

**ORDINANCE NO. 5074**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION OF THE PROPERTY AT 1901 NW BAKER CREEK ROAD FROM A MIXTURE OF COMMERCIAL AND RESIDENTIAL TO ONLY RESIDENTIAL**

RECITALS:

The Planning Department received an application (CPA 2-19) from Samuel Justice, on behalf of property owner McMinnville Water and Light, requesting approval of a Comprehensive Plan Map Amendment. The property is currently designated on the Comprehensive Plan Map as a mix of Commercial and Residential land. The requested Comprehensive Plan Map Amendment would result in the property being designated as only Residential on the Comprehensive Plan Map; and

The subject property is located at 1901 NW Baker Creek Road. The property is described in Instrument No. 201900618, Yamhill County Deed Records, and is also identified as Tax Lot 101, Section 18, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on June 27, 2019 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on June 18, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, the application materials and a staff report were presented, and applicant testimony was received; and

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the Comprehensive Plan Map Amendment review criteria listed in Section 17.74.020 of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission recommended approval of said Comprehensive Plan Map Amendment to the City Council;

The City Council having received the Planning Commission recommendation and staff report, and having deliberated; and

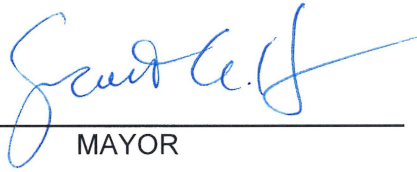
**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:**

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A; and
2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 13<sup>th</sup> day of August, 2019, by the following votes:

Ayes: Garvin, Geary, Menke, Peralta, Stassens

Nays: \_\_\_\_\_

  
MAYOR

Attest:

  
CITY RECORDER

Approved as to form:

  
CITY ATTORNEY



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

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**DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM A MIX OF RESIDENTIAL AND COMMERCIAL DESIGNATIONS TO RESIDENTIAL ONLY AT 1901 NW BAKER CREEK ROAD**

- DOCKET:** CPA 2-19 (Comprehensive Plan Map Amendment)
- REQUEST:** Approval to amend the Comprehensive Plan Map designations of a property from its current mixture of both Commercial and Residential. The requested amendment would designate the entire property as only Residential on the Comprehensive Plan Map.
- LOCATION:** 1901 NW Baker Creek Road. The property is described in Instrument No. 201900618, Yamhill County Deed Records, and is also identified as Tax Lot 101, Section 18, T. 4 S., R. 4 W., W.M.
- ZONING:** R-1 (Single Family Residential) & EF-80 (Exclusive Farm Use)
- APPLICANT:** Samuel Justice, on behalf of McMinnville Water and Light
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** May 22, 2019
- HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.
- HEARING DATE & LOCATION:** June 27, 2019, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- HEARINGS BODY & ACTION:** The McMinnville City Council approves or denies the land-use application.
- HEARING DATE & LOCATION:** August 13, 2019, Civic Hall, 200 NE 2<sup>nd</sup> 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





## **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 1901 NW Baker Creek Road. The property is described in Instrument No. 201900618, Yamhill County Deed Records, and is also identified as Tax Lot 101, Section 18, T. 4 S., R. 4 W., W.M.

The application (CPA 2-19) is a request for a Comprehensive Plan Map Amendment to amend the Comprehensive Plan Map designation of a property from its current mixture of both Commercial and Residential. The requested amendment would designate the entire property as only Residential on the Comprehensive Plan Map. The Comprehensive Plan Map Amendment request was submitted for review concurrently with three other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Zone Change, Planned Development Amendment, and Conditional Use to allow for the existing electrical substation on the site to be expanded.

Excerpts from Land Use Application Narrative and Findings:

In summary, simultaneous applications are made for the following land use actions:

- 1) Comprehensive Plan Map Amendment – Amendment from the current mix of Residential and Commercial designations to Residential, only. Applicable review criteria for a Comprehensive Plan Map Amendment are found in Section 17.74.020 of the MMC. [...]
- 2) Zone Change – Simultaneously with the plan amendment change to Residential, application is made for Zone Change of the entire parcel from a mix of R-1 and EF-80 to ALL R-1 (Single Family Residential). Applicable review criteria for a Zone Change are the same as those for the Comprehensive Plan Map Amendment, which are in Section 17.74.020 of the MMC. [...]
- 3) Planned Development Amendment – Simultaneously application is made to amend the Planned Development overlay created by Ordinance 4633 to remove the subject site from the overlay and reduce the size of the overlay to remove the substation lot (existing tax lot 4418-00101). Applicable review criteria for a Planned Development Amendment are in Section 17.74.070 of the MMC. [...]
- 4) Conditional Use Permit – Simultaneously with the other applications, application is made for a conditional use permit to expand the substation facility. Section 17.12.020(L) of the MMC identifies “Electrical power substation” as a conditional use<sup>1</sup> in a R-1 zone. The level of review and compatibility of the substation with the future commercial, residential and park uses that will surround this site will be based on the conditional use review criteria in Section 17.74.030 and 17.74.040 of the MMC. [...]

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

Figure 1. Vicinity Map



Figure 2. Existing Comprehensive Plan Map

### Existing Comprehensive Plan Map 1901 NW Baker Creek Road



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

- Tax Lots
- Subject Site
- Comprehensive Plan
  - Residential
  - Commercial
  - Industrial
  - Mixed Use Urban
  - Flood Plain

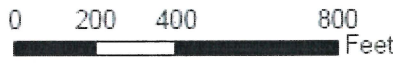




Figure 3. Proposed Comprehensive Plan Map

### Proposed Comprehensive Plan Map 1901 NW Baker Creek Road



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

- |              |                           |
|--------------|---------------------------|
| Tax Lots     | <b>Comprehensive Plan</b> |
| Subject Site | Residential               |
|              | Commercial                |
|              | Industrial                |
|              | Mixed Use Urban           |
|              | Flood Plain               |



