

**ORDINANCE NO. 5075**

**AN ORDINANCE AMENDING THE ZONING DESIGNATION OF THE PROPERTY AT 1901 NW BAKER CREEK ROAD FROM A MIXTURE OF R-1 (SINGLE FAMILY RESIDENTIAL) AND EF-80 (EXCLUSIVE FARM USE) TO ONLY R-1 (SINGLE FAMILY RESIDENTIAL)**

RECITALS:

The Planning Department received an application (ZC 2-19) from Samuel Justice, on behalf of property owner McMinnville Water and Light, requesting approval of a Zone Change. The property is currently zoned as a mix of R-1 (Single Family Residential) and EF-80 (Exclusive Farm Use). The requested Zone Change would result in the property being zoned only R-1 (Single Family Residential); and

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

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

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

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

The Planning Commission recommended approval of said Zone Change to the City Council;

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

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

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

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

Ayes: Garvin, Geary, Menke, Peralta, Stassens  
Nays: \_\_\_\_\_

  
MAYOR

Attest:

  
CITY RECORDER

Approved as to form:

  
CITY ATTORNEY



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

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE FROM A MIX OF R-1 (SINGLE FAMILY RESIDENTIAL) and EF-80 (EXCLUSIVE FARM USE) TO ONLY R-1 (SINGLE FAMILY RESIDENTIAL) AT 1901 NW BAKER CREEK ROAD**

**DOCKET:** ZC 2-19 (Zone Change)

**REQUEST:** Approval to amend the zoning designations of a property from its current mixture of both R-1 (Single Family Residential) zoning and remnant county EF-80 (Exclusive Farm Use) zoning from the time that the property was annexed into the city limits. The requested amendment would rezone the entire property to only R-1 (Single Family Residential).

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

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

**APPLICANT:** Samuel Justice, on behalf of McMinnville Water and Light

**STAFF:** Chuck Darnell, Senior Planner

**DATE DEEMED COMPLETE:** May 22, 2019

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

**HEARING DATE & LOCATION:** June 27, 2019, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

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

**HEARING DATE & LOCATION:** August 13, 2019, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville Oregon

**PROCEDURE:** An application for a Zone Change is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the

quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

**CRITERIA:** The applicable criteria for a Zone Change are specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**APPEAL:** 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.

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. 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 Zone Change (ZC 2-19).

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**DECISION: APPROVAL**  
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City Council: Scott A. Hill  
Scott Hill, Mayor of McMinnville

Date: 8/15/2019

Planning Commission: Roger A. Hall  
Roger Hall, Chair of the McMinnville Planning Commission

Date: 8/19/2019

Planning Department: Heather Richards  
Heather Richards, Planning Director

Date: 8/19/19

## **I. APPLICATION SUMMARY:**

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

### ***Subject Property & Request***

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

The application (ZC 2-19) is a request for a Zone Change to rezone a property from its current mixture of both R-1 (Single Family Residential) zoning and remnant county EF-80 (Exclusive Farm Use) zoning from the time that the property was annexed into the city limits. The requested amendment would rezone the entire property to only R-1 (Single Family Residential). The Zone Change request was submitted for review concurrently with three other land use applications, as allowed by Section 17.72.070 of the MMC. The requested amendment is being reviewed concurrently with a Comprehensive Plan Map Amendment, Planned Development Amendment, and Conditional Use to allow for the existing electrical substation on the site to be expanded.

