

**ORDINANCE NO. 5088**

**AN ORDINANCE APPROVING 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**

RECITALS:

The Planning Department received an application (S 1-19) from Stafford Development Company, LLC requesting approval of a Tentative Subdivision (more than 10 lots) for a 280 lot, ten phase single-family detached residential development; and

The subject property is generally located northeast 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.; and

A public hearing was held on December 5, 2019 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on November 26, 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 and public 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 applicable criteria listed in Chapter 17.53 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; and

The City Council having received the Planning Commission recommendation and staff report, elected to schedule a second public hearing on the application; and

A public hearing was held on January 28, 2020 at 7:00 p.m., before the McMinnville City Council after due notice had been provided in the local newspaper on January 21, 2020, 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 and public testimony was received; and

The City Council decided to close the public hearing on January 28, 2020, but left the record open for the submittal of additional written testimony. The City Council provided seven additional days for the submittal of additional written testimony until February 4, 2020. The City Council then provided another seven days for the submittal of rebuttal testimony until February 11, 2020. The City Council then provided another seven days for the applicant to submit final written argument until February 18,

2020; and

The City Council having completed the public hearing, received the Planning Commission recommendation and staff report, received all additional written testimony, 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 the requested Planned Development Amendment is approved, subject to the following 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 Planning Director as required as part of L 12-19 as part of this development project 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 Planning Director, 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 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 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 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. All front facades and public facing building elevations must meet the following design standards.

Prior to issuance of residential building permits, the applicant shall submit dwelling unit building plans for review and approval by the Planning Director. The purpose of this review is to ensure that each dwelling unit constructed within the Planned Development meets the required design standards listed below.

The dwelling unit building plans submitted for review shall contain architectural elevations drawn to scale, details, materials, and colors for each building type. The dwelling unit design standards described below shall apply to all front facades and all public-facing building elevations. The building plans submitted for review shall show how the front façade and public facing building elevations meet the following standards:

- a. Style and Massing
  - i. Elevations shall provide vertical offsets, projections, or recesses to break up the building façade.
    1. Vertical projections may encroach into exterior side yard setbacks by up to 20 percent of the required setback distance.
- b. Type of Exterior Materials
  - i. Elevations shall include horizontal elements the width of the façade. The horizontal elements shall mark the break between floors or be located along rooflines, and may include fascia, 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. Elevations shall have trim with a minimum size of 3 inches on all windows, and shall incorporate a color palette with three colors.
  - iv. In addition, elevations will include at least four of the following.
    1. Windows
    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 36 square feet in area, with a minimum depth of 4 feet as measured from the front door.
  - 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 one of the following: ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch. If columns are included, the columns shall be a minimum size of 6 inches by 6 inches.
- 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, variations in roof ridgeline directions, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
  - ii. Elevations shall contain more than one single, continuous ridgeline or eave. An elevation may have one single, continuous ridgeline or eave over the main portion of the roof structure, but must also have another roof ridgeline or eave, such as a gable or hip roof that extends perpendicularly or at a lower elevation from the larger roof ridgeline.
- e. Exterior Doors and Windows
  - i. Windows shall be provided on all elevations 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. 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 door opening is not wider than the maximum width of the driveway allowed for the private 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;
      - 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.
      - c. If the building is a single story, the front elevation shall include architectural features that create an elevation that is not dominated by garage walls and garage door openings by incorporating at least seven (7) of the following design features:
        - i. Change in elevation of roof ridges
        - ii. Change in direction of roof ridges
        - iii. Eave overhangs of over 12 inches

- iv. Porch or veranda covering at least 40 percent of the overall width of the front façade
        - v. Porch of at least 48 square feet in area
        - vi. Dormer or bay windows
        - vii. Shutters on all windows
        - viii. Accent siding
        - ix. Decorative gable vents
        - x. Garage doors with windows and decorative paneling
        - xi. Decorative front door (minimum 25 percent glazing)
        - xii. Front door with transom and/or sidelight windows
      - iv. Garages shall be recessed from entrances or covered front porches.
    - g. Exterior Lighting
    - a. 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 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 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.
- 39. That an easement, to the benefit of McMinnville Water and Light, of a size and location acceptable to McMinnville Water and Light to allow for necessary maintenance vehicle maneuvering be provided within Parcel 1 or Parcel 2, Instrument No. 201600557, Yamhill County Deed Records, prior to the recording of the plat for Phase 2A.