## Background

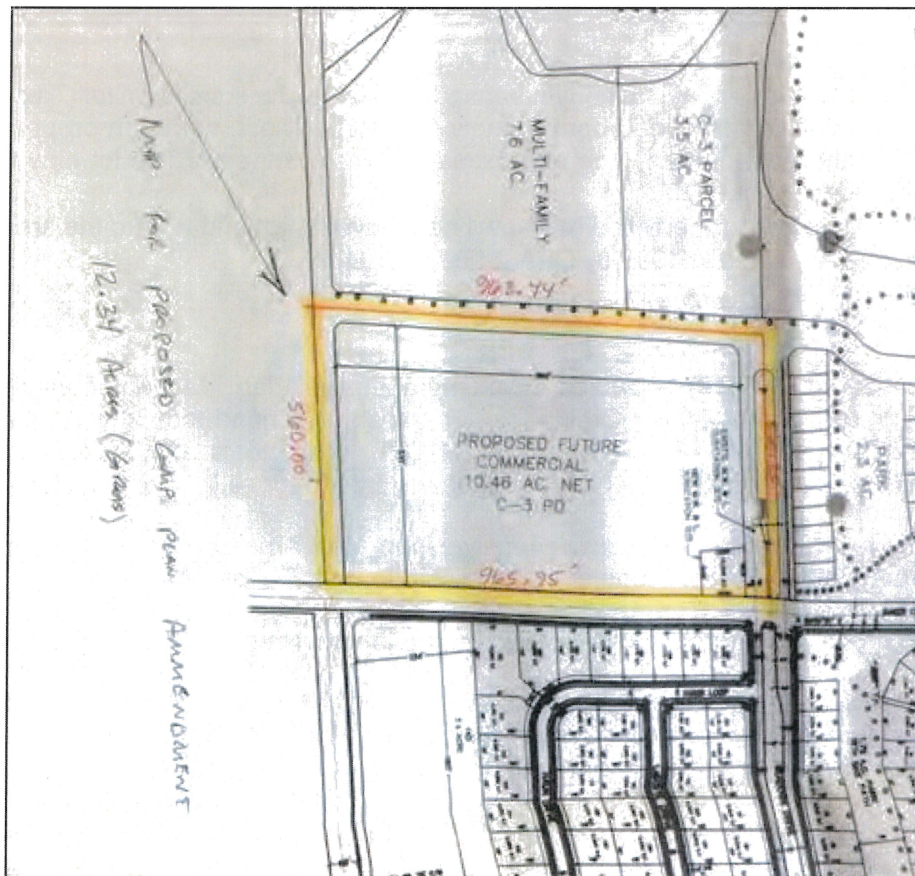
Excerpts from Land Use Application Narrative and Findings:

1. Annexation into City of McMinnville:

- The original substation lot, Tax Lot R4418-00101, was annexed into the City on 9-10-1977 by Ordinance 3881. The lot was approximately 0.26 acres and was co-located on the existing BPA high-voltage transmission easement.
- The Comprehensive Plan Map and Zoning Map from the early 1980s identified the site as being in a Residential Comprehensive Plan Map designation and zoned R-1 (Single Family Residential)

2. Comp Plan Amendment - CPA 2-96:

- In 1996, Ordinance 4633 amended a 12.34 acre portion of a parcel on the Comprehensive Plan Map on the north side of Baker Creek Road from residential to commercial. This amendment split the original substation lot in half for comprehensive plan map purposes between Commercial and Residential.
  - Ordinance 4633 also created a Planned Development overlay on the same property, with some conditions related to the form of development and uses.
  - Ordinance 4633 did not change the zoning of the site, and the acreage property still retains the county EF-80 zoning (eventually annexed in 2008 – see more below).
  - A map showing dimensions of the area proposed to be designated as commercial was included in the 1996 land use application file submitted by the applicant at the time. Part of that map is depicted below in Figure No. 1.



- The southern boundary of the new commercial area (965.95' dimension) extended from the Tax Lot R4418-00100's western boundary to a point that is within and near the center of substation lot (Tax Lot 101 as it existed)
  - It is noteworthy that at the time of the 1996 Comp Plan Amendment, Figure No. 1 shows plans for an expanded substation site. (See figure No. 1, above). The expanded substation use was shown within the commercial overlay designation.
3. Conditional Use Permit for Baker Creek Substation – CU 7-99:
    - In 1999, the city granted MW&L a conditional use permit for the Baker Creek Substation (approval letter with original conditions attached here as Attachment 6).
    - Findings of fact for that application stated that the subject site was designated Residential on the Comprehensive Plan Map and zoned R-1 (Single Family Residential).
    - The substation use was reviewed as a conditional use, as a “Utility transmission station” is a conditional use in a residential zone. Section 17.12.020 (a section of the R-1 chapter).
    - Construction of the new Baker Creek substation took place in 2000. Electric load was first placed on the substation in January 2001.
  4. Lot Line Adjustment
    - In 2002 tax lot 101 was expanded by lot line adjustment. [...] In 2002 the subject site was found to be designated Residential on the Comprehensive Plan Map and zoned R-1 (Single Family Residential)
  5. Annexation of Larger Baker Creek North Area:
    - In 2008 the larger acreage surrounding the Baker Creek substation was annexed into the city (approved 7-22-2008 by Ordinance 4895).
  6. Recent Property Line Adjustment – BLA 10-18:
    - In 2019 a lot line adjustment increased the size of the substation lot (Tax Lot 101) by moving the west property line approximately 103' to the west, the north property line to the north, and the east property line approximately 37' to the east. The lot now fronts Baker Creek Road for about 210'.
    - The western property line has now been moved west and toward the area within the overlay zone regulated in 1996 by CPA 2-96.

***Summary of Criteria & Issues***

The application (CPA 2-19) 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.



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 2-19 Application and Attachments (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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department

No comments. At the time of development of the substation, that appropriate public infrastructure improvements will be required.

- McMinnville Fire Department

No comments received

- McMinnville Water and Light

No comments received

**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, June 18, 2019. As of the date of the Planning Commission public hearing on June 27, 2019, no public testimony had been received by the Planning Department.

**V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

- A. The applicant, Samuel Justice on behalf of McMinnville Water and Light, held a neighborhood meeting on March 27, 2019.
- B. The applicant submitted the Comprehensive Plan Map Amendment application (CPA 2-19) on April 26, 2019.
- C. The application was deemed complete on May 22, 2019. Based on that date, the 120 day land use decision time limit expires on September 19, 2019.

- D. 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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas.

