS CHRIST OF	CHURCH OF JESUS CHRIST OF	50 E NORTH TEMPLE ST	SALT LAKE CITY	UT	84150
26	R4418AD07700	1865 NW GRENFELL LOOP	FISHER CHARLES E	FISHER CHARLES E	1865 NW GRENFELL LP	MCMINNVILLE	OR	97128
27	R4417BB00200	2780 NW PINOT NOIR DR	SMITH MELBA L	SMITH MELBA L	2780 NW PINOT NOIR DR	MCMINNVILLE	OR	97128
28	R4418AD05400	2381 NW GRENFELL LOOP	WEINREB MARY MICHELE (WROS)	WEINREB MARY MICHELE (WROS)	2381 NW GRENFELL LP	MCMINNVILLE	OR	97128
29	R4418AD07000	2385 NW MCGAREY DR	MITSCHE RANDY S	MITSCHE RANDY S	2385 NW MCGAREY DR	MCMINNVILLE	OR	97128
30	R4417BB07005	2824 NW PINOT NOIR DR	PARR LARRY E	PARR LARRY E	2824 NW PINOT NOIR DR	MCMINNVILLE	OR	97128
31	R4418AD07900	2390 NW MEADOWS DR	HENSEL ETHELINDA	HENSEL ETHELINDA	PO BOX 810	GASTON	OR	97119
32	R4418AD01700	2371 NW SHADDEN DR	DELARBRE MATHIEU &	DELARBRE MATHIEU &	2371 NW SHADDEN DR	MCMINNVILLE	OR	97128
33	R4417BB07004	2840 NW PINOT NOIR DR	NORBY JAMES M CO-TRUSTEE	NORBY JAMES M CO-TRUSTEE	2840 NW PINOT DR	MCMINNVILLE	OR	97128
34	R4418AD03100	2369 NW VICTORIA CT	CROWDIS EDWARD L &	CROWDIS EDWARD L &	2369 NW VICTORIA CT	MCMINNVILLE	OR	97128
35	R4417BB01700	2729 NW REISLING WY	BIERLY MARK F	BIERLY MARK F	PO BOX 553	CARLTON	OR	97111
36	R4417 01300	1565 NW BAKER CREEK RD	PREMIER DEVELOPMENT LLC	PREMIER DEVELOPMENT LLC	1312 NE HIGHWAY 99W	MCMINNVILLE	OR	97128
37	R4418AD11300	2391 NW HAUN DR	LONG KRISTEN	LONG KRISTEN	625 ESKATON CR #343	GRASS VALLEY	CA	95945
38	R4417BB01000	2698 NW REISLING WY	OBREGON GILDARDO A	OBREGON GILDARDO A	PO BOX 865	MCMINNVILLE	OR	97128
39	R4407 00901		FUHRER JACOB R	FUHRER JACOB R	10715 NW BRENTANO LN	MCMINNVILLE	OR	97128
40	R4418AD07800	2412 NW MEADOWS DR	LEHDE JOHN S TRUSTEE	LEHDE JOHN S TRUSTEE	1015 E 4TH ST	YAMHILL	OR	97148