3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 24<sup>th</sup> day of March, 2020, by the following votes:

Ayes: Drabkin, Menke, Peralta, Stassens

Nays: Garvin, Geary




\_\_\_\_\_  
MAYOR

Attest:

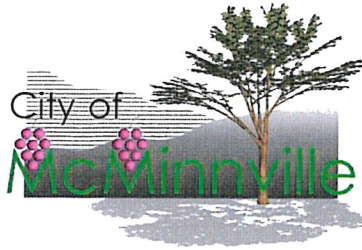
Approved as to form:



\_\_\_\_\_  
CITY RECORDER



\_\_\_\_\_  
CITY ATTORNEY



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

503-434-7311

[www.mcminnvilleoregon.gov](http://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 2<sup>nd</sup> Street, McMinnville, Oregon.

**HEARINGS BODY & ACTION:** The McMinnville City Council approves or denies the land-use application.

**HEARING DATE & LOCATION:** January 28, 2020, March 10, 2020, and March 24, 2020, Civic Hall, 200 NE 2<sup>nd</sup> 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 was February 8, 2020. However, the applicant, on the record during the January 28, 2020 public hearing requested that the deadline be extended to March 10, 2020, and then at the March 10, 2020 City Council meeting, requested that the 120 day deadline be extended to March 24, 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.

**DECISION**

Based on the findings and conclusionary findings, the City Council finds the applicable criteria are satisfied and **APPROVES** the Tentative Subdivision (S 1-19), **subject to the conditions of approval provided in Section II of this document.**

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**DECISION: APPROVAL WITH CONDITIONS**  
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City Council: \_\_\_\_\_ Date: 3-26-2020  
Scott Hill, Mayor of McMinnville

  
Planning Commission: \_\_\_\_\_ Date: 3-27-2020  
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department:  Date: 3/26/2020  
Heather Richards, Planning Director



## **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. The City 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 the City'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

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 dwellings 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

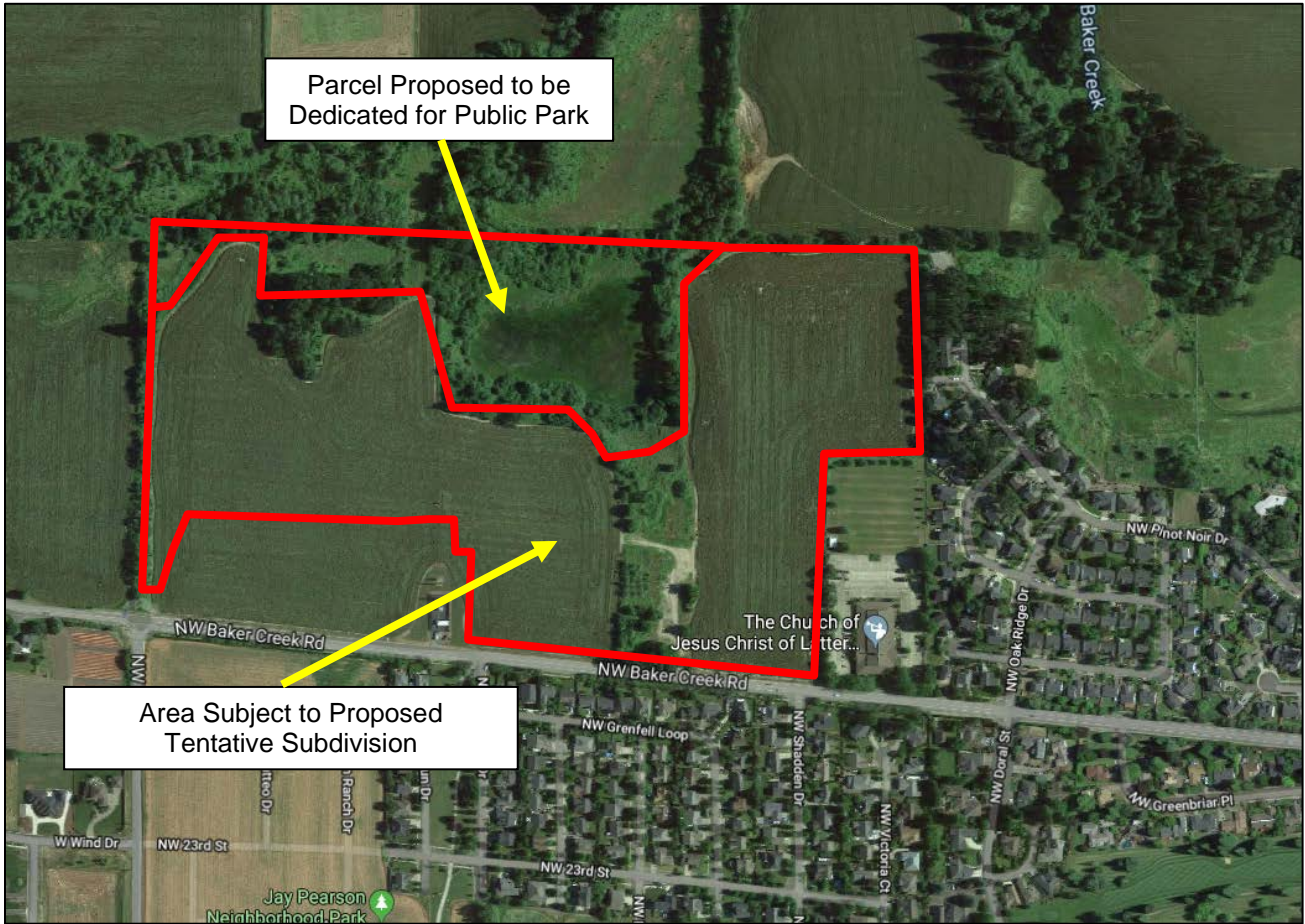
the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L.1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-ft. spacing for requirement street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. 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.***

