



Kent Taylor Civic Hall
200 NE Second Street
McMinnville, OR 97128

**City Council Meeting Agenda
Tuesday, June 25, 2019
6:30 p.m. – Executive Session
7:00 p.m. – Regular Council Meeting**

6:30 PM –EXECUTIVE SESSION – CONFERENCE ROOM

1. Call to Order
2. Executive Session under ORS 192.660(2)(D) to conduct deliberations with persons designated to carry out Labor Negotiations.
3. Adjournment

7:00 PM – REGULAR COUNCIL MEETING – COUNCIL CHAMBERS

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. PROCLAMATIONS
 - a. Park and Recreation Month
 - b. 2020 Census
4. ADVICE/ INFORMATION ITEMS
 - a. Reports from Councilors on Committee & Board Assignments
 - b. Department Head Reports
 - c. Cash and Investment Reports – February and March
5. INVITATION FOR PUBLIC COMMENT – *The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. **Comments will be limited to 3 minutes per person for a total of 30 minutes.** Please complete a request to speak card prior to the meeting. Speakers may not yield their time to others. **In order to encourage an environment of openness, courtesy and respect for differing points of view, please refrain from behavior that is disruptive to the meeting such as making loud noises, clapping, shouting, booing, or any other activity that disrupts the orderly conduct of the meeting. Abusive language will not be tolerated.***
6. PRESENTATION
 - a. Receive Report and Recommendation from Gary Eastlund, Hagan Hamilton to approve the 2019 – 2020 Property, Liability, Workers Compensation, and Auto Insurance Coverages.

Kent Taylor Civic Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made a least 48 hours before the meeting to the City Recorder (503) 435-5702 or melissa.bisset@mcminnvilleoregon.gov.

7. PUBLIC HEARINGS

- a. Public Hearing for the 2019 – 2020 Budget to be adopted by City Council for the Park Development Fund.
- b. Public Hearing for the 2019 – 2020 Budget to be adopted by City Council for the Airport Fund.

8. CONSENT AGENDA

- a. Consider the Minutes of the March 20, 2019 and April 17, 2019 Work Sessions.
- b. Consider request for an OLCC Full On-Premises License from Momiji McMinnville LLC located at 913 N Highway 99 Suite A.
- c. Consider request for an OLCC Winery 1st Location License from At the Wire LLC DBA: Lytle-Barnet located at 2803 NE Orchard Avenue.
- d. Consider request for an OLCC Off-Premises License from Shreeji Hospitality Group McMinnville LLC.
- e. Consider **Resolution No. 2019-40**: A Resolution declaring the City's election to receive state revenues.
- f. Consider **Resolution No. 2019-41**: A Resolution certifying provision of municipal services by the City of McMinnville as required by ORS 221.760.
- g. Consider **Resolution No. 2019-42**: A Resolution extending the City of McMinnville's workers compensation coverage to the City of McMinnville volunteers.
- h. Consider **Resolution No. 2019-43**: A Resolution providing for and approving a form of contract by and between the City of McMinnville, Oregon and the McMinnville Rural Fire Protection District.

9. RESOLUTIONS

- a. Consider **Resolution No. 2019-44**: A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations (*Related to Transient Lodging Tax Fund/ General Fund Non-Departmental*).
- b. Consider **Resolution No. 2019-45**: A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations (*Telecommunications Fund*).
- c. Consider **Resolution No. 2019-46**: A Resolution making budgetary transfers of appropriation authority for fiscal year 2018-2019 (*Ambulance Fund*).
- d. Consider **Resolution No. 2019-47**: A Resolution making a budgetary transfer of appropriation authority for fiscal year 2018-2019 (*General Fund, Finance Department*).
- e. Consider **Resolution No. 2019-48**: A Resolution providing for certain increases to the combined Fire and EMS fee schedule that allows the Fire Department to recover costs for fire and EMS services allowed within City Ordinance and the International Fire Code as adopted by the State of Oregon.
- f. Consider **Resolution No. 2019-49**: A Resolution adopting the budget for the fiscal year beginning July 1, 2019; making the appropriations; imposing the property taxes; and categorizing the property taxes.