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
41	R4417BB07002	2835 NW PINOT NOIR DR	SANDELS CHRISTOPHER M	SANDELS CHRISTOPHER M	2835 NE PINOT NOIR DR	MCMINNVILLE	OR	97128
42	R4418AD01800	2381 NW SHADDEN DR	PIVEK ROY	PIVEK ROY	2381 NW SHADDEN DR	MCMINNVILLE	OR	97128
43	R4417BB07001	1572 NW BLAKE ST	GUBRUD CHRIS M	GUBRUD CHRIS M	1572 NW BLAKE ST	MCMINNVILLE	OR	97128
44	R4418AD05500	2384 NW MCGAREY DR	COONS CLINT TRUSTEE	COONS CLINT TRUSTEE	3225 MCLEOD DR STE 277	LAS VEGAS	NV	89121
45	R4418AD07600	1857 NW GRENFELL LOOP	HOWLETT ROGER D TRUSTEE	HOWLETT ROGER D TRUSTEE	1857 NW GRENFELL LP	MCMINNVILLE	OR	97128
46	R4418 00105	1755 NW BAKER CREEK RD	BAKER CREEK DEVELOPMENT LLC	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO	OR	97034
47	R4418AD07300	1825 NW GRENFELL LOOP	CRAIG PATRICIA F	CRAIG PATRICIA F	1825 NW GRENFELL LP	MCMINNVILLE	OR	97128
48	R4418AD00600	2382 NW GRENFELL LOOP	BERGMANN CLINTON A	BERGMANN CLINTON A	2382 NW GRENFELL LP	MCMINNVILLE	OR	97128
49	R4417BB07000	2795 NW PINOT NOIR DR	HEIMAN RANDOLPH T	HEIMAN RANDOLPH T	1546 NW MEDINAH DR	MCMINNVILLE	OR	97128
50	R4418AD03300	2383 NW VICTORIA CT	STUM KEVIN D &	STUM KEVIN D &	2383 NW VICTORIA CT	MCMINNVILLE	OR	97128
51	R4418AD07500	1845 NW GRENFELL LOOP	SOTO FLORENCIA (WROS)	SOTO FLORENCIA (WROS)	1845 NW GRENFELL LP	MCMINNVILLE	OR	97128
52	R4417BB02000	2665 NW REISLING WY	SCHORZMAN JEFFERY T	SCHORZMAN JEFFERY T	2080 YOHN RANCH DR	MCMINNVILLE	OR	97128
53	R4418AD02200	2364 NW SHADDEN DR	THOMPSON JAMES E &	THOMPSON JAMES E &	2364 NW SHADDEN DR	MCMINNVILLE	OR	97128
54	R4417BB00100	2812 NW PINOT NOIR DR	ROBERTS FAMILY TRUST	ROBERTS FAMILY TRUST	2812 NW PINOT NOIR DR	MCMINNVILLE	OR	97128
55	R4418AD01900	2393 NW SHADDEN DR	FIELDS REVOCABLE TRUST	FIELDS REVOCABLE TRUST	17021 SE WALNUT HILL RD	AMITY	OR	97101
56	R4407 00600		BRENTANO VINCENT C & DONNA L	BRENTANO VINCENT C & DONNA L	10225 NW BRENTANO LN	MCMINNVILLE	OR	97128
57	R4418AD00500	2390 NW GRENFELL LOOP	CLARK SCOTT E	CLARK SCOTT E	2390 NW GRENFELL LP	MCMINNVILLE	OR	97128
58	R4418AD08000	2384 NW MEADOWS DR	HENSEL ETHELINDA	HENSEL ETHELINDA	PO BOX 810	GASTON	OR	97119
59	R4418AD00400	1747 NW GRENFELL LOOP	STRAUGHAN JAMES D	STRAUGHAN JAMES D	1747 NW GRENFELL LOOP	MCMINNVILLE	OR	97128
60	R4417BB01400	2753 NW PINOT NOIR DR	BENITZ DAVID P	BENITZ DAVID P	2753 NW PINOT NOIR DR	MCMINNVILLE	OR	97128
61	R4418 00106		BAKER CREEK DEVELOPMENT LLC	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO	OR	97034
62	R4418AD07400	1833 NW GRENFELL LOOP	SCHOOF AARON T	SCHOOF AARON T	697 NW ALLEN CT	MCMINNVILLE	OR	97128
63	R4417BB01200	2737 NW PINOT NOIR DR	LUNS福德 PAUL	LUNS福德 PAUL	2737 NW PINOT NOIR DR	MCMINNVILLE	OR	97128
65	R4418AD11100	1921 NW HAUN DR	FREY EMILY R	FREY EMILY R	1921 NW HAUN DR	MCMINNVILLE	OR	97128
66	R4418AD00700	2376 NW GRENFELL LOOP	ABT MANUEL	ABT MANUEL	1757 NW GRENFELL LP	MCMINNVILLE	OR	97128
67	R4418AD07100	1801 NW GRENFELL LOOP	GOMEZ ARMANDO J	GOMEZ ARMANDO J	1801 NW GRENFELL LOOP	MCMINNVILLE	OR	97128
68	R4407 00900		BAKER CREEK DEVELOPMENT LLC	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO	OR	97034
69	R4418AD11000	1903 NW HAUN DR	VENTURA RALPH	VENTURA RALPH	1903 NW HAUN DR	MCMINNVILLE	OR	97128
70	R4417BB01900	2689 NW REISLING WY	MOORE KEVIN S	MOORE KEVIN S	2689 NW REISLING WY	MCMINNVILLE	OR	97128
71	R4418 01200	11105 BAKER CREEK RD	DRAPER DENNIS L & KATHERINE S CO TRUSTEE	DRAPER DENNIS L & KATHERINE S CO TRUSTEE	11105 BAKER CREEK RD	MCMINNVILLE	OR	97128
72	R4418 01700		CAN ENTERPRISES LLC	CAN ENTERPRISES LLC	PO BOX 778	NEWBERG	OR	97132
73	R4418 00203		MAC70 LLC	MAC70 LLC	8408 N BRANDON UNIT 201	PORTLAND	OR	97217
74	R4418 00101	1901 NW BAKER CREEK RD	MCMINNVILLE CITY OF	MCMINNVILLE CITY OF	PO BOX 638	MCMINNVILLE	OR	97128
75	R4418 00100		BAKER CREEK DEVELOPMENT LLC	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO	OR	97034
76	R4418AC05500	2392 NW YOHN RANCH DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
77	R4418AC03700	2395 NW YOHN RANCH DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
78	R4418AC03500	2398 NW MATTEO DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
79	R4418AC05600	1930 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
80	R4418AC03600	1960 HAUN DR	BAKER CREEK HOMEOWNERS ASSOCIATION	BAKER CREEK HOMEOWNERS ASSOCIATION	485 S STATE ST	LAKE OSWEGO	OR	97034
81	R4418AC01500	1966 HAUN DR	BAKER CREEK HOMEOWNERS ASSOCIATION	BAKER CREEK HOMEOWNERS ASSOCIATION	485 S STATE ST	LAKE OSWEGO	OR	97034