Comments received from agencies are addressed in the Decision Document.

- E. Notice of the application and the June 27, 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, June 6, 2019.
- F. Notice of the application and the June 27, 2019 Planning Commission public hearing was published in the News Register on Tuesday, June 18, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
- G. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
- H. On June 27, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

#### **VI. FINDINGS OF FACT – GENERAL FINDINGS**

1. **Location:** 1901 NW Baker Creek Road. The property is described in Instrument No. 201900618, Yamhill County Deed Records, and is also identified as Tax Lot 101, Section 18, T. 4 S., R. 4 W., W.M.
2. **Size:** Approximately 1.22 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:** Electrical Substation (Baker Creek Substation)
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 northwest. 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. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 96 feet. The applicant recently completed a property line adjustment (BLA 10-18) and at that time dedicated necessary right-of-way to provide for half of the required 96 foot right-of-way width as measured from the centerline of the right-of-way. This right-of-way dedication is described in a dedication deed recorded as Instrument No. 201900623, Yamhill County Deed Records. Therefore, no additional right-of-way dedications are necessary.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Comprehensive Plan Map Amendment are specified in Section 17.74.020 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:** The application approval and proposed substation use is consistent with Policy 21.01 in that the application facilitates suitable and serviceable sites for commercial uses in the north and west of McMinnville. While approval of this application(s) would arguably move ~.8 acres of land on the Comprehensive Plan Map and in the applicable zone to residential use from commercial use, the applied-for conditional use (electric substation) would also function to facilitate commercial uses by providing additional electric capacity. Note the Electric System Study, 2015, that indicates fully loaded electric feeders and a need for another substation to serve the north and west of the city. Attachment 4 at page 15, (Table 2-1; 2-7).

Even if the proposal reduces commercial land on the comprehensive plan map by increasing residential land, it has no net effect on available commercial land for actual development. The 1996 Comp Plan amendment establishing the commercial area, also anticipates the expanded substation site. See Diagram on page 2, infra. The substation use serves and enhances adjacent commercial use by providing electric load capacity for development.

While the conclusions of the City's adopted Economic Opportunities Analysis, indicates that there is a need for approximately 36 additional acres of commercial land during the planning period (2013-2033) the proposed substation, even under a residential plan map designation, is consistent with fulfillment of that need. Whether the property is zoned commercial or residential the space will be needed for the utility use. The plan map divides the lot between commercial and residential. The buildable lands inventory identifies both types of land (Comm. and Residential) in short supply. However, the actual use of the property, as an expanded substation will support both commercial and residential development.

Consolidating the entire lot to residential plan map designation will allow for uniform planning while supplying utility (electric) needs for both types of use. The Residential designation and zone is more restrictive for land use purposes and is the better choice. The proposed conditional use (utility substation) of the property in a residential zone supports the immediate area for suitable and serviceable commercial sites. (See map of substation facilities Attachment 1, site plan {surrounding area currently undeveloped}).

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and 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
<b>Vacant Land Demand</b>				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
<b>Totals</b>	<b>166.8</b>	<b>153.2</b>	<b>319.9</b>	Employment land demand
<b>Available Land Supply</b>				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
<b>Surplus/(Deficit)</b>	<b>(35.8)</b>	<b>235.9</b>	<b>200.1</b>	As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10<sup>th</sup> of an acre.

Source: E. D. Hovee & Company, LLC.

In the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, a need for additional land for housing and residential uses was also identified. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a deficit of 860.6 acres of land for housing in Table 6-3. Therefore, 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 (over 1,000 acres of residential land compared to 35.8 acres of 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, but would minimally impact the commercial land deficit as only approximately 0.8 acres of additional land would be changed from a Commercial designation to Residential.

The City also recognizes that the use of the property is intended by the current property owner and applicant to be the same regardless of the underlying Comprehensive Plan Map Amendment. The current property owner and applicant, McMinnville Water and Light, intends to expand the existing electrical power substation, and that use would be allowed in either residential or commercial city zoning districts. Section 17.30.020 (C-2 Travel Commercial Zone – Conditional Uses) lists “electrical power substation” as a conditional use. Section 17.33.010 (C-3 General Commercial Zone – Permitted uses) lists “all uses and conditional uses permitted in the C-1 and C-2 zones”. Electrical power substations are listed as a conditional use in all residential zones (see Sections 17.12.020(L), 17.15.020(K), 17.18.020(K), and 17.21.020(N)). Therefore, the proposed Comprehensive Plan Map Amendment to Residential, along with the additional land use and development requests required to permit the expansion of the existing electrical power substation, results in a land use designation that will afford the most opportunity for public hearing and notice for the eventual intended use of the site. The land use designation of Residential will also allow for the application of more development (setbacks, structure height, etc.) and conditional use standards than what would be required in the commercial zones for the eventual intended use of the site, which will ensure compatibility of the intended use with surrounding development.

The McMinnville Buildable Land Needs Analysis and Growth Management Plan, in Table 6-3 below, assumed that some residential land would be needed for infrastructure and semi-public services. Given this assumed need and the fact that a portion of the subject property is already designated Residential, the proposed Comprehensive Plan Map Amendment is consistent with Policy 21.01.

**Table 6-3. Total additional acres needed in the McMinnville UGB, 2000-2020**

Category	Needed Gross Acres
New housing	449.0
Parks	250.0
Schools	96.0
Private Schools	1.3
Religious	41.6
Government	0.8
Semi-Public Services	19.6
Infrastructure	2.3
<b>Total</b>	<b>860.6</b>

Source: City of McMinnville, ECONorthwest

The City also acknowledges that the subject property has two Comprehensive Plan designations, and that the request to consolidate the property into only one designation (as Residential) allows for more uniform planning and development of the subject property for uses allowed in the Residential Comprehensive Plan designation.