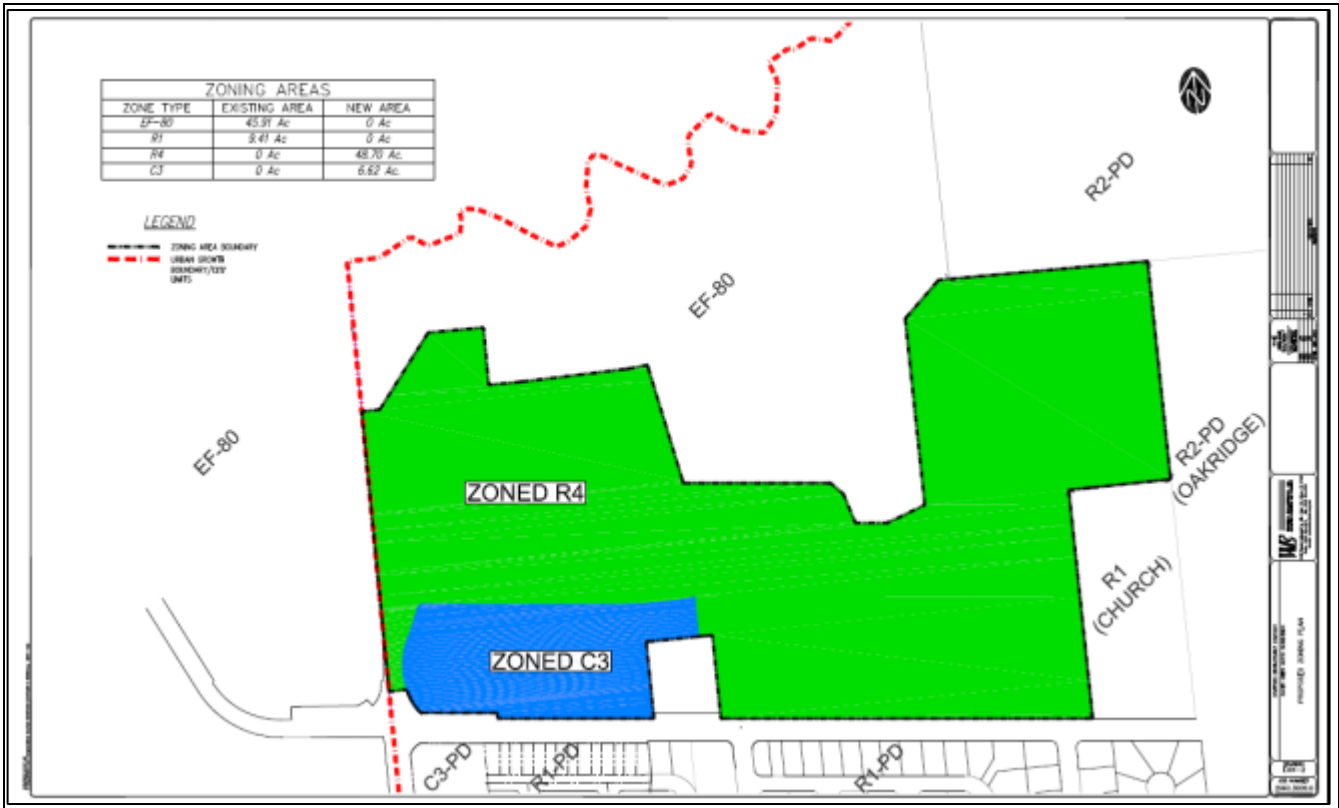


Figure 1. Vicinity Map (Subject Site Area Approximate)



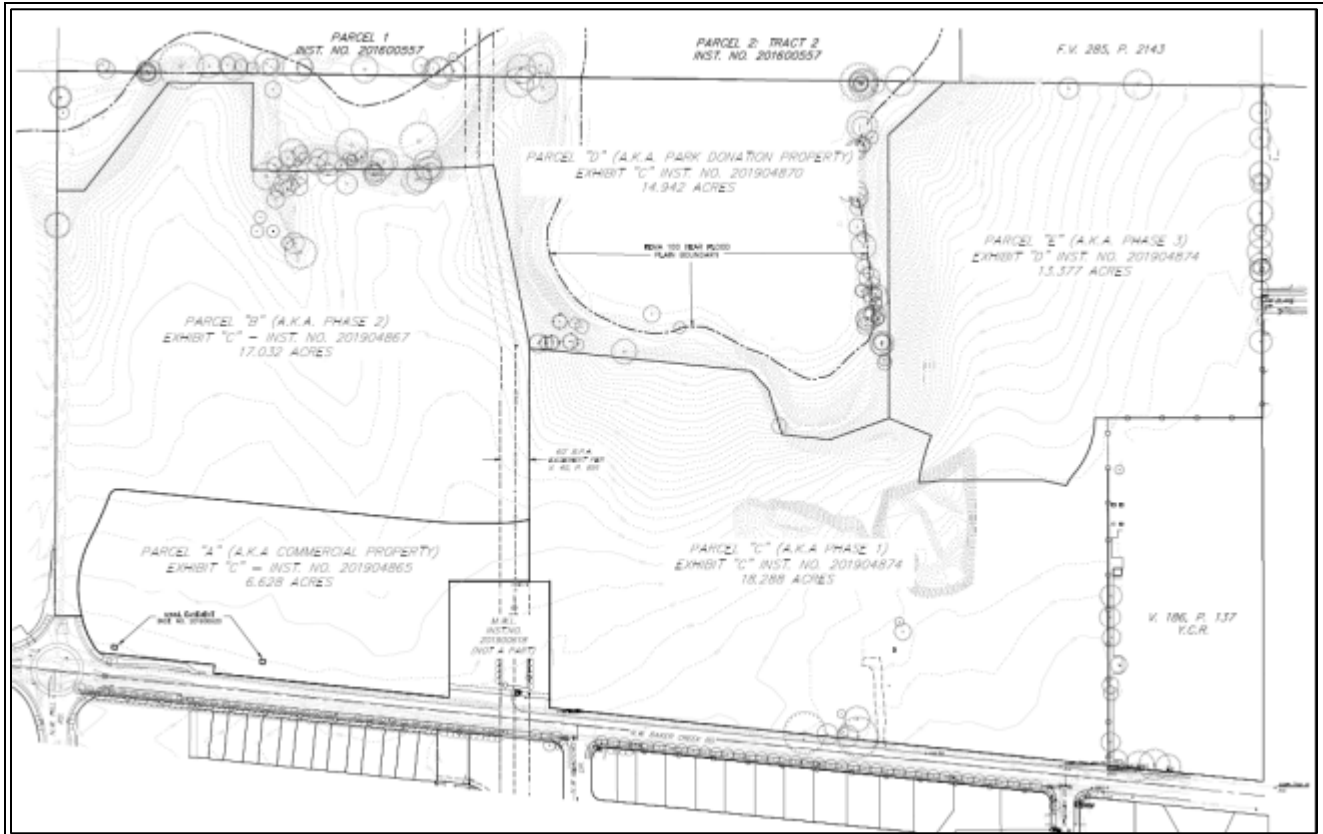
**Figure 2. Existing Zoning**

**\*Note – Zoning shown as proposed with concurrent Zone Change request**





**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 Planning Director as required as part of L 12-19 as part of this development project 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 Planning Director, 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 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 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 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. All front facades and public facing building elevations must meet the following design standards.