Excerpts from Land Use Application Narrative and Findings:

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

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

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

Figure 1. Vicinity Map



Figure 2. Existing Zoning

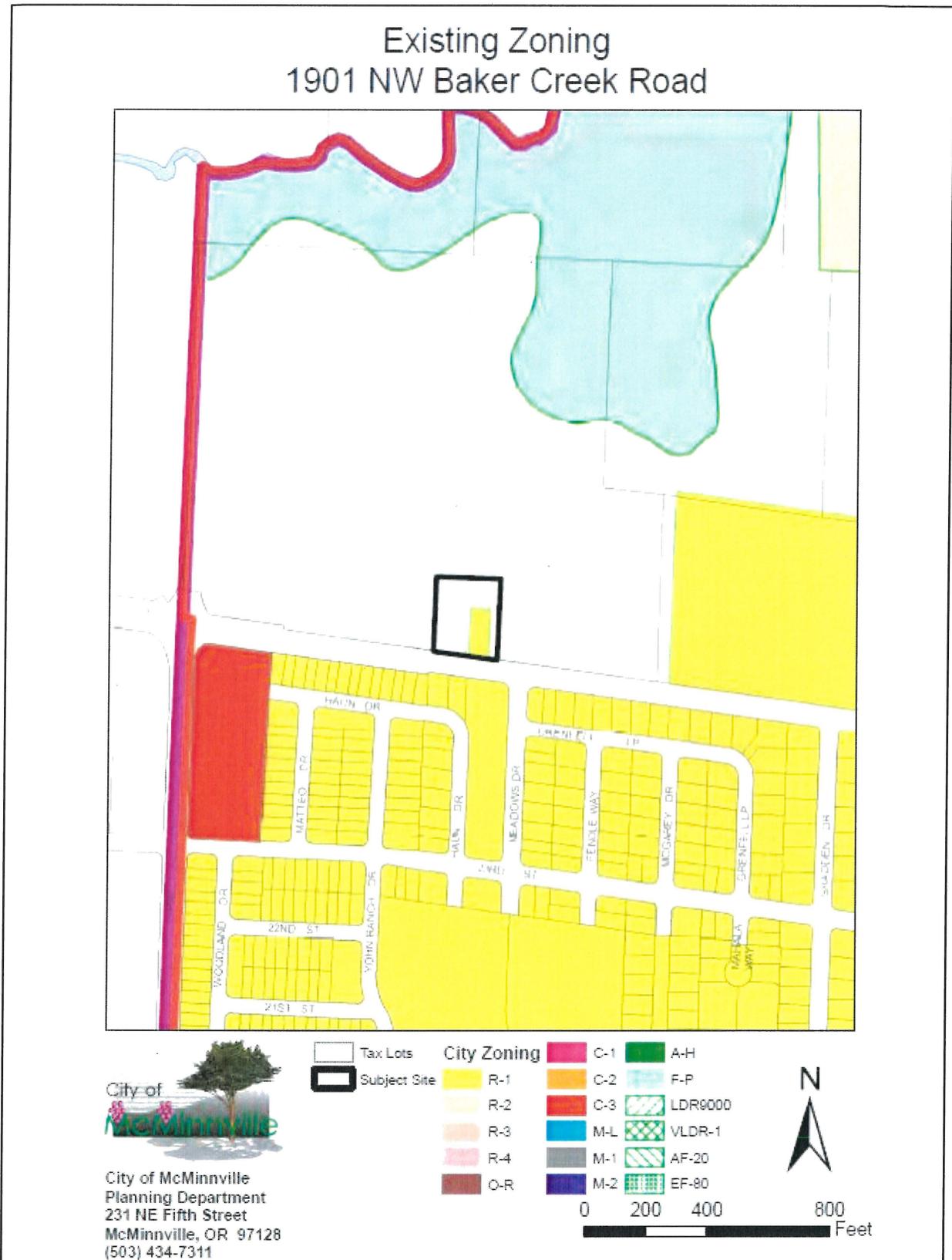


Figure 3. Proposed Zoning

### Proposed Zoning 1901 NW Baker Creek Road



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

City Zoning	
Tax Lots	R-1
Subject Site	R-2
	R-3
	R-4
	C-1
	C-2
	C-3
	M-L
	M-1
	O-R
	A-H
	F-P
	LDR9000
	VLDR-1
	AF-20
	EF-80