10. ORDINANCES

- a. Consider first reading with possible second reading of **Ordinance No. 5073**: An Ordinance amending McMinnville Municipal Code chapter 9.42 relating to the designation of the Downtown Exclusion Zone within the City of McMinnville, establishing boundaries, procedures, charges and penalties therein, and removing the sunset clause.
- b. Consider first reading with possible second reading of Ordinance No. **5065**: An Ordinance amending Planned Development Ordinance No. 4722 to remove approximately 11.47 acres from the boundary of the Oak Ridge Planned Development Overlay District.
- c. Consider first reading with possible second reading of Ordinance No. **5069**: An Ordinance amending the Oak Ridge Meadows Planned Development adopted by Ordinance 4822 to add property to the boundary of the existing Oak Ridge Meadows Planned Development Overlay District; allow for lot size averaging; allow for modified setbacks; allow for some lots with side lot lines oriented other than at right angles to the street upon which the lots face; allow for some lots to exceed the recommended lot depth to width ratio; allow some block lengths to exceed the recommended maximum block length standard; allow for the designation of an approximately 0.85-acre active private neighborhood park; and, allow for dedication of an approximately 5.6-acre public open-space greenway dedication along Baker Creek.
- d. Consider first reading with possible second reading of **Ordinance No. 5070**: An Ordinance approving a tentative subdivision for a 108 Lot, Phased Single-Family detached residential development at R441701300/R440700602.
- e. Consider first reading with possible second reading of **Ordinance No. 5072**: An Ordinance amending an existing planned development overlay district to add multiple family residential as an allowable use in the Planned Development Overlay District.

11. ADJOURNMENT



PROCLAMATION

Designation of July as Park and Recreation Month

WHEREAS McMinnville's parks and recreation programs enhance and improve the social, economic and ENVIRONMENTAL fabric of our community; and

WHEREAS our parks and recreation programs are important to making McMinnville a SUPER COOL place to live; and

WHEREAS parks and recreation programs make people want to LIVE here; and

WHEREAS parks and recreation areas help the environment and give us fresh air to BREATHE; and

WHEREAS our parks and natural recreation areas make for FUN places for kids and adults to go outside and PLAY; and

WHEREAS the City of McMinnville recognizes the benefits of AWESOME parks and recreation resources.

NOW, THEREFORE, I, Scott Hill, Mayor of McMinnville, do hereby extend the spirit of FUN to the residents of McMinnville in recognizing the month of July as National Park and Recreation Month.

IN WITNESS WHEREOF, I have hereunto set my hand, this twenty-fifth day of June, in the year two thousand nineteen.





Scott A. Hill, Mayor



PROCLAMATION

Whereas, the Bureau of the Census in the United States Department of Commerce conducts the census and the federal government funds the costs of the Census; and

Whereas, it takes the cooperation and investment of states, local government, and community partners working in conjunction with the federal government to ensure that the census is fully executed and represents a complete and accurate count of the people within each jurisdiction; and

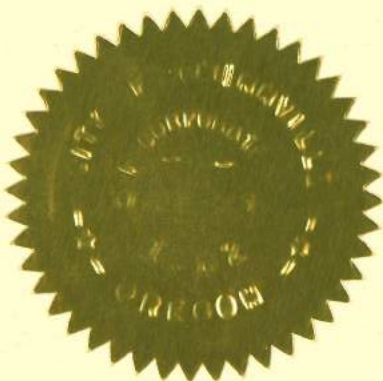
Whereas, the results of the census are the foundation for many important decisions made by federal, state, and local government including the disbursement of federal funds to states, counties, and municipalities; and the apportionment of political representation based on population; and

Whereas, census data guides local decision-makers in important community planning efforts, including locations for schools, roads, hospitals, child-care and senior citizen centers, etcetera.

Now, therefore, the City Council of the City of McMinnville hereby proclaims its support for the efforts of the 2020 Census and calls upon the community to participate.

Be it further resolved, that the City Council calls on city officials, community leaders, representatives of faith-based and non-profit organizations, and representatives of historically undercounted populations to ensure that the City of McMinnville is properly and fully counted in the 2020 census.

In Witness Whereof, I have hereunto set my hand and caused the official Seal of the City of McMinnville to be affixed this 25th day of June, 2019.