**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.

*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 proposed application is consistent with Goal IV 3 and policy 24.50 in addressing the 2013 Economic needs analysis which describes the need for commercial uses by providing additional electric transmission and distribution infrastructure to allow higher density of site utilization. The Economic needs analysis provides as follows:

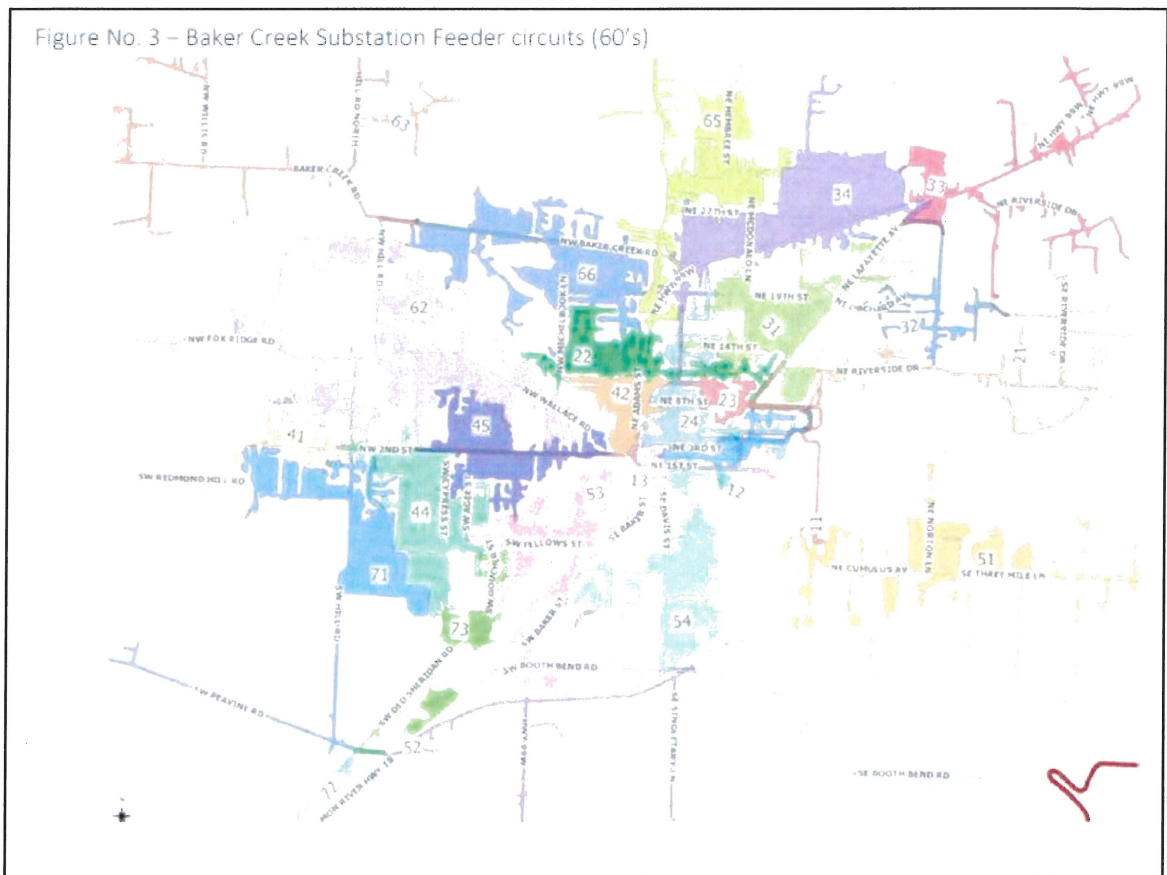
“Because much of the recent and anticipated continued demand for commercial uses will come from office-related uses including professional, financial, consumer, and health care service activities, the goal statement and/or implementing policies might also be modified to more explicitly address needs for a broad range of service-related functions including professional, business, financial and medical services. Due to the increasing shortage of commercial land, it can be anticipated that future development may begin to involve more redevelopment sites at higher densities of site utilization than has occurred in the past – as reflected in revised forecasts for higher overall commercial employment densities than previously targeted.” McMinnville Economic Opportunities Analysis (Final Draft), 2013, page 72.

The proposed application and substation facility provide for the anticipated higher demand on the electric system in the north and west part of the City and will thereby allow a higher density of site utilization for commercial development.

**FINDING: SATISFIED.** While the proposal does reduce the amount of Commercial land within the urban growth boundary, it does so minimally by changing only approximately 0.8 acres of land from a Commercial designation to Residential and also changes to another land type (Residential) that is identified as needed in the most recently acknowledged Residential Buildable Lands Inventory McMinnville Buildable Land Needs Analysis and Growth Management Plan. See findings for Policy 21.01 for more detail. As discussed by the applicant, the designation to Residential and subsequent land use and development applications to allow for the proposed electrical substation expansion will allow for continued planned growth in the north and west areas of the urban growth boundary. This will ensure that services are available for future commercial development to maximize efficiency and developability of those other commercial lands in the north and west areas of the urban growth boundary, most notably the Commercial designated property immediately adjacent to the subject site.

*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:** The proposed plan amendment, zone change, and conditional use within a residential zone (electric substation) is consistent with this policy as providing for electric services prior to the subsequent commercial development and being supportive of nearby commercial development in areas served by Baker Creek Substation feeders (60’s).



“Based on the best available growth forecasts and information on growth areas, feeders 31, 34, 62, and 65 are all likely to see load growth. These are heavily loaded feeders

served by heavily loaded substation transformers with limited or no ability to transfer existing load to lightly loaded substations. A majority of the available MW&L transformer and circuit capacity is at East McMinnville #2 and Gormley substations; without major circuit reconfigurations, this capacity cannot be utilized for load growth on the north and west sides of town. If load develops in these areas as expected, single contingency criteria may not be met during peak events for transformer outages at these locations. It is recommended that MW&L be prepared for one of the following options as load growth occurs: \* \* \* Expand Baker Creek Substation and add new transformer.”

Electric System Planning Study 2015, Triaxis Engineering Written: Michael Antonishen. Attachment 4, page 15 (Table 2-1; 2-7).

Locating the substation prior to build out of commercial development is orderly and advantageous to the commercial development. The new substation will provide a reliable base of power for development of various sizes. The placement now, prior to other development, allows surrounding future commercial development to place and scale itself in light of the known substation use.

The predicted need for additional substation capacity to serve commercial growth is further supported factually by figure No. 6 (below), showing anticipated housing units within the effected “feeder” areas on the north and west sides of town.