## Background

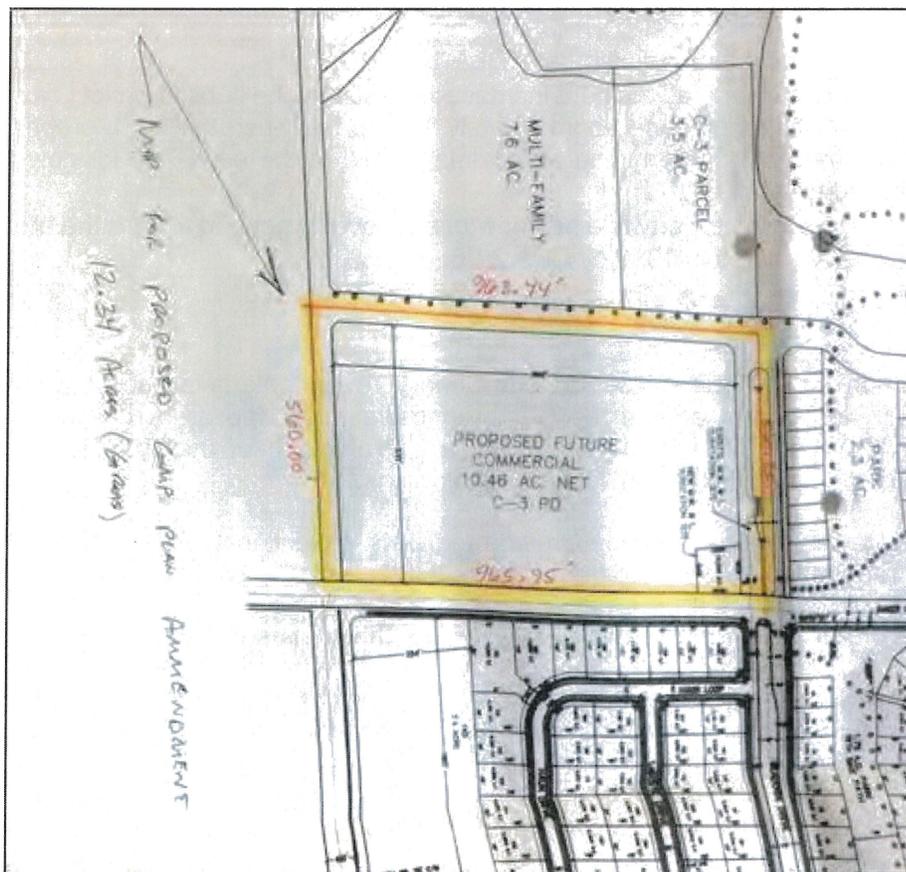
Excerpts from Land Use Application Narrative and Findings:

1. Annexation into City of McMinnville:

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

2. Comp Plan Amendment - CPA 2-96:

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



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

**Summary of Criteria & Issues**

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

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

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

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

**II. CONDITIONS:**

None.

**III. ATTACHMENTS:**

1. ZC 2-19 Application and Attachments (on file with the Planning Department)

**IV. COMMENTS:**

**Agency Comments**

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

- McMinnville Engineering Department

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

- McMinnville Fire Department

No comments received

- McMinnville Water and Light

No comments received

**Public Comments**

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, June 18, 2019. As of the date of the Planning Commission public hearing on June 27, 2019, no public testimony had been received by the Planning Department.

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

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

- D. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas.

Comments received from agencies are addressed in the Decision Document.

- E. Notice of the application and the June 27, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, June 6, 2019.
- F. Notice of the application and the June 27, 2019 Planning Commission public hearing was published in the News Register on Tuesday, June 18, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
- G. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
- H. On June 27, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

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

1. **Location:** 1901 NW Baker Creek Road. The property is described in Instrument No. 201900618, Yamhill County Deed Records, and is also identified as Tax Lot 101, Section 18, T. 4 S., R. 4 W., W.M.
2. **Size:** Approximately 1.22 acres.
3. **Comprehensive Plan Map Designation:** Mix of Commercial and Residential
4. **Zoning:** R-1 (Single Family Residential) & EF-80 (Exclusive Farm Use)
5. **Overlay Zones/Special Districts:** Planned Development Overlay District (Ordinance No. 4633)
6. **Current Use:** Electrical Substation (Baker Creek Substation)
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None
8. **Other Features:** The site is generally flat, with a minor slope to the northwest. There are no significant or distinguishing natural features associated with this property.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.