Prior to issuance of residential building permits, the applicant shall submit dwelling unit building plans for review and approval by the Planning Director. The purpose of this review is to ensure that each dwelling unit constructed within the Planned Development meets the required design standards listed below.

The dwelling unit building plans submitted for review shall contain architectural elevations drawn to scale, details, materials, and colors for each building type. The dwelling unit design standards described below shall apply to all front facades and all public-facing building elevations. The building plans submitted for review shall show how the front façade and public facing building elevations meet the following standards:

- a. Style and Massing
  - i. Elevations shall provide vertical offsets, projections, or recesses to break up the building façade.
    1. Vertical projections may encroach into exterior side yard setbacks by up to 20 percent of the required setback distance.
- b. Type of Exterior Materials
  - i. Elevations shall include horizontal elements the width of the façade. The horizontal elements shall mark the break between floors or be located along rooflines, and may include fascia, 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. Elevations shall have trim with a minimum size of 3 inches on all windows, and shall incorporate a color palette with three colors.
  - iv. In addition, elevations will include at least four of the following.
    1. Windows
    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 36 square feet in area, with a minimum depth of 4 feet as measured from the front door.
  - 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 one of the following: ornamental fencing, columns demarcating the perimeter of the porch, or columns supporting the roof of the porch. If columns are included, the columns shall be a minimum size of 6 inches by 6 inches.
- 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, variations in roof ridgeline directions, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
  - ii. Elevations shall contain more than one single, continuous ridgeline or eave. An elevation may have one single, continuous ridgeline or eave over the main portion of the roof structure, but must also have another roof ridgeline or eave, such as a gable or hip roof that extends perpendicularly or at a lower elevation from the larger roof ridgeline.
- e. Exterior Doors and Windows
  - i. Windows shall be provided on all elevations 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. 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 door opening is not wider than the maximum width of the driveway allowed for the private 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;
      - 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.
      - c. If the building is a single story, the front elevation shall include architectural features that create an elevation that is not dominated by garage walls and garage door openings by incorporating at least seven (7) of the following design features:
        - i. Change in elevation of roof ridges
        - ii. Change in direction of roof ridges
        - iii. Eave overhangs of over 12 inches
        - iv. Porch or veranda covering at least 40 percent of the overall width of the front façade
        - v. Porch of at least 48 square feet in area
        - vi. Dormer or bay windows
        - vii. Shutters on all windows

- viii. Accent siding
      - ix. Decorative gable vents
      - x. Garage doors with windows and decorative paneling
      - xi. Decorative front door (minimum 25 percent glazing)
      - xii. Front door with transom and/or sidelight windows
    - iv. Garages shall be recessed from entrances or covered front porches.
  - g. Exterior Lighting
    - a. 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 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 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 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.

39. That an easement, to the benefit of McMinnville Water and Light, of a size and location acceptable to McMinnville Water and Light to allow for necessary maintenance vehicle maneuvering be provided within Parcel 1 or Parcel 2, Instrument No. 201600557, Yamhill County Deed Records, prior to the recording of the plat for Phase 2A.