According to the 2015 study, expansion of the Baker Creek Substation is one of three alternatives available to MW&L to provide for increase electric load in the north and west McMinnville and will not require the cost of “major circuit reconfigurations” and is the only alternative not involving constructing an entirely new substation facility to support both anticipated commercial and high-density residential development.

**FINDING: SATISFIED.** The City concurs with the applicant’s responses, particularly in the fact that the proposed Comprehensive Plan Map Amendment results in the subject property having only one Comprehensive Plan designation (as Residential) to allow for more uniform planning and development of the subject property for uses allowed in the Residential Comprehensive Plan designation. The change of designation to Residential and subsequent land use and development applications will also allow for the proposed electrical substation expansion. This will ensure that services commensurate with the potential scale of surrounding planned commercial development can be made available prior to 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.*

**APPLICANT’S RESPONSE:** The most recent Buildable Land Inventory indicates a shortage of residential land. The Residential Buildable Lands Inventory, 2001, identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Residential Land Needs Analysis and Growth Management Plan, identified a deficit of ~860 acres of land for housing in Table 6-3. More specifically, the analysis identified a need of 129 acres of R-1 (Low Density) zoned land. See below Figure No. 4. This application and related applications (Comp Plan Amendment, Zone Change), is consistent with this policy in that it seeks to add residential land to the inventory.

Figure No. 4 - Table 6-2 – Additional Land for Housing; Table 6-3 Total Acres needed.

**Table 6-2. Additional land needed for housing in the McMinnville UGB, 2000-2020**

<b>Zone</b>	<b>Additional Dwelling Unit Need</b>	<b>Gross Density</b>	<b>Needed Gross Acres</b>	<b>Net Density</b>	<b>Needed Net Acres</b>
R 1	348	2.7	129.0	3.6	95.6
R-2	588	4.9	120.0	6.5	90.4
R-3	653	4.8	136.1	5.5	119.7
R-4	588	9.2	63.9	10.7	55.1
All Other Zones	0	na	na	na	na
<b>Total</b>	<b>2,178</b>	<b>4.8</b>	<b>449.0</b>	<b>5.9</b>	<b>369.1</b>

Source: ECONorthwest, 2000

Table 6-3 shows total residential land need from 2000 to 2020. Including parks and schools, we estimate total need for land designated for residential uses at 861 gross acres.

**Table 6-3. Total additional acres needed in the McMinnville UGB, 2000-2020**

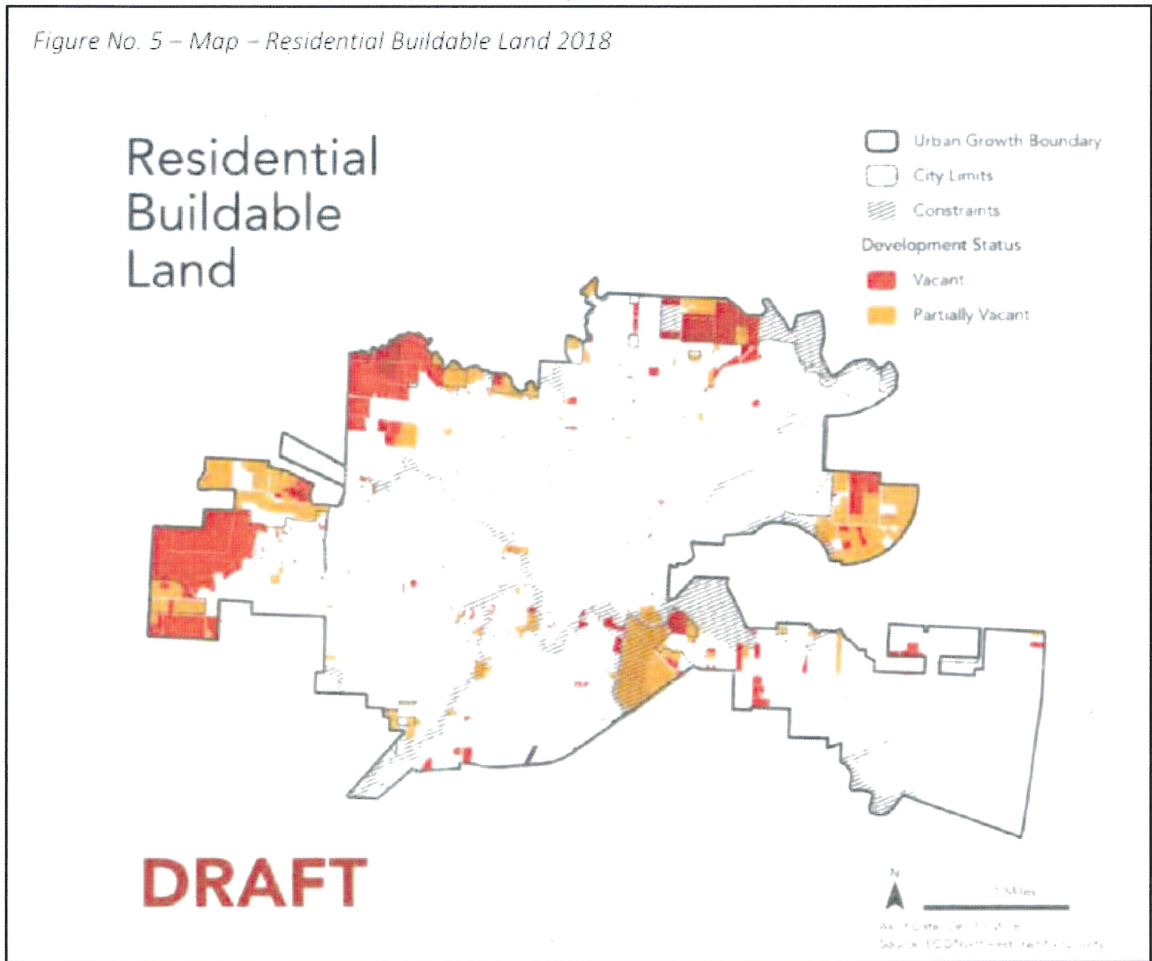
<b>Category</b>	<b>Needed Gross Acres</b>
New housing	449.0
Parks	250.0
Schools	96.0
Private Schools	1.3
Religious	41.6
Government	0.8
Semi-Public Services	19.6
Infrastructure	2.3
<b>Total</b>	<b>860.6</b>

Source: City of McMinnville, ECONorthwest

As demonstrated by Figure No. 5 (below), the available residential land is located in the north and west parts of the city. Note that much of the available residential land in the north-east, is under “constraints.”