Scott A. Hill, Mayor

CITY OF MCMINNVILLE - CASH AND INVESTMENT BY FUND
February 2019

FUND #	FUND NAME	GENERAL OPERATING		
		CASH IN BANK	INVESTMENT	TOTAL
01	General	\$647,544.50	\$9,990,715.88	\$10,638,260.38
05	Special Assessment	891.04	145,618.82	146,509.86
07	Transient Lodging Tax	247.04	2,000.00	2,247.04
10	Telecommunications	842.56	1,030.00	1,872.56
15	Emergency Communications	35.48	109,094.81	109,130.29
20	Street (State Tax)	617.77	2,027,010.36	2,027,628.13
25	Airport Maintenance	339.20	(408,250.97)	(407,911.77)
45	Transportation	593.97	6,770,530.90	6,771,124.87
50	Park Development	583.25	1,604,376.07	1,604,959.32
58	Urban Renewal	270.37	283,223.17	283,493.54
59	Urban Renewal Debt Service	416.52	230,617.58	231,034.10
60	Debt Service	835.97	1,183,714.56	1,184,550.53
70	Building	836.03	1,218,500.00	1,219,336.03
75	Sewer	563.12	1,394,572.14	1,395,135.26
77	Sewer Capital	867.39	29,034,103.65	29,034,971.04
79	Ambulance	886.00	(724,164.72)	(723,278.72)
80	Information Systems & Services	610.45	209,713.61	210,324.06
85	Insurance Reserve	447.04	1,858,290.54	1,858,737.58
CITY TOTALS		657,427.70	54,930,696.40	55,588,124.10

MATURITY DATE	INSTITUTION	TYPE OF INVESTMENT	INTEREST	CASH VALUE
			RATE	
N/A	Key Bank of Oregon	Checking & Repurchase Sweep Account	0.20%	\$ 656,827.70
N/A	Key Bank of Oregon	Money Market Savings Account	0.02%	15,517,099.64
N/A	State of Oregon	Local Government Investment Pool (LGIP)	2.50%	33,686,044.71
N/A	State of Oregon	Park Improvement Bonds (LGIP)	2.50%	633,163.45
N/A	State of Oregon	Transportation Bond (LGIP)	2.50%	4,158,709.48
N/A	State of Oregon	Urban Renewal Loan Proceeds (LGIP)	2.50%	280,037.91
N/A	MassMutual Financial Group	Group Annuity	3.00%	656,241.21
				<u>\$ 55,588,124.10</u>

CITY OF MCMINNVILLE - CASH AND INVESTMENT BY FUND
March 2019

FUND #	FUND NAME	GENERAL OPERATING		TOTAL
		CASH IN BANK	INVESTMENT	
01	General	\$675,473.83	\$9,461,411.48	\$10,136,885.31
05	Special Assessment	600.35	145,618.82	146,219.17
07	Transient Lodging Tax	250.90	2,000.00	2,250.90
10	Telecommunications	845.78	1,030.00	1,875.78
15	Emergency Communications	438.29	109,094.81	109,533.10
20	Street (State Tax)	761.64	2,003,287.97	2,004,049.61
25	Airport Maintenance	868.27	(375,250.97)	(374,382.70)
45	Transportation	31.30	6,776,895.99	6,776,927.29
50	Park Development	171.78	1,602,852.49	1,603,024.27
58	Urban Renewal	270.37	283,877.23	284,147.60
59	Urban Renewal Debt Service	629.96	232,380.01	233,009.97
60	Debt Service	869.84	1,272,877.77	1,273,747.61
70	Building	17.16	1,240,500.00	1,240,517.16
75	Sewer	17.40	1,425,177.45	1,425,194.85
77	Sewer Capital	977.61	29,550,103.65	29,551,081.26
79	Ambulance	112.23	(761,164.72)	(761,052.49)
80	Information Systems & Services	603.48	224,713.61	225,317.09
85	Insurance Reserve	819.00	1,928,290.54	1,929,109.54
CITY TOTALS		683,759.19	55,123,696.13	55,807,455.32

MATURITY DATE	INSTITUTION	TYPE OF INVESTMENT	INTEREST	CASH VALUE
			RATE	
N/A	Key Bank of Oregon	Checking & Repurchase Sweep Account	0.20%	\$ 683,159.19
N/A	Key Bank of Oregon	Money Market Savings Account	0.02%	8,519,313.71
N/A	State of Oregon	Local Government Investment Pool (LGIP)	2.50%	41,530,080.70
N/A	State of Oregon	Park Improvement Bonds (LGIP)	2.50%	630,079.62
N/A	State of Oregon	Transportation Bond (LGIP)	2.50%	3,508,113.51
N/A	State of Oregon	Urban Renewal Loan Proceeds (LGIP)	2.50%	280,691.97
N/A	MassMutual Financial Group	Group Annuity	3.00%	656,016.62
				<u>\$ 55,807,455.32</u>



hagan hamilton

INSURANCE SOLUTIONS

June 19, 2019

McMinnville City Councilors
Scott Hill, Mayor
Jeff Towery, City Manager

Re: Insurance Programs Stewardship Report
July 1, 2019 – June 30, 2020

I have reviewed the renewal proposals and my recommendation to the Board is to accept the following renewal offers:

- City County Insurance Services (CIS) (July 1, 2019-July 1, 2020)
 1. PROPERTY/LIABILITY
 2. AUTO
 3. MECHANICAL BREAKDOWN
 4. WORKERS COMPENSATION

The proposed annual contribution for the CIS Package, not including the workers' compensation, is \$522,335. This represents a \$46,527 (9.8%) increase over the prior year contribution of \$475,808. The increase is attributed to increases in personnel services expenditures, property value increases and other additions made in the past 12 months.

I am recommending all the entities I work with to increase the General Liability/Public Official Liability from the current \$5,000,000 limit to \$10,000,000. The additional premium for this increase is \$7,000. These higher limits provide additional protection to the City and Council Members for any claims which are brought in federal court i.e. violation of civil rights, discrimination, harassment. The City does not have protection under the Oregon Regulatory Statutes for these types of claims. The ORS tort laws only apply to claims brought in the State of Oregon jurisdiction.

CIS is offering renewal on your workers compensation with a deposit premium of \$177,327. This deposit represents a decrease of \$4,519 (2.5%) as compared to the deposit of \$181,846 paid last year. The Experience Modification Factor has decreased from .97 to .89; which reflects the effectiveness of your safety management programs.

The Airport Liability insurance has been moved from Berkley to Ace Property & Casualty Insurance Company. The annual premium for \$5,000,000 limits is the same as the expiring policy, \$5,675. I have requested a quote for the cost to increase this limit to \$10,000,000, should the Council decide to increase the CIS limits. If the City proceeds with plans to host the FKA Hillsboro Airshow, this policy would need to be endorsed to extend coverage for that specific event.

I would like to thank you for your continued support of Hagan Hamilton as your Agent of Record for the City insurance programs.

Respectfully,

Gary E. Eastlund CIC ARM CRM
Risk Management Consultant





City of McMinnville
Finance Department
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(503) 434-2350
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STAFF REPORT

DATE: June 25, 2019
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: Public Hearing for the 2019 – 2020 Budget to be adopted by City Council for the Park Development Fund and Airport Fund
MANDATE: ORS 294.456

Discussion:

ORS 294.456 allows the governing body to make certain changes to the budget that was approved by the budget committee. If the total increase in expenditures in a fund exceeds 10 percent, the governing body must publish notice of a second budget hearing and a new financial summary, and hold the second hearing before the adjusted budget can be adopted.

The 2019-20 budget presented to the City Council for adoption proposes increases in expenditures in several funds which exceed the 10% limitation, including the following:

- Park Development Fund,
- Airport Fund

The proposed changes in the 2019-20 budget are related to capital projects that will be carried forward from 2018-19 to 2019-20. The budget approved by the Budget Committee included estimates for these projects based on what was known at the time. The increases in the 2019-20 budget presented to the City Council for adoption reflects revised estimates based on current information.

Park Development Fund: Public comment is to be taken on a proposed increase in Park Development expenditures due to the carryover of portions of the Jay Pearson Neighborhood Park project, which were not completed in 2018-19 as anticipated. The 2019-20 budget presented to the City Council for adoption reflects a total increase in appropriations of \$662,652, with increases in materials and services appropriations of \$16,000 and capital outlay appropriations of \$646,652. This allows the 2018-19 appropriations to be carried forward for completion of the Park in 2019-20. Grant and donation revenue received specifically for the Park will also be carried forward to 2019-20.

Airport Maintenance Fund: In the Airport Fund, the proposed increases in the 2019-20 budget are related to an apron project that was not completed in 2018-19 as anticipated. The delay in construction was a result of the environmental work being more involved with the discovery of “significant” wetlands in the project area. This was not anticipated in the original scope of work and has caused a delay in project delivery. Originally, approval of the Wetland Biological Assessment was anticipated in September 2019. When approval is received, project design will be finalized and it is anticipated that the bid package will go out in late winter of 2020.