### **III. ATTACHMENTS:**

1. S 1-19 Application and Attachments (on file with the Planning Department)
2. Agency Comments (on file with the Planning Department)
3. Testimony Received (on file with the Planning Department)
  - a. Public Testimony
    - i. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received December 4, 2019 (on file with the Planning Department)
    - ii. Markus Pfahler, 2515 West Wind Drive, Letter received December 5, 2019 (on file with the Planning Department)
    - iii. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received January 24, 2020 (on file with the Planning Department)
    - iv. Jeff and Lori Zumwalt, Premier Home Builders, Inc., Letter received January 24, 2020 (on file with the Planning Department)
    - v. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received January 26, 2020 (dated January 27, 2020) (on file with the Planning Department)
    - vi. Steve Dow, Black Hawk Homes, LLC, Emailed letter received January 28, 2020 (on file with the Planning Department)
    - vii. Vince Vincer, Symbiotik Development, LLC, Emailed letter received January 28, 2020 (on file with the Planning Department)
    - viii. Markus Pfahler, 2515 West Wind Drive, Emailed letter received January 28, 2020 (on file with the Planning Department)
    - ix. Mike Colvin, Letter received January 28, 2020 (on file with the Planning Department)
    - x. Stafford Development Company (Applicant), Memorandum from Frank Charbonneau received January 28, 2020 (on file with the Planning Department)
    - xi. Linda Lindsay, Letter received at public hearing on January 28, 2020 (on file with the Planning Department)
    - xii. Sandy Colvin, Traffic report data received January 29, 2020 (on file with the Planning Department)
    - xiii. Jim Cena, 15080 NW Blacktail Court, Email received January 30, 2020 (on file with the Planning Department)
    - xiv. Larry and Hersheil Steward, 14200 NW Orchard View Road, Email received January 30, 2020 (on file with the Planning Department)
    - xv. Caroline Moore, 205 NE 6<sup>th</sup> Street, Email received January 31, 2020 (on file with the Planning Department)
    - xvi. Nancy and Surinder Singh, 2200 SW West Wind Drive, Email received February 1, 2020 (on file with the Planning Department)
    - xvii. David Cutter, 15000 NW Blacktail Lane, Emailed letter received February 3, 2020 (on file with the Planning Department)
    - xviii. Lane Roemmick, Email received February 3, 2020 (on file with the Planning Department)
    - xix. Jim and Jean Semph, 2175 SW Homer Ross Loop, Email received February 3, 2020 (on file with the Planning Department)
    - xx. Vincent Taft and Allison Best, 2025 SW Fox Swale Lane, Email received February 3, 2020 (on file with the Planning Department)

- xxi. Patrick Stinson, 2065 NW Willamette Drive, Emailed letter received February 3, 2020 (on file with the Planning Department)
  - xxii. Mike Colvin, Letter received February 3, 2020 (on file with the Planning Department)
  - xxiii. Gary and Suzanne Farmer, Email received February 3, 2020 (on file with the Planning Department)
  - xxiv. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received February 3, 2020 (on file with the Planning Department)
  - xxv. Rick Weidner, 2075 SW Sailing Court, Email received February 3, 2020 (on file with the Planning Department)
  - xxvi. Kari Rex, Email received February 4, 2020 (on file with the Planning Department)
  - xxvii. Melba Smith, 2780 NW Pinot Noir Drive, Email received February 4, 2020 (on file with the Planning Department)
  - xxviii. Markus Pfahler, 2515 West Wind Drive, Emailed letter received February 4, 2020 (on file with the Planning Department)
  - xxix. Linda Lindsay, Email received February 4, 2020 (on file with the Planning Department)
  - xxx. Scott Larsen, Email received February 4, 2020 (on file with the Planning Department)
  - xxxi. Cathy Goekler, 2684 NW Pinot Noir Drive, Emailed letter received February 4, 2020 (on file with the Planning Department)
  - xxxii. Stafford Development Company (Applicant), Emailed letter received February 4, 2020 (on file with the Planning Department)
  - xxxiii. Mike Colvin, Email with rebuttal testimony received February 5, 2020 (on file with the Planning Department)
  - xxxiv. Stafford Development Company (Applicant), Emailed letter with rebuttal testimony received February 11, 2020 (on file with the Planning Department)
- b. Staff Memorandums
- i. Planning Department Staff, Memorandum describing revisions to conditions of approval, December 5, 2019 (on file with the Planning Department)
  - ii. Planning Department Staff, Memorandum describing additional testimony received prior to January 28, 2020 public hearing, January 27, 2020 (on file with the Planning Department)
- 4. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, December 5, 2019 (on file with the Planning Department)
  - 5. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, January 14, 2020 (on file with the Planning Department)
  - 6. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, January 28, 2020 (on file with the Planning Department)
  - 7. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, March 10, 2020 (on file with the Planning Department)
  - 8. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, March 24, 2020 (on file with the Planning Department)