Figure No. 5 – Map – Residential Buildable Land 2018



Applicant's Comprehensive Plan Map amendment and other applications are consistent with this policy, because the slight reduction in commercial land will not meaningfully impact the deficit of commercial land identified in the 2013 Economic Opportunities Analysis and the additional residential land will result in a reduction in the deficit of residential land identified in the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan. Therefore, on balance the Comprehensive Plan goals and policies related to the provision of opportunities for the development of a variety of housing types and densities (Policy 58.00) and opportunities for multiple-family developments to encourage lower-cost housing (Policy 59.00) would be satisfied by the proposed Comprehensive Plan Map amendment.

The application(s) is consistent with policy 58.00 in that it(they) provides for the expansion of an existing substation which will provide capacity for a wide range of housing types and densities. The current substation is at near capacity and if no action is taken, variety and expanse of development may be limited. See, Attachment 4, page 15 (Table 2-1; 2-7). (Electric System Study, 2015); See also Memo of Jaime Phillips, Senior Power Analyst, Attachment 5 (Baker Creek substation is at operational load capacity).

**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 been acknowledged. 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
<b>Vacant Land Demand</b>				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
<b>Totals</b>	<b>166.8</b>	<b>153.2</b>	<b>319.9</b>	Employment land demand
<b>Available Land Supply</b>				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
<b>Surplus/(Deficit)</b>	<b>(35.8)</b>	<b>235.9</b>	<b>200.1</b>	As of 2033 forecast year

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

In the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, a need for additional land for housing and residential uses was also identified. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a deficit of 860.6 acres of land for housing in Table 6-3. Therefore, 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 (over 1,000 acres of residential land compared to 35.8 acres of 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, but would minimally impact the commercial land deficit as only approximately 0.8 acres of additional land would be changed from a Commercial designation to Residential.

The McMinnville Buildable Land Needs Analysis and Growth Management Plan, in Table 6-3 below, assumed that some residential land would be needed for infrastructure and semi-public services. Given this assumed need and the fact that a portion of the subject property is already designated Residential, the proposed Comprehensive Plan Map Amendment is consistent with Policy 21.01.

**Table 6-3. Total additional acres needed in the McMinnville UGB, 2000-2020**

Category	Needed Gross Acres
New housing	449.0
Parks	250.0
Schools	96.0
Private Schools	1.3
Religious	41.6
Government	0.8
Semi-Public Services	19.6
Infrastructure	2.3
<b>Total</b>	<b>860.6</b>

Source: City of McMinnville, ECONorthwest

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

*Policy 68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.*

**APPLICANT'S RESPONSE:** Approval of the applications meets policy 68.00. Expansion of an existing substation adjacent to existing residential areas, avoids the need to site a new substation in a location not already devoted to the electric energy use. This site makes good use of existing infrastructure and reduces the footprint per transformer. A new transformer in a new location would require additional set back, security fencing and shielding. The amount of land devoted to each transformer can be reduced by siting two transformers side by side.

**FINDING: SATISFIED.** The City concurs with the applicants findings. The City also acknowledges that the subject property has two Comprehensive Plan designations, and that the request to consolidate the property into only one designation (as Residential) allows for more uniform planning and development of the subject property for uses allowed in the Residential Comprehensive Plan designation. The uniform planning and development of the site with the expansion of an existing substation will also promote a development pattern that is land intensive and energy efficient, as described by the applicant.

*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:** None.

**FINDING: SATISFIED.** 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
<b>Vacant Land Demand</b>				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
<b>Totals</b>	<b>166.8</b>	<b>153.2</b>	<b>319.9</b>	Employment land demand
<b>Available Land Supply</b>				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
<b>Surplus/(Deficit)</b>	<b>(35.8)</b>	<b>235.9</b>	<b>200.1</b>	As of 2033 forecast year

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

In the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, a need for additional land for housing and residential uses was also identified. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a deficit of 860.6 acres of land for housing in Table 6-3. Therefore, 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 (over 1,000 acres of residential land compared to 35.8 acres of 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, but would minimally impact the commercial land deficit as only approximately 0.8 acres of additional land would be changed from a Commercial designation to Residential.

The McMinnville Buildable Land Needs Analysis and Growth Management Plan, in Table 6-3 below, assumed that some residential land would be needed for infrastructure and semi-public services. Given this assumed need and the fact that a portion of the subject property is already designated Residential, the proposed Comprehensive Plan Map Amendment is consistent with Policies 71.00 and 71.05.

**Table 6-3. Total additional acres needed in the McMinnville UGB, 2000-2020**

Category	Needed Gross Acres
New housing	449.0
Parks	250.0
Schools	96.0
Private Schools	1.3
Religious	41.6
Government	0.8
Semi-Public Services	19.6
Infrastructure	2.3
<b>Total</b>	<b>860.6</b>

Source: City of McMinnville. ECONorthwest

**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.

*Streets*

*Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.*

*Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:*

- 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
- 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
- 2. 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.*
- 3. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*

*Policy 119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.*

*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.*

*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.*

*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. (Ord.4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is currently 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. The applicant recently completed a property line adjustment (BLA 10-18) and at that time dedicated necessary right-of-way to provide for half of the required 96 foot right-of-way width as measured from the centerline of the right-of-way. This right-of-way dedication is described in a dedication deed recorded as Instrument No. 201900623, Yamhill County Deed Records. Therefore, no additional right-of-way dedications are necessary. Any right-of-way improvements required for the subject site will be required at the time of development.

*Public Safety*

*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.

**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.

*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.*

*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.

#### *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.*

*Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.*

#### *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:** None.

**FINDING: SATISFIED.** 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.

*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.

*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.*

*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.*
- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
- 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
- 4. Federal, state, and local water and waste water quality standards can be adhered to.*
- 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

**APPLICANT'S RESPONSE:** None.

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

*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.