e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 96 feet. The applicant recently completed a property line adjustment (BLA 10-18) and at that time dedicated necessary right-of-way to provide for half of the required 96 foot right-of-way width as measured from the centerline of the right-of-way. This right-of-way dedication is described in a dedication deed recorded as Instrument No. 201900623, Yamhill County Deed Records. Therefore, no additional right-of-way dedications are necessary.

## **VII. CONCLUSIONARY FINDINGS:**

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

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

### **Comprehensive Plan Volume II:**

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

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

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

**GOAL V 1:** TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

*Policy 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.*

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

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

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

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

Source: ECONorthwest, 2000

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

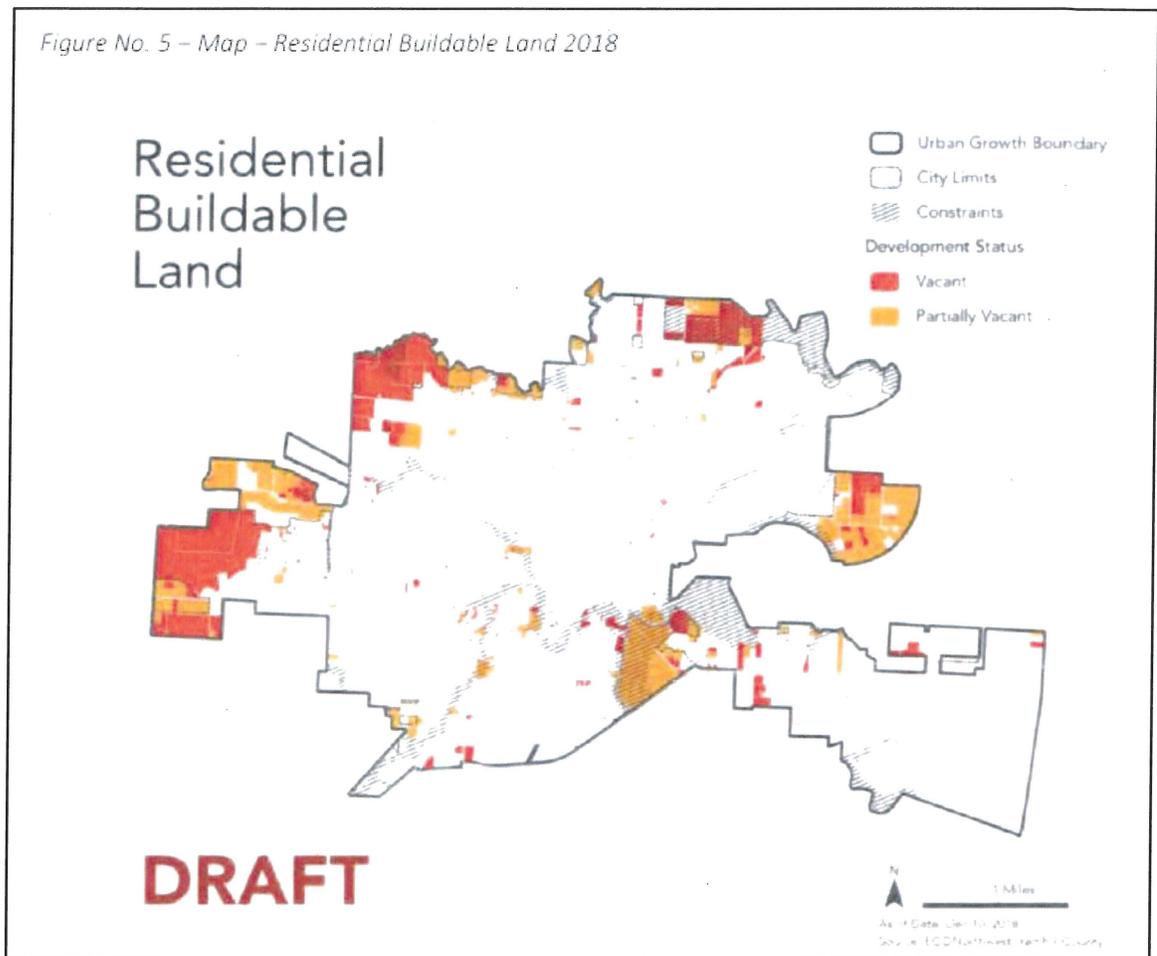
**Table 6-3. Total additional acres needed in the McMinnville UGB, 2000-2020**