Action: Hold a public hearing as required by ORS 294.456

CITY OF McMinnville
MINUTES OF WORK SESSION
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall Council Chambers on Gormley Plaza
McMinnville, Oregon

Wednesday, March 20, 2019 at 5:30 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors:	<u>Present</u>	<u>Absent</u>
	Adam Garvin	Remy Drabkin
	Zack Geary	Kellie Menke, Council President
	Sal Peralta	
	Wendy Stassens	

Also present were City Attorney David Koch, Finance Director Marcia Baragary, Fire Chief Leipfert, and Planning Director Heather Richards.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 5:36 p.m.
2. UPDATE ON RESIDENTIAL SUPPORT FACILITY (CARE FACILITY) ORDINANCE

Chief Leipfert stated that in 2010 the fire service identified statewide that there were some significant challenges with care home facilities and that there was a large burden being placed on the fire service. There were statewide teleconferences with the care facility industry, Department of Health and Human Services (DHS) Office of Licensing and quality and the fire service. Throughout the process there was discussion on the best way to manage the impacts from care facilities on the fire service. Informational material was developed with the help of DHS and from 2011-2017 McMinnville Fire worked on providing education to care facility staff. The Fire Department found that there was significant turnover in the care facility industry and therefore a constant requirement for retraining. From 2017-2018 non-emergency calls continued to rise for care facilities and there were code enforcement challenges.

Chief Leipfert shared the following information:

- There are 15 care facilities in the McMinnville City limits.
- There are 1093 available beds creating an average of 151 calls per month.
- Three percent of the City's population lives in care facilities.
- 35% - 38% of EMS calls in city are to care facilities.
- There are a large number of nonemergency use of the EMS system.
 - This includes: life assist, transport to hospital to facilitate an eviction, competent resident wishing for no transport but not allowed by care facilities.
- Staff routinely refer to corporate policy about requiring transportation.

Chief Leipfert stated that since the Ordinance related to care facilities passed, their calls have dropped by about 20 percent to approximately 120 calls per month. He stated that there has been a significant impact and since the fee was adopted for the nonemergency use of the EMS System there has not been any charges to care facilities.

Chief Leipfert provided examples of challenges faced in the last year with regards to prevention and code enforcement:

- There was a care facility with a non-permitted alarm system for 18 months.
- There was a care facility remodel with non-permitted alarm system and no smoke detectors in living quarters.
- There was a fire in the kitchen of a care facility where the staff left the facility without extinguishing the fire and they did not activate the alarm to warn residents.
- A resident was burned in a room smoking and it was not reported to the Fire Department.
- There was a fire in a laundry room at a care facility that also had numerous violations including a blocked open door allowing smoke to residences requiring resident evacuations. There was a second fire in the same facility laundry room with the same results for violations a year later.

Chief Leipfert stated that fire prevention is important because these facilities are a gathering place of the community's most vulnerable citizens and some of them have limited mobility. He stated that the City has a limited number of operations responders. Prevention works with engineering, enforcement, and education. He explained that there are a lot of additional hours that go into care facilities. Typically every two years an inspection is done. The City has found that this has not been frequent enough to ensure that the staff stays educated with regards to fire prevention and code enforcement. They have found that there are regularly code violations but the more they are able to work with staff and provide education, the more they are able to reduce the amount of violations and reduce the risk of those that live in the facilities. Because of the staff turnover and the lack of continuity within many of the care facilities, the prevention and education takes up more time and takes time away from the Fire Marshal to do other inspections. He explained that they want to improve the safety of the high hazard facilities and ensure that the residents are safe and the facilities are following the rules. Chief Leipfert reiterated that it takes more energy, time and effort and that the City does not have the operational resources to manage a fire evacuation at a care facility. He stated that it is the reason that fire prevention, engineering and enforcement are so important.

Nine months before the Ordinance passed the Fire Department Chiefs met with care facilities to explain the Ordinance. Four months before the passage of the Ordinance there was a joint meeting with the hospital, care facilities, and City Manager to explain the issues. Two months prior all care facilities were advised that the Ordinance would be on the City Council Agenda.

Mayor Hill asked about the reaction of the care facilities. Chief Leipfert shared that there were organizations that understood the challenges but disagreed with the fees. There were also facilities that were in denial and blaming external agencies for the decisions that they were making on sending people to the hospital and they did not accept responsibility for those issues.

Discussion ensued regarding the various types of facilities and their general calls in relation to their services.

