

**ORDINANCE NO. 5085**

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

RECITALS:

The Planning Department received an application (ZC 1-19) from Stafford Development Company, LLC requesting approval of a Zone Change to amend the zoning designations of a 55.32 acre property from its current mixture of both R-1 (Single Family Residential) zoning and remnant county EF-80 (Exclusive Farm Use) zoning from the time that the property was annexed into the city limits to R-4 (Multi-Family Residential) and C-3 (General Commercial); and

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records; Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit D in Instrument No. 201904874, Yamhill County Deed Records. The property is also identified as Tax Lots 105 and 107, Section 18, T. 4 S., R. 4 W., W.M. and portions of Tax Lots 100 and 106, Section 18, T. 4 S., R. 4 W., W.M.; 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 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 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 Zone Change is approved, subject to the following condition:
  - 1) That the decision for approval of Zone Change (ZC 1-19) is not rendered, and does not take effect, until and unless the Planned Development (PD 1-19) and Planned Development Amendment (PDA 2-19) applications submitted for concurrent review are approved by the City Council.
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



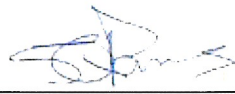
\_\_\_\_\_  
MAYOR

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

- DOCKET:** ZC 1-19 (Zone Change)
- REQUEST:** Approval to amend the zoning designations of a 55.32 acre property from its current mixture of both R-1 (Single Family Residential) zoning and remnant county EF-80 (Exclusive Farm Use) zoning from the time that the property was annexed into the city limits to R-4 (Multi-Family Residential) and C-3 (General Commercial). The requested amendment would rezone the southwestern portion of the site that is designated as Commercial on the Comprehensive Plan Map to C-3 (6.62 acres) and the remainder of the subject site to R-4 (48.7 acres).
- LOCATION:** The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records; Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit D in Instrument No. 201904874, Yamhill County Deed Records. The property is also identified as Tax Lots 105 and 107, Section 18, T. 4 S., R. 4 W., W.M. and portions of Tax Lots 100 and 106, Section 18, T. 4 S., R. 4 W., W.M.
- ZONING:** R-1 (Single Family Residential) & EF-80 (Exclusive Farm Use)
- APPLICANT:** Stafford Development Company, LLC
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** October 11, 2019
- HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.
- HEARING DATE & LOCATION:** December 5, 2019, Civic Hall, 200 NE 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 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:** 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 deadline for the 120 day processing timeline 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. 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 Zone Change (ZC 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: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Date: 3-26-2020

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

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

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

Excerpts from Land Use Application Narrative and Findings:

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

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

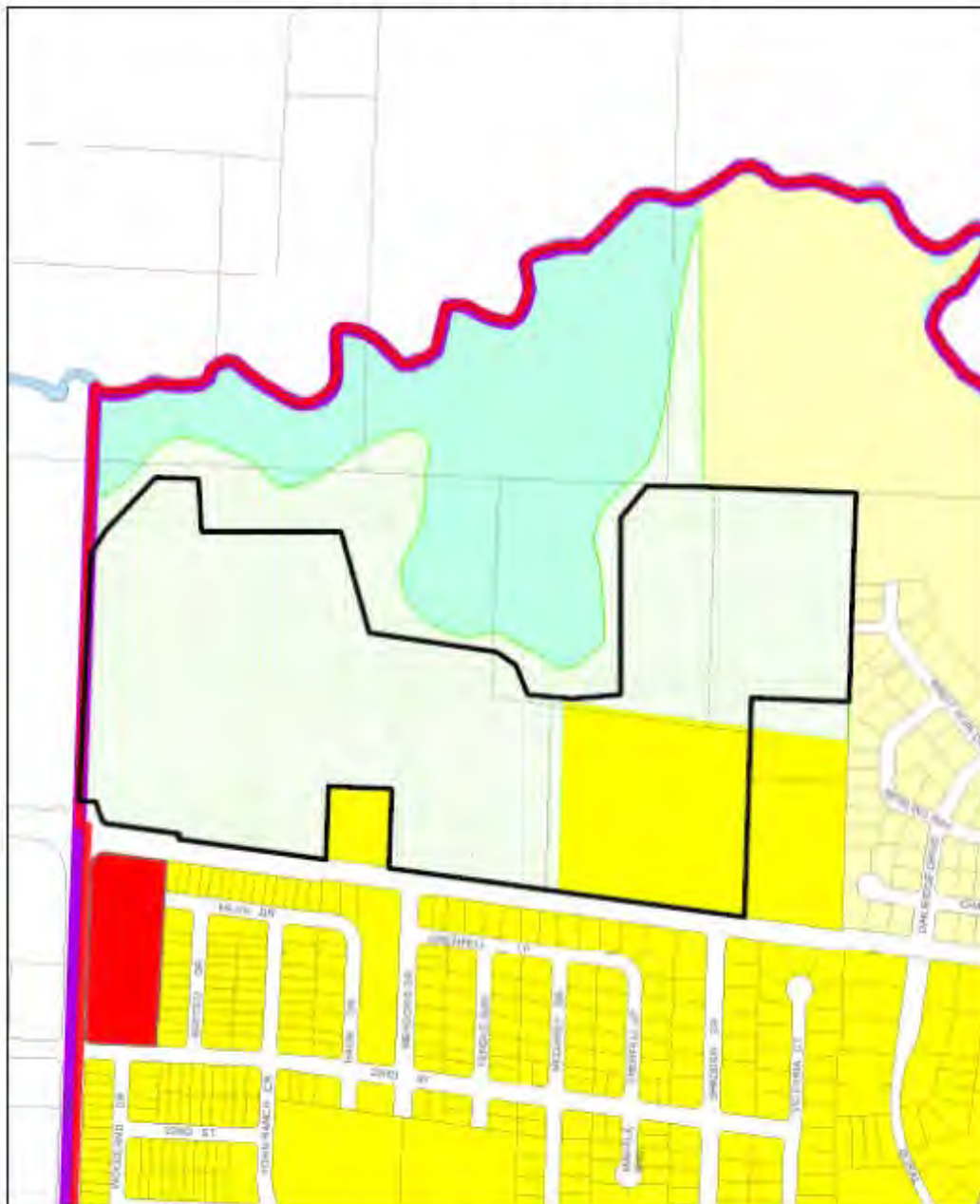
***See Vicinity Map (Figure 1), Existing Zoning (Figure 2), and Proposed Zoning (Figure 3) below.***

Figure 1. Vicinity Map (Subject Site Area Approximate)



Figure 2. Existing Zoning

## Existing Zoning Baker Creek North Area



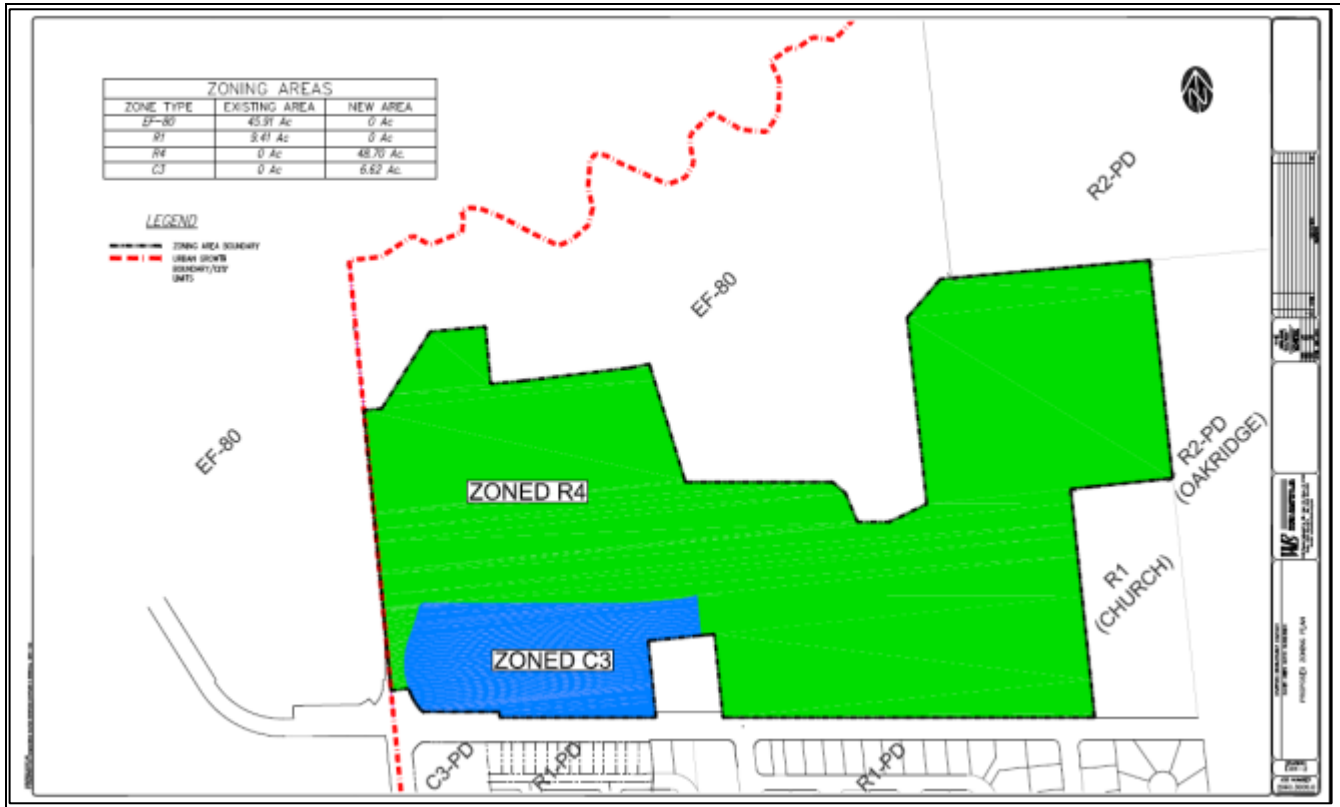
City of McMinnville  
 Planning Department  
 231 NE Fifth Street  
 McMinnville, OR 97128  
 (503) 434-7311