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

Source: City of McMinnville, ECONorthwest

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

Figure No. 5 – Map – Residential Buildable Land 2018



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

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

**FINDING: SATISFIED.** The City concurs with the applicant's findings, but notes that the 2018 Buildable Lands Inventory referenced in the applicant's findings has not been acknowledged. Also, the City adds that the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, identified a need for additional land for housing and residential uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and

Growth Management Plan, identified a deficit of 369.1 acres of land for housing in Table 6-2. Specifically, Table 6-2 identified a deficit of 95.6 acres of R-1 zoned land. The proposed Zone Change to R-1 (Single Family Residential) would address the residential zone land deficit identified in the McMinnville Buildable Land Needs Analysis and Growth Management Plan.

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

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

Source: ECONorthwest, 2000

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

The McMinnville Buildable Land Needs Analysis and Growth Management Plan, in Table 6-3 below, also assumed that some residential land would be needed for infrastructure and semi-public services. Specifically, 19.6 acres were assumed for semi-public services and 2.3 acres were assumed for infrastructure needs. The intended use of the property as an electrical power substation would meet these needed uses that were assumed to have been occurring on residential lands.

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

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

Source: City of McMinnville; ECONorthwest

The City also recognizes that the use of the property is intended by the current property owner and applicant to be the same regardless of the underlying zoning district. The current property owner and applicant, McMinnville Water and Light, intends to expand the existing electrical

power substation, and that use would be allowed in either residential or commercial city zoning districts. Section 17.30.020 (C-2 Travel Commercial Zone – Conditional Uses) lists “electrical power substation” as a conditional use. Section 17.33.010 (C-3 General Commercial Zone – Permitted uses) lists “all uses and conditional uses permitted in the C-1 and C-2 zones”. Electrical power substations are listed as a conditional use in all residential zones (see Sections 17.12.020(L), 17.15.020(K), 17.18.020(K), and 17.21.020(N)). Therefore, the proposed Zone Change to R-1 (Single Family Residential), along with the concurrent request to designate the property as Residential on the Comprehensive Plan Map, results in a land use designation and zoning district that will afford the most opportunity for public hearing and notice for the eventual intended use of the site through the Conditional Use review process. The Zone Change to R-1 will also allow for the application of development (setbacks, structure height, etc.) and conditional use standards for the eventual intended use of the site, which will ensure compatibility of the intended use with surrounding development.

The City also acknowledges that the subject property is dually zoned with both R-1 (Single Family Residential) and EF-80 (Exclusive Farm Use), and that the request to consolidate the property into only one zoning district (R-1 Single Family Residential) allows for more uniform planning and development of the subject property. The majority of the subject property retains the EF-80 county zoning from the time that it was annexed into the city limits in 2008. Section 17.09.050 (Annexed areas) states that a “County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone through the procedures set forth in Chapter 17.72 (Applications and Review Process)”. The requested Zone Change is completing that required process to allow for development of the subject property, and given that a portion of the subject property is already zoned R-1 (Single Family Residential), the proposed Zone Change is reasonable.