Councilor Peralta asked about the 20 percent reduction in call volume after implementation of the Ordinance. He asked if this has been tracked by facility. Chief Leipfert stated that he has only been tracking total number of calls from facilities not by individual facilities but he is able to gather the information.

City Attorney Koch stated that there are several changes in the proposed Ordinance. Portions remaining in the Ordinance are: specialty business license required to operate a care facility, an annual inspection of all facilities, fees charged when care facility uses City's EMS system for nonemergency purposes and all fees set by Council Resolution.

Mr. Koch then reviewed the suggested additions to the Ordinance:

- New definitions related to care standards, resident safety, and facility oversight.
- Facilities required to cooperate with City inspections and investigations.
- Prompt notice to City required after change of facility ownership or operator.
- Facility staffing, orientation and training requirements.
- Requirement related to disaster, fire and life safety planning and drills.
- Requirement for prompt notice to City after disaster, fire or incident endangering resident safety.
- Requirement to provide certain support services to residents.
- Requirement to provide certain health monitoring and services to residents.
- Designation of resident rights that exceeds state requirements.
- Collection Charges, Interest and Penalties for delinquent payments.
- Classification system of infractions and designation of enforcement process.

Mr. Koch stated that the City has been listening to stakeholders such as the Oregon Health Care Organization, and receiving feedback from firefighters and paramedics and local care facility residents. There has been updated research on gaps in care facility regulatory oversight. Mr. Koch stated that there were areas of the Ordinance that needed to be clarified. The suggested changes are an attempt to be responsive to the feedback.

Mr. Koch stated that it is a national problem when it comes to how some of the care facilities are managed. He provided news articles that show consistent themes of neglect and abuse nationwide. He stated that the Ordinance aims to address code enforcement, engineering, and prevention to avert problems. He noted that other jurisdictions are dealing with 911 abuse and it has been documented in Oregon over the past decade. The State issued guidance in 2011. The City has spent the last eight years providing education. Local examples include code violations, poor disaster response such as fire evacuation and neglect. There's limited State and Federal resources for oversight and long-term care ombudsman lacks inspection or investigation authority. Mr. Koch stated that the City has a role to play locally. He explained that it is clear that the ombudsman does not conduct licensing or regulatory inspections, or investigations. Mr. Koch stated that the goal is prevention.

Councilor Peralta stated that he appreciates the staff taking a deep dive into the issue as he has seen that there is a lack of resources at the state level to ensure safety at the care facilities.

Chief Leipfert shared that on December 26, 2017 a fire occurred inside a care facility's commercial laundry room. The Fire was held to the room of origin however chocking open a self-closing devise on a fire rated door allowed smoke and heat to escape into the egress hall endangering the entire population of the facility. This resulted in four code violations plus training.

Chief Leipfert discussed how because of the number of staff versus the residents at care facilities sheltering in place has become the common practice. He stated that the Fire Department is responsible for ensuring that the evacuation plans and those processes are met and understood so the Fire Department has gone to facilities to explain that sheltering in place is not an allowable method to deal with fires in facilities unless there is no other option.

It was noted that there are additional skill sets that are provided through local Fire Marshal services.

Chief Leipfert provided additional examples of code violations. On June 20, 2018 one business had performed a Change of Occupancy from an I-2 Institutional to an R-2 Residential Facility. The business created dozen of residential apartments inside spaces that had no smoke alarm initiating devices placing resident as risk. This resulted in two code violations. No permit had been applied for.

On September 24, 2018 after receiving a compliant from fire responders about a large temporary propane tank blocking the exit door at the business, it was discovered that the main kitchen had suffered a catastrophic water leak causing the entire kitchen to be replaced. This replacement included structural supports for the floor and walls. There were no permits obtained for the demolition or replacement of the kitchen. The construction of the new kitchen created fire and life safety violations and jeopardized the safety of the residents.

Councilor Geary asked about the punishment for code violations. Chief Leipfert explained that it is typically education and there is a timeline to complete violation before a fee would be assessed.

Chief Leipfert stated that there was an assumption about what the State was inspecting and what the City was inspecting. The roles have now been clarified. The Ordinance gives the Fire Department the authority needed and the requirement for the facilities to follow the Fire Department's direction.

Mr. Koch stated that there are areas where the definitions are tailored to the area of regulatory oversight that the City has. After the original Ordinance passed, the City received a request for guidance and clarification from the Oregon Health Care Association.

Proposed amendments to the Ordinance included:

- Nonemergency medical care standards.