Tax Lots	R-1	C-2	A-H
Subject Site	R-2	C-3	F-P
Note: Boundary of subject site is approximate	R-3	M-L	LDR9000
	R-4	M-1	VLDR-1
	O-R	M-2	AF-20
			EF-80

N  
 0 250 500 1,000 Feet



**Figure 3. Proposed Zoning**



**Summary of Criteria & Issues**

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

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

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

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

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed

housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

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

## **II. CONDITIONS:**

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

## **III. ATTACHMENTS:**

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

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

- McMinnville Water and Light

Included as Attachment #2

- Oregon Department of State Lands

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

### **Public Comments**

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, 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 Zone Change application (ZC 1-19) on April 30, 2019.
3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.
4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.

9. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

Comments received from agencies are addressed in the Decision Document.

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

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

1. **Location:** The property is described as Exhibit C in Instrument No. 201904865, Yamhill County Deed Records; Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit D in Instrument No. 201904874, Yamhill County Deed Records. The property is also identified as Tax Lots 105 and 107, Section 18, T. 4 S., R. 4 W., W.M. and portions of Tax Lots 100 and 106, Section 18, T. 4 S., R. 4 W., W.M.
2. **Size:** Approximately 55.32 acres
3. **Comprehensive Plan Map Designation:** Mix of Commercial and Residential
4. **Zoning:** R-1 (Single Family Residential) & EF-80 (Exclusive Farm Use)
5. **Overlay Zones/Special Districts:** Planned Development Overlay District (Ordinance No. 4633)
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** An area to the north of the subject site is located within Zone A of the 100-year floodplain of Baker Creek, as identified on the FEMA Flood Insurance Rate Map (FIRM)

panels, but is not part of this zone change application.

8. **Other Features:**

- a. **Slopes:** A majority of the site is relatively flat, but the property begins to slope to the north along the northern edges of the subject site. This portion of the property slopes downward towards Baker Creek, which is located to the north of the subject site.
- b. **Easements and Utilities:** A 60 foot wide easement, as identified in Film Volume 40, Page 851, Yamhill County Deed Records, for the benefit of the Bonneville Power Administration exists running south to north through the center portion of the site, in the general location of the existing electrical power transmission lines.

9. **Utilities:**

- a. **Water:** Water service is available to the subject site.
- b. **Electric:** Power service is available to the subject site.
- c. **Sewer:** Sanitary sewer service is available to the subject site.
- d. **Stormwater:** Storm sewer service is available to the subject site.
- e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

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

**VII. CONCLUSIONARY FINDINGS:**

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

**Comprehensive Plan Volume II:**

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

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

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

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

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

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

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

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

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

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

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

The City also notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will define

allowed commercial uses per the city's expressed need in neighborhood commercial serving areas.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

The City notes that this zone change application is bundled with a Planned Development Amendment application (PDA 2-19) for the commercially designated property which will limit

allowed commercial uses per the city's expressed need in neighborhood commercial serving areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Policy 27.00 Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector*

*or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**APPLICANT'S RESPONSE:** No specific commercial use is proposed at this time. A design to minimize bike and pedestrian conflicts and provide connections can be considered at the time of a future commercial development application. These travel modes are facilitated by the

proposed semi-grid like street pattern of the adjacent residential developments and other pathways.