Date Sent 11-7-19
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Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
82	R4418AC00100	1925 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
83	R4418AC00200	1933 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
84	R4418AC00300	1939 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
85	R4418AC00400	1941 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
86	R4418AC00500	1947 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
87	R4418AC00600	1953 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
88	R4418AC00700	1959 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
89	R4418AC00800	1963 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
90	R4418AC00900	1969 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
91	R4418AC01000	1975 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
92	R4418AC01100	1981 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
93	R4418AC01200	1989 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
94	R4418AC01300	1993 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
95	R4418AC01400	1999 HAUN DR	LGI HOMES - OREGON LLC	LGI HOMES - OREGON LLC	1450 LAKE ROBBINS DR STE 430	THE WOODLANDS	TX	77380
Applicant			STAFFORD DEVELOPMENT COMPANY LLC	MORGAN WILL	8840 SW HOLLY LN	WILSONVILLE	OR	97381
Consultant			CASCADIA PLANNING & DEVELOPMENT	STEVE KAY	PO BOX 1920	SILVERTON	OR	97381
			WESTECH ENGINEERING INC	JOSH WELLS	3841 FAIRVIEW INDUSTRIAL DR SE STE 100	SALEM	OR	97302

Date Sent 11-7-19
Sent By CD

MEMORANDUM

TO: City of McMinnville Planning Department
FM: McMinnville Water and Light, Staff (contact is Sam Justice, General Counsel).
RE: **MW&L Staff comments**; Baker Creek North land use applications; CPA 01-19; ZC 01-19; PDA 02-19; PD 01-19;
S 01-19; L 12-19
DT: November 15, 2019

The McMinnville Water and Light Commission (MW&L Commission) is the electric, water and fiber utility for the city of McMinnville. McMinnville's municipal water and electric utility was created in 1889. The utility was initially operated by a water committee under the direction of the city council. The five-member Water and Light Commission was first described and created by act of the Oregon State Legislature in 1905 (Senate Bill 241). In 1907 the citizens of McMinnville amended the city charter to authorize and form the Commission as we know it today. The Commission has run and governed the utility systems since that time. The MW&L Commission serves approximately 17,000 electric, and 14,000 water customers in and about the city of McMinnville. Approximately sixty full-time employees serve the Commission.