- Licensing review and approval process.
- Collection charges – what they are and when they are charged.
- Fire Marshal inspection process and requirements.
- Specific criteria for determining facility compliance.

Mr. Koch explained that different standards of care are discussed by type of facility.

Mr. Koch stated that the City has engaged directly with local care facilities regarding clarifications. Chief Leipfert has been meeting with local care facility management, staff, residents and community members and will continue to visit with facilities over the next few weeks.

New amendments to the Ordinance also included:

- Clarification of definition of Residential Support Facility.
- Focus on Skilled Nursing Facilities, Assisted Living Facilities, and Residential Care Facilities.
- Removal reference to Memory Care communities.

The Ordinance does not apply to:

- Facilities operating outside the City.
- Adult Foster Care Homes.
- Individual Living Communities.

Facilities are required to cooperate with City inspections and investigations. One new section would be added that includes the City authority to review records and conduct interviews with residents when investigating violations of the code. There would also be annual inspections and the ability to apply sanctions and conditions.

Chief Leipfert shared that a bystander reported that a patient caught on fire in a care facility. There was no report from the facility to the Fire Department. Oregon Fire Code requires the owner occupant to immediately report a fire event to the Fire Department. Chief Leipfert explained that staff was resistant to communicate with the Fire Investigator. He stated that the Ordinance will help address issues locally without having to go to the State to get assistance.

Another proposed amendment to the Ordinance would be that prompt notice to the City would be required before change of facility ownership/ operator, or facility closure. The Ordinance would require:

- 45 days advance notice of new owner/ operator.
- Application from new owner or operator.
- 90 days advance notice of closure.
- Copy of DHS approved Closure Plan.

The proposed revisions also included facility staffing, orientation and training requirements. There would be a requirement for a designated full-time facility administrator and notice of change if that person leaves or is gone for more than 14 days. It would require staff orientation training within 30 days of hire, and ongoing in-service training. The records of training would be

required and be kept available for inspection. At minimum the training would cover the disaster preparedness plan, responding to life-threatening emergencies, and resident plans relating to resident safety and accident prevention.

Chief Leipfert explained why training requirements should be added. He shared an incident from October 29, 2018 when a fire occurred inside the commercial kitchen during breakfast prep. He explained how the lack of training and emergency protocols were a problem. The Deputy Fire Marshal spent a significant amount of time providing fire and life safety training.

Another provisions in the revised Ordinance included:

- A requirement for a disaster preparedness plan that would be updated annually.
- Periodic disaster drills and fire drills would be required.
- A safety program to mitigate and eliminate hazards to residents.
- Instruction and training for residents.
- Prompt notice to City after the disaster, fire or incident engaging resident safety.

Discussion ensued regarding the amount of time required for the two person staff of Fire Marshals to provide education, training and enforce the requirements set forth in the Ordinance in the 15 facilities. He stated that it does take away from some of the other things they are doing so they have reprioritized and brought in other resources so that the Fire Marshal and Deputy Fire Marshal can focus on the higher life and safety hazards.

Councilor Stassens liked the approach and noted that they identified gaps in the system and hoped that it would be effective.

Mayor Hill commented on disaster planning and that requiring care facilities to have a disaster preparedness plan will require the care facilities to think strategically. The City and County can be additional help in the disaster planning area.

Councilor Peralta referred to a 2015 article in the Oregonian that reflected there was a lack of documentation related to complaints to DHS. He stated that 60 percent of the complaints that go through DHS are never filed formally so there is an uneven record of complaints through the system. He asked what the intersection is between the Code changes and the areas that DHS regulates. Mr. Koch stated that there are some but limited areas of overlap between what is seen on the fire, life and safety and prevention side and the emergency medical response side. He stated that where abuse there is or neglect of the resident there is a requirement to report to DHS. Chief Leipfert added that as a health care provider they are mandatory reporters.

Councilor Stassens asked about if other communities were looked at. Chief Leipfert responded that there are half a dozen agencies in the State that have something related to non-emergency use of the 911 system. He noted that they do not all provide ambulance services. The code enforcement side of the Ordinance is not in place in other Oregon jurisdictions; however, some other states have it.

Chief Leipfert stated that he recently briefed Oregon Fire Chiefs on the concept and they were very interested on both aspects and especially on the code enforcement side because they are

experiencing some of the same disconnects as McMinnville with regards to the regulatory authorities at the State.