*Energy Conservation*

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

*Energy Supply Distribution*

*Policy 171.00 The City of McMinnville shall continue to examine land use decisions in the light of present and projected supplies of electrical, fossil fuel, and other sources of energy.*

**APPLICANT'S RESPONSE:** This application approval is consistent with policy 171.00 in providing additional transformer capacity to move the anticipated demand for electrical energy to neighborhoods and commercial areas in the city. The Electric System Planning Study, 2015, specifically recommends the expansion of the Baker Creek Substation. Electric System Planning Study 2015, Triaxis Engineering Written: Michael Antonishen. Attachment 4, page 15-7 (Figure 2-1; 2-7; Recommendations). This study further explains that McMinnville is experiencing levels of electric load at the current Baker Creek Substation that currently requires shifting load to other facilities. Electric System Planning Study, Attachment 4, at page 53; Table 6-2. Application approval is consistent with an examination of land use decisions in light of future electrical supply as described in the 2015 study.

Current projections indicate that peak load residential load is expected to grow with additional housing being developed on the west side of the City. See Memo, Jaime Phillips, Senior Power Analyst, McMinnville Water and Light (Attachment 5).

Application approval and resulting substation expansion will not impact the supply of electricity or other sources of energy. Until 2028, MW&L's supply is primarily provided by contract with the Bonneville Power Administration. However, approval of the substation expansion will increase the localized ability of MW&L to transmit available electric energy into the growing west and north sections of the city.

**FINDING: SATISFIED.** The City concurs with applicant's findings, and adds that the City acknowledges that the subject property has two Comprehensive Plan designations, and that the request to consolidate the property into only one designation (as Residential) allows for more uniform planning and development of the subject property for uses allowed in the Residential Comprehensive Plan designation. The City also acknowledges that the designation to Residential and subsequent land use and development applications to allow for the proposed electrical substation expansion will allow for continued planned growth in the north and west areas of the urban growth boundary.



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

**APPLICANT'S RESPONSE:** Review for approval of this application, and the required neighborhood meeting, and the public hearing process demonstrates coordination between the City and MW&L that is consistent with policy 173.00. The City routinely seeks comment from MW&L prior to land use decisions. MW&L comments on land use applications that appear to impact its utility purposes and facilities. The City's approval of these application demonstrate an effort to coordinate with MW&L. Applicant foresaw the need of the City in its related lot line adjustment (BLA 10-18) transaction, and dedicated real property to widen Baker Creek Road in front of the substation (Attachment 8) and also granted a public utility easement (Attachment 9) during that process. These preemptory conveyances by applicant in anticipation of the City's needs is also consistent with coordination between the City and applicant (Water and Light).

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

*Policy 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.*

**APPLICANT'S RESPONSE:** Approval of this application is consistent with support of MW&L's long-range planning efforts as expressed in Applicant's Electric System Planning Study 2015, Triaxis Engineering Written: Michael Antonishen ("the Study"). See Attachment 4, page 15; Figure 2-1, 2-7 (Recommendations).

The 2015 Electric Systems Planning Study and the MW&L capital plan (as set forth in the MW&L "Light" budget. Attachment 13, p. 15-16) are indicators of long-range planning efforts by MW&L on behalf of the City of McMinnville to supply electrical energy needs of McMinnville. The Study indicates that expansion of the Baker Creek Substation is a recommended alternative to supply needed electrical energy to the north and west part of the city.

The City's extension of public utility easements adjacent to Baker Creek Road (when this is done as a requirement for adjacent development), creating transmission access to the substation, is also evidence of the City's continuing support MW&L long range planning.

Approval of this application will fulfill this policy as the expansion of the Baker Creek Substation follows MW&L's long-range planning efforts to serve the community's energy needs. Serving the community's electric energy needs is also one of Water and Light's primary responsibilities to the City of McMinnville as expressed in the City Charter.

The University of Michigan study (Attachment 14) indicates that consumer demand for electricity to fuel electric vehicles is also likely to increase. The City's approval of these applications is also supportive of serving the long-term needs of the community for electricity as a transportation fuel.

**FINDING: SATISFIED.** The City concurs with applicant's findings, and adds that the City acknowledges that the subject property has two Comprehensive Plan designations, and that the request to consolidate the property into only one designation (as Residential) allows for more uniform planning and development of the subject property for uses allowed in the Residential Comprehensive Plan designation. The City also acknowledges that the designation to Residential and subsequent land use and development applications to allow for the proposed

electrical substation expansion will allow for continued planned growth in the north and west areas of the urban growth boundary.

*Policy 175.00 The City of McMinnville, recognizing McMinnville Water and Light, Northwest Natural Gas, and other private suppliers as the agencies or groups responsible for energy distribution, encourages the extension of energy distribution services within the framework outlined below:*

- 1. Sufficient supplies of energy as determined by McMinnville Water and Light, Northwest Natural Gas, and other groups are available to meet the demands of existing residential, commercial, and industrial consumers.*

**APPLICANT'S RESPONSE:** This application is consistent with policy 175.00 and proposal No. 1 and the most recent Electric System Planning Study (2015) which study indicates that there is a need in the north and west of the city for additional substation capacity, and that the least cost option is the expansion of the Baker Creek substation. See Electric System Planning Study, Attachment 4, page 15, (Figure 2-1,,2-7). The Memo of Jaime Phillips, Attachment 5, indicates that the expanded substation is needed to serve the localized growing electric load in the west side of McMinnville.

By Executive Order (EO) the Oregon Governor has directed state agencies to make electric vehicle charging stations available in newly constructed commercial and residential areas. This EV requirement will increase the electric load in these areas of new construction. The expanded substation facility will serve this expanded load. In part the EO reads:

"The appropriate advisory board(s) and the Department of Business and Consumer Services Building Codes Divisions (BCD) are directed to conduct code amendment of the state building code to require that parking structures for all newly constructed residential and commercial buildings are ready to support the installation of at least a level 2 EV charger by October 1, 2022. . . . ." Gov. Brown, EO 17-21, November 6, 2017, Attachment 3.

Additional electric load capacity provided by the expanded substation is consistent with support of providing sufficient supplies of electric energy as demanded by consumers. See Section 51, City Charter of McMinnville (Water and Light Commission specific responsibility includes "electric energy as may be called for, or required by any consumer").