*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:** The application is consistent with this policy 59 for the following reasons:

The McMinnville Buildable Lands and Housing Needs Analysis (Housing Needs Analysis) recognizes that housing costs include utilities (as a cost). See the EconNorthwest Housing Needs Analysis at page 12 (Nov. 2018). Households that spend more than 30% of their income on housing and certain utilities are considered to experience cost burden. Cost burden is a concept used by HUD. Utilities included with housing cost include electricity.

Reduced electricity costs makes housing more affordable. “For housing to be considered affordable, a household should pay up to one-third of their income toward rent, leaving money left over for food, utilities, transportation, medicine, and other basic necessities.” McMinnville Buildable Land Inventory and Housing Needs Analysis (BLI and Needs), page 28.

Current MW&L electric infrastructure in the north and west of McMinnville is at or near load capacity. See Electric System Planning Study (2015), Attachment 4, page 15; Figure 2-1; 2-7 (recommending expansion of Baker Creek Substation) and at Attachment 4, page 53;

See also, Memo of Jaime Phillips, Senior Power Analyst (Attachment 5). The figure above (map showing Residential Buildable Land) shows that a large portion of residential buildable land is on the north and west side of town.



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

**FINDING: SATISFIED.** The City concurs with the applicants findings. The City also acknowledges that the subject property is dually zoned, and that the request to consolidate the property into only one zoning district (R-1 Single Family Residential) allows for more uniform planning and development of the subject property for uses allowed in the R-1 zone. The uniform planning and development of the site with the expansion of an existing substation will also promote a development pattern that is land intensive and energy efficient, as described by the applicant.

*Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*

*Policy 71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The Zone Change to R-1 (Single Family Residential) is consistent with Policy 71.00 and Policy 71.05, based on the same findings as provided for Policy 58.00 above.

#### *Urban Policies*

*Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
- 5. Deleted as per Ord. 4796, October 14, 2003.*

**APPLICANT'S RESPONSE:** Approval of these applications (for substation expansion) is consistent with Policy 99.00 because, according to the 2015 Electric System Planning Study, the expansion will provide a more adequate level of electric utility services to the growing residential areas in the northern and western parts of McMinnville. The expansion is an example of the Water and Light Commission's timely and orderly steps to meet the Commission's organic

responsibilities as set forth in the City Charter of 1971. Those responsibilities, in part, are as follows:

[to provide] electric generating plants and system with all necessary plants or facilities of a character and capacity sufficient to furnish to the City of McMinnville \* \* \* electric energy as may be called for, or required by any consumer, \* \* \* \*

Section 51, McMinnville Charter, 1971, as amended 1978.

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

**GOAL VI 1:** TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

*Streets*

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

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

- 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
- 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
- 2. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
- 3. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*

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

*Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.*

*Policy 121.00 The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.*

*Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.*

1. *Major, minor arterials.*

*-Access should be controlled, especially on heavy traffic-generating developments.*

*-Designs should minimize impacts on existing neighborhoods.*

*-Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*

*-On-street parking should be limited wherever necessary.*

*-Landscaping should be required along public rights-of-way. (Ord.4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is currently adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 96 feet. The applicant recently completed a property line adjustment (BLA 10-18) and at that time dedicated necessary right-of-way to provide for half of the required 96 foot right-of-way width as measured from the centerline of the right-of-way. This right-of-way dedication is described in a dedication deed recorded as Instrument No. 201900623, Yamhill County Deed Records. Therefore, no additional right-of-way dedications are necessary. Any right-of-way improvements required for the subject site will be required at the time of development.

*Public Safety*

*Policy 132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system. (Ord. 4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Any right-of-way improvements required for the subject site will be required at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that allows for required movements for fire, medical, and police vehicles.

**GOAL VII 1:** TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

*Sanitary Sewer System*

*Policy 136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.*

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

- 1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*
- 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
- 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*
- 4. Extensions will implement applicable goals and policies of the comprehensive plan.*

#### *Storm Drainage*

*Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.*

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

#### *Water System*

*Policy 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** At the time of development of the site, final development plans will be required to provide a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well.

*Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:*

- 1. Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.*
- 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.*

4. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

*Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.*

*Water and Sewer – Land Development Criteria*

*Policy 151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:*

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
2. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
4. *Federal, state, and local water and waste water quality standards can be adhered to.*
5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions. At the time of development of the site, final development plans will be required to provide a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well.

*Police and Fire Protection*

*Policy 153.00 The City shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

*Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Emergency services departments were provided an opportunity to review the proposal, and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

*Energy Conservation*

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

*Energy Supply Distribution*

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

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

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

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

**FINDING: SATISFIED.** The City concurs with applicant's findings, and adds that the City acknowledges that the subject property is dually zoned, and that the request to consolidate the property into only one zoning district (R-1 Single Family Residential) allows for more uniform planning and development of the subject property for uses allowed in the R-1 zone. The City also acknowledges that the Zone Change to R-1 and the subsequent land use and development applications to allow for the proposed electrical substation expansion will allow for continued planned growth in the north and west areas of the urban growth boundary.

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

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

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

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

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

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

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

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

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

**FINDING: SATISFIED.** The City concurs with applicant's findings, and adds that the City acknowledges that the subject property is dually zoned, and that the request to consolidate the property into only one zoning district (R-1 Single Family Residential) allows for more uniform planning and development of the subject property for uses allowed in the R-1 zone. The City also acknowledges that the Zone Change to R-1 and the subsequent land use and development

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

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

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

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

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

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

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

**FINDING: SATISFIED.** The City concurs with applicant’s findings, and adds that the City acknowledges that the subject property is dually zoned, and that the request to consolidate the property into only one zoning district (R-1 Single Family Residential) allows for more uniform planning and development of the subject property for uses allowed in the R-1 zone. The City also acknowledges that the Zone Change to R-1 and the subsequent land use and development applications to allow for the proposed electrical substation expansion will allow for continued planned growth in the north and west areas of the urban growth boundary.

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

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

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

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

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

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that the request to consolidate the property into only one zoning district (R-1 Single Family Residential) allows for more uniform planning and development of the subject property for uses allowed in the R-1 zone.

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

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

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

**FINDING: SATISFIED.** The request to consolidate the property into only one zoning district (R-1 Single Family Residential) allows for more uniform planning and development of the subject property for uses allowed in the R-1 zone. The Zone Change to R-1, along with the concurrent request to designate the property as Residential on the Comprehensive Plan Map, results in a land use designation and zoning district that will afford the most opportunity for public hearing and notice for the eventual intended use of the site through the Conditional Use review process. The Zone Change to R-1 will also allow for the application of development (setbacks, structure

height, etc.) and conditional use standards for the eventual intended use of the site, which will ensure compatibility of the intended use with surrounding development. These development and conditional use standards will be applied to the subject site through the review of subsequent land use and development applications, so that the subject site is designed to ensure compatibility with surrounding land uses, as well as those surrounding land uses being designed in the future to ensure compatibility with the proposed electrical power substation.

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

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

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

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

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

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that the process for a Zone Change provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

### **McMinnville Zoning Ordinance**

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

#### **Chapter 17.03. General Provisions**

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

assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

**APPLICANT'S RESPONSE:** None.

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

#### **Chapter 17.12 Single-Family Residential Zone**

**17.12.020 Conditional Uses.** In an R-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74: [...]

L. Electrical power substation [..]

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed Zone Change to R-1 (Single Family Residential) will allow for the intended expansion of the existing electrical power substation on the subject site. Electrical power substations are allowed as a conditional use in the R-1 zone.

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

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

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

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

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

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

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

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

The expansion is compatible with surrounding uses as it takes advantage of the existing 60-foot wide BPA easement and the expansion will occur before neighboring development which will allow those neighboring uses to deploy effective buffering strategies. Applicant has proposed a landscaping plan that provides for screening and compatibility with the existing uses and future neighboring use, while minimizing the footprint and providing for the safety and security of this high-voltage facility.

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

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

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

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

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

CD