The MW&L Commission's professional staff acknowledges the planning director's request for comments regarding the above-reference land use applications. MW&L staff comments are offered in furtherance of applicable goals, policies and proposals reflected below, but do not reflect a decision or action of the Water and Light Commission.

COMMENTS:

I. Applicable Goals, Policies and Proposals from the Comprehensive Plan.

The following City of McMinnville planning goals, policies and proposals appear to apply to MW&L staff comments related to Baker Creek North.

ELECTRICITY (Light)

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.

34.00 Proposed extensions of energy system facilities should be coordinated with the extension of other facilities (sewer and water, telephone lines, storm drainage, etc.) where necessary to insure provision of full urban services to developable areas within the urban growth boundary.

GOAL VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

Policies:

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

WATER

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.

Residential Design Policies:

79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall

Urban Policies:

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:

* * * *

4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (As amended by Ord. 4796, October 14, 2003)

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.

132.41.10 Limit Physical Barriers – The City should limit the placement of facilities or physical barriers (such as buildings, utilities, and surface water management facilities) to allow for the future construction of streets that facilitate the establishment of a safe and efficient traffic circulation network. (Ord. 4922, February 23, 2010)

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.

144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

- 1) Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.
- 2) Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.
- 3) For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.
- 4) Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.

146.00 The City of McMinnville shall continue to support the long-range planning efforts of McMinnville Water and Light to provide water system facilities and services commensurate with the projected population in the Comprehensive Plan.

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.

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

1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.

II. Comments regarding the ELECTRIC System

Electric/fiber: The following are comments relating to utility service across this proposed development and the utility's need for space related to connectivity with its electric and fiber system.

1. Side yard setbacks

- a. If fences are built to the front corner of the structure, three foot (3') side yard setbacks do not allow room to maintain National Electric Safety Code (NESC) and National Electric Code (NEC) with a minimum clearance of three feet (3') in front of energized equipment.
 - i. This appears to be especially true for lots with developer's home models "SFDA 26- 30", where space for meters only appear to be available in side yards.

1. Front setback (transformer clearances)

- b. A fifteen foot (15') front setback, as proposed in this development, creates a higher likelihood of conflicts with transformer clearances.
- c. MW&L standard is an 8' clearance from transformers to combustible surfaces, doors and windows that open.
 - i. With these narrow setbacks, it will be critical to locate the transformer toward the front of the PUE to avoid conflicts.
 - ii. See sheet UT-4 for illustration of "closeness". Note that communications and gas lines in a joint trench will have to pass by transformer vaults and remain while remaining within the PUE.

2. Public Utility Easement (PUE) (Policy 174.00)

- d. The apparent absence of a PUE along the north side of Baker Creek Road, east of the substation is a concern. A PUE is required east of the substation for connectivity of electricity and other utilities.
- e. A PUE should be required where Hill Road will be extended north of the traffic circle prior to construction of Phase 2A. See SP-2. Future development will require a PUE.
- f. On the west side of Meadows from Baker Creek to Kent Street, there is an approximately twelve foot (12' +/-) sidewalk. Approximately six feet (6') of the walk is in the PUE. See GR-2. The sidewalk needs to conform with and take into account the landscaping as required by CU 02-19 (electric substation) and also not obstruct the PUE for utilities. Until electric (and other utility) design is complete, covering the PUE with sidewalk creates unknown issues.

3. Transmission Line (Policy 174.00)

- g. There is a twenty foot (20') "open space & access easement" off of Mercia (Tract M) that results in a ten foot (10') asphalt path. The proposed design does not appear to provide sufficient space to access the electric transmission easement with heavy trucks and approximately eighty-five foot (85') poles. Design should account for weight of trucks (concrete and other surface should be designed and constructed to carry truck weight), and account for turning radius needed to access the easement space with transmission length poles.
 - i. The development should provide at least one additional access point and an addition turn around point for heavy trucks.
 - ii. The current plans show the first transmission pole north of substation is 24' off of curb. The design should allow access to the pole for maintenance/replacement from street, other access built to allow access by heavy truck.
- h. The gravel path along the transmission line should be built and rated for heavy truck traffic expected to service the line.
- i. No trees or tree canopies should be permitted within the transmission easement. Trees in rear yards adjacent to the easement should be limited in height (40'). Trees in or near the