**FINDING: SATISFIED.** The City concurs with applicant's findings, and adds that the City acknowledges that the subject property has two Comprehensive Plan designations, and that the request to consolidate the property into only one designation (as Residential) allows for more uniform planning and development of the subject property for uses allowed in the Residential Comprehensive Plan designation. The City also acknowledges that the designation to Residential and subsequent land use and development applications to allow for the proposed electrical substation expansion will allow for continued planned growth in the north and west areas of the urban growth boundary.

- 2. Facilities are planned in such a manner as to insure compatibility with surrounding land uses.*

**APPLICANT'S RESPONSE:** Approval of the application is consistent with policy 175.00 and proposal No. 2, in that the planned additional facilities are similar to the existing substation facilities, and along an existing high-voltage electricity transmission easement corridor. Current

land use around the substation is agricultural, park, and residential. A BPA high voltage 60-foot-wide electric transmission easement runs north to south through the substation parcel. See Map Attachment 1. The expanded substation use is consistent with the current uses.

MW&L has also developed a landscape plan to make the facility more compatible with the anticipated surrounding park, commercial and residential uses. See MW&L Landscape plan, ATTACHMENT 2.

The surrounding residential and commercial land uses, to an ever increasing degree, rely on electric energy. The electric substation is integral to the MW&L electric system supplying energy to the customers that work and live in the surrounding areas. Electric energy is both compatible and integral to both commercial and residential uses.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that the request to consolidate the property into only one designation (as Residential) allows for more uniform planning and development of the subject property for uses allowed in the Residential Comprehensive Plan designation.

The City also recognizes that the use of the property is intended by the current property owner and applicant to be the same regardless of the underlying Comprehensive Plan Map Amendment. The current property owner and applicant, McMinnville Water and Light, intends to expand the existing electrical power substation, and that use would be allowed in either residential or commercial city zoning districts. Section 17.30.020 (C-2 Travel Commercial Zone – Conditional Uses) lists "electrical power substation" as a conditional use. Section 17.33.010 (C-3 General Commercial Zone – Permitted uses) lists "all uses and conditional uses permitted in the C-1 and C-2 zones". Electrical power substations are listed as a conditional use in all residential zones (see Sections 17.12.020(L), 17.15.020(K), 17.18.020(K), and 17.21.020(N)). Therefore, the proposed Comprehensive Plan Map Amendment to Residential, along with the additional land use and development requests required to permit the expansion of the existing electrical power substation, results in a land use designation that will afford the most opportunity for public hearing and notice for the eventual intended use of the site. The land use designation of Residential will also allow for the application of more development (setbacks, structure height, etc.) and conditional use standards than what would be required in the commercial zones for the eventual intended use of the site, which will ensure compatibility of the intended use with surrounding development.

*Proposal 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.*

**APPLICANT'S RESPONSE:** The surrounding uses are currently zoned EF-80, but are anticipated to be zoned residential and commercial. An expanded substation has been evident at this site since the 1996 Comprehensive Plan Amendment (above at page 3). Because the substation is being placed prior to other development, the City may also regulate the incoming surrounding uses to make them compatible with the substation use. This may be done through the use of additional screening, placement of streets, drainage swales, and parking lots.

**FINDING: SATISFIED.** The request to consolidate the property into only one designation (as Residential) allows for more uniform planning and development of the subject property for uses allowed in the Residential Comprehensive Plan designation. The designation of Residential along with the additional land use and development requests required to permit the expansion of the existing electrical power substation, results in a land use designation that will afford the most opportunity for public hearing and notice for the eventual intended use of the site. The

land use designation of Residential will also allow for the application of more development (setbacks, structure height, etc.) and conditional use standards than what would be required in the commercial zones for the eventual intended use of the site, which will ensure compatibility of the intended use with surrounding development. These development and conditional use standards will be applied to the subject site through the review of subsequent land use and development applications, so that the subject site is designed to ensure compatibility with surrounding land uses, as well as those surrounding land uses being designed in the future to ensure compatibility with the proposed electrical power substation.

**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:** Goal X1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

Applicant solicited input from neighbors (direct mail Attachment 15; Public Notice Attachment 17) and conducted a neighborhood meeting on March 27, 2019 (See attendee list as Attachment 18). No neighbors attended the meeting and no public comment was gathered.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that 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. 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). 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:** As discussed in the conclusory findings, the application is consistent with facilitating both commercial and residential development in the north and west of McMinnville at higher densities anticipated to come with future development. Expansion of the existing substation was recommended by the 2015 Electric System Planning Study to address growth in the north and west sectors of the City. The substation expansion is consistent with the city's support of a reliable supply of electric energy, renewable energy, less pollution, and a healthy environment. Expanding the current Baker Creek Substation will be at a lower cost than other alternative. Utility costs are part of housing costs. The lower cost of the proposed expanded substation (relative to other options) will promote the goal of affordable housing.

**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:** This plan amendment and zone change is orderly and timely in addressing the pattern of current and anticipated residential and commercial growth in the area surrounding the substation as evidenced by the Residential Buildable Lands map and as recommended by the Electric System Planning Study (2015).

Consolidation of the parcel under one Comprehensive Plan Map designation will allow the parcel to be rezoned to R1 and allow an electric substation by conditional use permit. The surrounding neighborhoods are currently under large scale residential development. The consolidation of the plan map designation and related zone change and conditional use permit will facilitate the construction of the needed electric facility infrastructure to support the anticipated residential development.

The expansion is compatible with surrounding uses as it takes advantage of the existing 60-foot wide BPA easement and the expansion will occur before neighboring development which will allow those neighboring uses to deploy effective buffering strategies. Applicant has proposed a

landscaping plan that provides for screening and compatibility with the existing uses and future neighboring use, while minimizing the footprint and providing for the safety and security of this high-voltage facility.

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

**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:** The site will not require sewer, or natural gas to operate. Applicant currently serves the site with water and electricity and will continue to serve the site.

The proposed expansion will have a negligible effect on traffic in the area, as the site is already in use as an electric substation. Visits for the expanded facility will take advantage of visits to the site that would otherwise be made and the expansion should not perceptibly increase traffic volume. The applicant has dedicated additional street width to Baker Creek Road to facilitate traffic flow. See Attachment 8, Dedication Deed.

**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.

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