#### **IV. COMMENTS:**

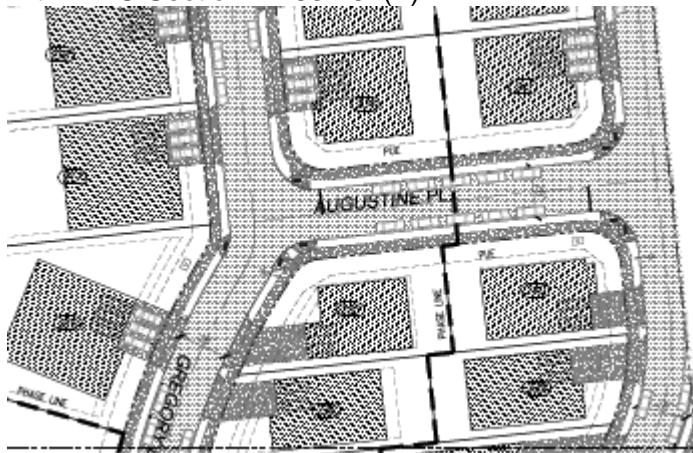
##### **Agency Comments**

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

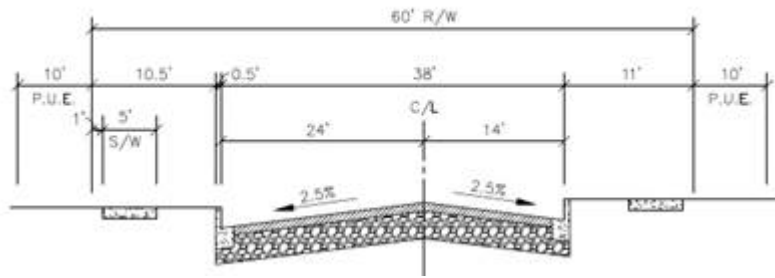
County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development. The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

- McMinnville Engineering Department

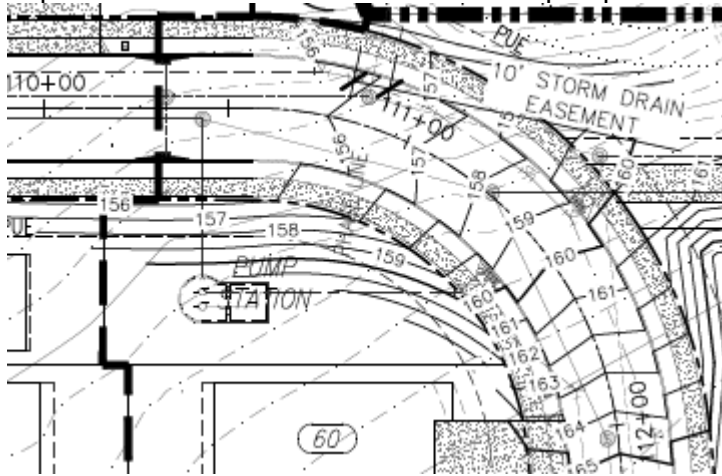
- McMinnville Municipal Code Section (MMC) 12.20.030(B) requires that the maximum width of driveways for properties with street frontage between 20 and 75 feet wide shall be not more than 40% of the frontage. The proposed lot configurations for SFD-70, SFD-60, and SFD-40, as shown on page EXH-5, do not 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.
- 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:



- 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 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.
- 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 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.
- 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.
- 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, one item of public testimony had been received by the Planning Department. One additional item of written testimony was submitted at the December 5, 2019 public hearing. Those items of testimony are described in Section III (Attachments) above.

## **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 Tentative Subdivision application (S 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. 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:**
  - 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.*

**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 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.** 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).

**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 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-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*

*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.