- transmission line should be consistent with **CU 02-19 (electric substation expansion)**. Current plans show trees with excessive height at maturity (40' – 60' trees) planted adjacent to the transmission line at Kent Street and along the transmission line.
- j. Canopy of *Prunus Sargentii* encroaches into transmission line easement north of Kent Street. See L3.0.
 - k. Picnic tables or other public structures should not block access to transmission facilities. See sheet L8.0.
 - l. A homeowners association (H.O.A.) may be required to maintain public areas within easement area, and in a manner that does not obstruct the utility use.
4. Street lighting
- m. Along Baker Creek Road, street lighting needs to be designed (lights placed for height and wattage) by licensed engineer. See sheet UT-1. Plan needs clarification as to sufficient lighting.
 - n. MW&L design guides require lighting at public alleys, where walks intersect public streets. The design should show these lights at the intersection of “open space” and sidewalk along north side of Baker Creek Road (as required). See SP1.
 - o. Streetlight on east side of Shadden at the intersection of Kent is shown in the PUE (not in the ROW). Is that an error?
5. Baker Creek Electric Substation Access. (Policy 132.41.10)
- p. Consideration should be given to providing curb-apron access to electric substation from NW Meadows Drive directly opposite of Emma St. Street access off of Meadows Drive could reduce need to obstruct major arterial Baker Creek Road for substation access.
6. Public Streets (Policy 132.41.10)
- i. The northerly terminus of Shadden runs into Premier property. The developer should be required to provide/install sufficient conduit and vault to facilitate the extension of MW&L's electric distribution system beyond the extent of planned development. The requirements for conduit and vault will be detailed in approved electric drawings that will accompany the MW&L Extension Agreement. (Goal VII; 147.00).
 - q. Make provision for power to extend south from William Drive in the future. The developer should be required to provide/install sufficient conduit and vault to facilitate the extension of MW&L's electric distribution system beyond the extent of Stafford's development. The requirements for conduit and vault will be detailed in approved electric drawings that will accompany the Extension Agreement. (Goal VII; 147.00).
7. Landscaping
- r. Utility design needs to be completed prior to approving street tree layout and landscaping. Landscape design should accommodate utilities. (Goal VII; 147.00).
 - s. Forty to sixty foot (40' – 60') trees are shown on plants to be installed adjacent to the transmission line at Kent Street/ transmission line and Tract K.
 - i. Shorter trees with lesser canopy should be planted as prudent electric practice to reduce the risk of tree contacting lines (fire/outage risk) or unnecessary tree trimming (prevailing west winds).
 - ii. Canopy of trees planted, as indicated in plans, in Tract K will encroach within transmission easement.

- t. Approved table of trees should include width of tree canopy at maturity, as well as tree height at maturity.
 - i. Cercidiphyllum Japonicum has canopy range of 25-60'. See sheet L1.0
 - ii. Tree height limits around substation should follow limits of CU 02-19.
 - iii. Trees species with mature height that could fall into transmission lines should be restricted from lots adjacent to the electric transmission line (former "BPA" line).
- u. Trees and shrubs are being designed within the PUE. See sheet L2.0, Tract B. Tract R, sheet L4.0; Tract A, sheet L7. Landscaping design within PUE should come after utility design is finished.

III. Comments regarding the WATER system

The following are staff comments regarding the water system.