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

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

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

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

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

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

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

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

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

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

*Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing 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.** The City concurs with the applicant's findings, and adds that the proposed zoning of 48.7 acres of the subject site to the R-4 zone will allow for more opportunity for a variety of housing types and the development of quality housing for all residents of McMinnville. Additionally, the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a need for additional land for housing and residential uses of approximately 537 buildable acres, of which only 217 buildable acres have been added to the city's urban growth boundary leaving the city with approximately 320 acres of residential land deficit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory,

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

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

*2. Areas that have direct access from collector or arterial streets;*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The traffic analysis is based on the figures provided in the Traffic Analysis Report for Baker Creek North Development (dated July 2019) that accompanied the land use application materials. That memo cited the Institute of Traffic Engineers (ITE) Trip Generation Manual and



the number of trips that would be generated by each individual single family dwelling. The average daily trips for a single family dwelling unit is 9.44 trips per unit (ITE 210). As the traffic analysis report and the accompanying Transportation Planning Rule memo assumed the development of only 280 single family dwelling units on the subject site and development on the adjacent commercial parcel, the analysis assumed 2,643 average daily trips generated by the development of the subject site.

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

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

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

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

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

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

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

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

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

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

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

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

**APPLICANT'S RESPONSE:** Included with the proposed Baker Creek Planned Development are numerous common open space areas with amenities that will serve a variety of recreational needs in the community. The submitted plans indicate that the proposed open space areas are located in various portions of the site to permit both active and passive recreation uses for all. Proposed recreational amenities include multiple play structures, picnic shelter, picnic tables, park benches, trails and paths, and more. The proposed open space areas have been sited to extend the City's network of park facilities by connecting to the existing BPA powerline trail. The

proposed park improvements will allow the trail to extend north. As indicated by the attached landscape plans, the proposed paved trails will connect to an unpaved off-site trail within the donated park land. The open space tracts and donated park land, if owned by the City, will be excellent assets to the City's park system. Proximity to the proposed open spaces make this subject site suitable for high density residential development per this Policy.

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

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

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

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

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

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

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

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

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

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

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

*Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.*

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

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

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

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

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

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

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

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

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

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

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

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

#### *Urban Policies*

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

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

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

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and would add that the City provided opportunity for review and comment by city departments, other public and private agencies and utilities, and McMinnville Water and Light to ensure the coordinated provision of utilities and services to the subject site based on the proposed land use request. Based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage

facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. No comments were provided that were in opposition or identified any issues with providing utilities and services to the subject site for the intended use. At the time of development of the site, final development plans will be required to provide a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well.

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

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

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

**APPLICANT'S RESPONSE:** None.

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

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

### **McMinnville Zoning Ordinance**

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

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

**17.03.020 Purpose.** The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared

services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

**APPLICANT'S RESPONSE:** None.

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

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

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

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

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

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

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

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

It is the applicant's understanding, that a portion of the subject site was designated commercial at a time when a northwest expansion of the City's urban growth boundary was being pursued and a future commercial center was desired for this area of McMinnville. However, this expansion to the northwest did not materialize. This has left the site with an excess of commercial land on the fringe of the urban area in a market that cannot support that much commercial land on the edge of town. The applicant, who is a developer who has owned the site for almost four years after purchasing it from a bankruptcy trustee, attests to the lack of demand for so much commercial land through the lack of interest from others in the property for such uses. The commercially designated area is too large given the current pattern of development in McMinnville. A large commercial development is not appropriate and would drain economic

activity from the downtown core and established commercial centers in McMinnville. The proposed planned development amendment and the amendment to the Comprehensive Plan Map will decrease the area designated commercial and will allow the property to more freely meet the market needs permitted under the C-3 zone. As discussed previously, development of the remaining commercial land will likely be a mix of neighborhood commercial and multi-family housing.

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

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

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

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

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

Over the last two decades, the City's deficient residential land supply has continued to be a lingering problem and housing costs have risen to a point where they are now unattainable for many residents. To address these issues, the City is currently updating its Housing Needs Analysis. This study indicates that an additional 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville currently has a deficit of 217 gross acres of R-4 land within the UGB. This acreage will allow

the development of 891 dwelling units which can't be accommodated by the current R-4 land supply.

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

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

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

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

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

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

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



traffic analysis report only analyzed the transportation network's capacity for the development of those 280 homes and the adjacent commercial parcel.

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

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

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

CD