**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, 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.*

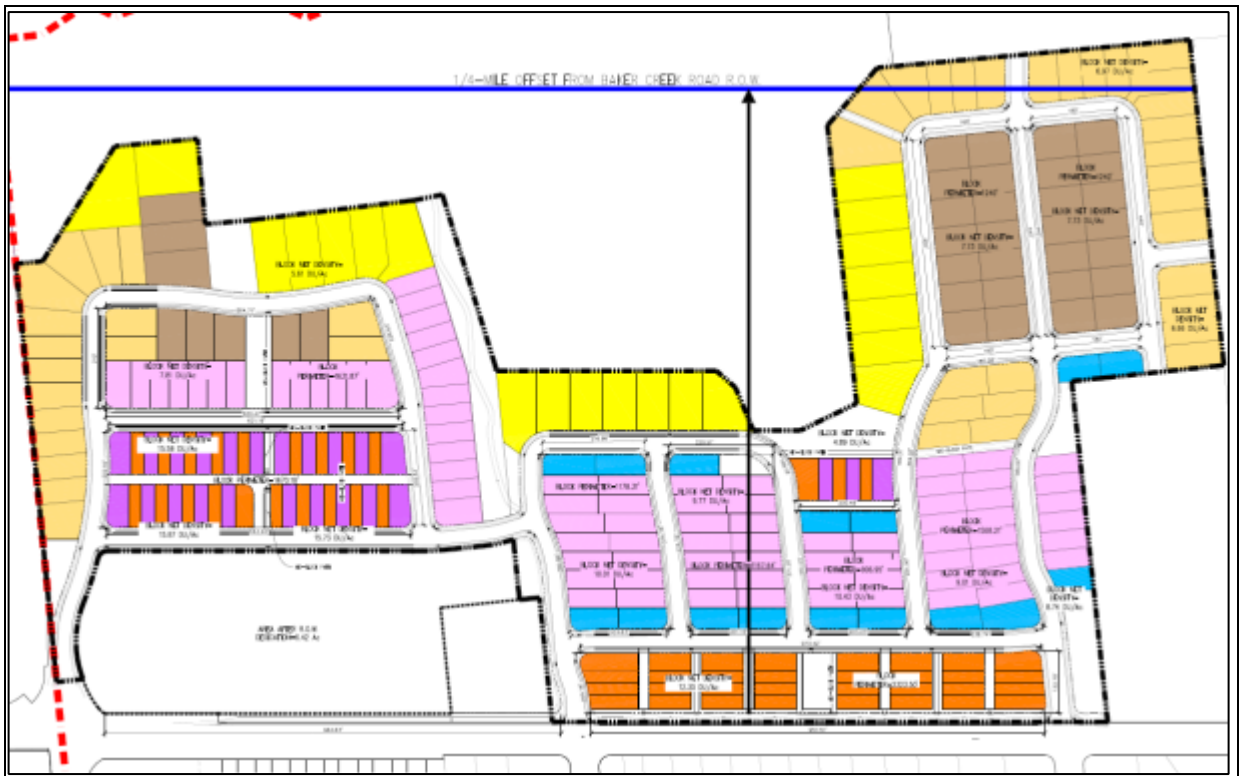
**APPLICANT'S RESPONSE:** Pedestrian and bikeway paths are provided to connect the large active open spaces in the residential areas with convenient routes between residential blocks. The proposed paths and sidewalks also connect to the existing powerline trail which leads to a neighborhood park to the 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 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 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:

**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 <sup>1</sup>	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.

<sup>1</sup> 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.

**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 for a period of six months. The applicant shall provide information detailing the number of lots that will be made available for individual sale 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 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 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.

*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.

*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 lane 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*

*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.*

**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.

40. **FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #17 and #39.** 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. Another condition is included to require that an easement, to the benefit of McMinnville Water and Light, of a size and location acceptable to McMinnville Water and Light to allow for necessary maintenance vehicle maneuvering be provided within Parcel 1 or Parcel 2, Instrument No. 201600557, Yamhill County Deed Records, prior to the recording of the plat for Phase 2A.

*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, 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, 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 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 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.

- 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 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.

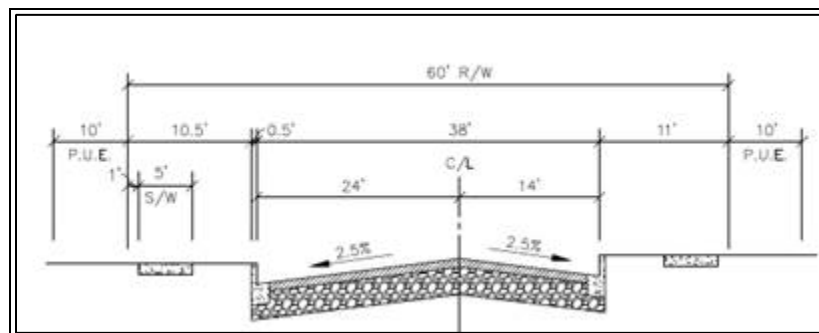
**FINDING: SATISFIED.** City concurs with the applicant's findings.

**17.53.101 Streets.**

- 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:
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-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 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 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 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, 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.
- F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.
- G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.
- H. 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