- 1) No Approval of water service locations at this time. Civil Plans of the development's water system requires approval at a later stage (these comments do not reflect MW&L approval of civil plans). There are several key items missing from the civil plans such as sewer lateral lines and power drawings. Until all utilities are on the plans, MW&L cannot reasonably foresee what conflicts exist, and what water services will need to be moved. Some of the services currently drawn will need to be relocated.
- 2) Fire Hydrants. The fire hydrants as drawn on preliminary plan will need to be relocated to meet distance/spacing requirements.
- 3) Conflict with Trees. MW&L is not able to approve the landscape drawings at this time. Until the civil plans have been finalized MW&L cannot address all the conflicts with the trees. MW&L Specs WMCLEAR, WMCLEAR2, and FH-CLR call out a ten foot (10') clearance from tree trunks. The current drawings have several trees that fall below the minimum clearance.
- 4) Curbs and Driveways. Pouring of the curbs and driveway cutouts in locations that are inconsistent with the development plans will cause water services to be in conflict with driveway aprons. Actual curb and driveway cutout location should not deviate from approved plans.
- 5) ADA Ramps. ADA ramps for crosswalks which are not at corners should be planned in relation to other utility services. Development plans need to show placement for these non-corner ADA ramps and relate these ramps to utility facilities. Failing to show the ramps on plans may cause utility facilities to conflict with them. With development plans showing locations of all ADA ramps MW&L can avoid placing utilities in ADA ramp locations.
- 6) Driveway width. Driveway width must not widen beyond approved development plan. When house is under construction, the builder may request to widen the driveway. This request should be denied unless without utility review and input. (**Policy 147.00**). Without MW&L review, room may not be left for water meter or a fire hydrant. Without review and consultation fire hydrants and other facilities may be too close to the edge of driveway aprons.
- 7) Mail box clusters. Mail box clusters should be shown on plans in relation to streets, utilities, ADA ramps, etc. With knowledge of location, MW&L can avoid placing utilities next to mail boxes. This comment also applies to the electric system.

- 8) Water Easement. MW&L currently enjoys water easement rights over the former BPA electric easement (MW&L recently acquired the easement) through the planned development. MW&L does not have water easement rights overlying the electric easement in Parcel 1, Instrument No 201600557, which bounds the easement to the north. MW&L long term planning (**Policy 146.00**) foresees water transmission facilities being placed in the former BPA easement space to “loop” the city’s water transmission from the northwest to the northeast sections of McMinnville. The City should seek this additional easement rights (to the Water and Light Commission) for water transmission to further the future plans of the utility to loop the city with water transmission along the electric transmission easement (in the same space). (Policy 146.00).

IV. PROPOSED CONDITIONS of Approval:

- 1). Landscaping around substation and electric utility easement (former BPA easement).
 - a. Require development to conform to standards for landscaping development along Baker Creek Road and Meadows Drive (and around the electric substation) consistent with the requirements imposed on MW&L as related to land use approvals for the expansion of the Baker Creek Electric Substation. (CPA 02-19; ZC 02-19; PDA 01-19; and C.U. 02-19).
 - b. White two-railing fencing along the south property line to match the fencing along the south side of Baker Creek Road.
 - c. Trees proposed surrounding electric substation (CU 02-19) shall be of a species or variety that may grow to a maximum mature canopy height of 25 feet.
 - d. If the sidewalk (12’) along Meadows covers the P.U.E. conduits should be pre-placed before sidewalk construction (to facilitate utilities).
 - e. No trees or tree canopies should be permitted in electric transmission easement (former BPA easement). **Conditions, Covenants and Restrictions**, should restrict tree species in lots adjacent to electric transmission line that have mature species height which make mature tree capable of falling into the electric transmission (restriction for benefit of utility). (Policy 174.00)
 - e. Build gravel walks and cement access to “BPA” easement to handle heavy utility trucks.
 - f. Build access to “BPA” easement to accommodate access with up to 85’ utility poles.
- 2). Right-of-way and public utility easement requirements for development along Baker Creek Road and Meadows Drive should be substantially similar to, and otherwise comparable and compatible with the requirements described in the Baker Creek Substation land use decision and more specifically in C.U. 02-19.
 - a. That the applicant shall coordinate and schedule the construction of Baker Creek Road right-of-way improvements to coincide with the improvements to be completed with the development of the property surrounding and immediately adjacent to the subject site on the north side of Baker Creek Road. See CU 02-19.

beyond the extent of Stafford’s development. The requirements for conduit and vault will be detailed in approved electric drawings that will accompany the Extension Agreement. Water line will be addressed in the Extension Agreement for water.

V. Summary: MW&L staff appreciates the opportunity to comment on these applications in furtherance of the city’s goal to maintain a healthy utility system. Specific questions can be directed to our MW&L engineering and management staff. General questions may also be directed to General Counsel, Sam Justice. 503-435-3110.