Mr. Koch explained that the Ordinance was renamed from a care facility ordinance to a residential support facility ordinance because not all of the facilities are providing medical care to the level of a skilled nursing facility. The median cost of a residential support facility or assisted living facility is \$55,000 a year in Oregon. It's \$110,000 a year for a nursing facility in Oregon. Mr. Koch stated that some facilities do not provide enough direct care staff and supplement with the City's emergency responders. He explained that the Ordinance considers those support services already required of the facilities specifically related to issues of nonemergency support through the 911 system. He stated that all support services and nonemergency medical care is defined in the proposed Ordinance and is to be provided without calling 911.

The proposed Ordinance would require:

- Designation of a support services coordinator.
- Written policies related to monitoring resident medical conditions and providing 24-hour nonemergency medical care to residents, and coordination of on-and off-site services.

Additional resident's rights would be added in the proposed Ordinance:

- Expressly grants residents the right:
 - To receive support services from trained staff.
 - To be free from discrimination in receiving services.
 - To decline ambulance transport for nonemergency care.
 - To independently contact 911 for emergencies.
 - To report violations to the City.
- Prohibits retaliation and requires reasonable accommodations be made.
- Requires written notice of rights and alternatives.

Chief Leipfert stated that when he met with seniors he heard from some that if they called 911 in independent living they would be asked to leave independent living at that facility.

There would be updates regarding language regarding fees. The proposed changes would:

- Clarify the basis for calculating annual license fees.
- Clarify guidance on appropriate use of 911 emergency reporting system.
- Update process and guidance on when nonemergency care fee may be assessed.

There would also be a new section on the collection of charges, interest and penalties for delinquent payments. It will:

- Define when assessed fees and penalties are due and become delinquent.
- Specify the collection charge and interest rate for late payments.
- Add a penalty for nonpayment based on fraud or intent to evade requirements.

There would be a range of infraction levels ranging from \$50 - \$5,000. It will designate level of administrative infraction for noncompliance. The infraction levels and fines will align with citywide Code Enforcement program.

Mr. Koch stated that the administrative hearing and appeals process will be in a separate part of the Code. The proposed amendments would be on a future City Council agenda.

Councilor Stassens stated that she likes the idea of providing structure for proactive prevention. She applauded staff for being innovative and felt that this will make the life of residents safer.

Councilor Peralta asked that a component of reporting be built in so that the community could be informed that the Ordinance is working as intended.

Councilor Garvin asked if the fees structure would be 100 percent cost recovery. Mr. Koch responded that they are not proposing changes to the business fee or specialty license fee. He stated that it generates sufficient revenue that supports the enhanced fire and life safety and the work of the building official and emergency management staff to get into facilities and provide education. As violations are found the penalty structure will be intended to have cost recovery for the administrative hearing process and the enforcement. Those continuing to have violations that are not providing the standards of care that are required in the Ordinance will pay through fines and penalties. Councilor Garvin asked if there was Staff available to do the work. The fee structure as it currently allows for an additional administrative staff in the Fire Department so the Deputy Fire Marshal's time can be spent in the field. The position was built into the 18-19 Budget. He appreciated Staff listening to the feedback and bringing back a revised Ordinance.

Councilor Geary stated that it is evident that the safety of citizens is important.

Mayor Hill stated that seniors in the City can feel comfortable that the City is concerned about their safety and their health in the areas that the City can manage. He stated that it is the way McMinnville does things. There is a vision and looking to the future. Mayor Hill stated that the City needs to tell the story that it is about the care of the community's seniors and doing it well and within the parameters of the law.

3. ADJOURNMENT

Mayor Hill adjourned the meeting at 7:15 p.m.

Melissa Bisset, City Recorder

CITY OF McMinnville
MINUTES OF WORK SESSION
of the McMinnville City Council
Held at the Fire Department Training Room
McMinnville, Oregon

Tuesday April 17, 2019 at 5:30 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors:	<u>Present</u>	<u>Absent</u>
	Zack Geary	Remy Drabkin
	Kellie Menke, Council President	Adam Garvin
	Sal Peralta	
	Wendy Stassens	

Also present was City Manager Jeff Towery and Parks and Recreation Director Susan Muir.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the work session to order at 5:50 p.m. and welcomed all in attendance.
2. DISCUSSION ON COUNCIL ROLES AND RESPONSIBILITIES AND COUNCIL GROUP AND WORKING AGREEMENTS.

Mayor Hill noted that the agreements are for the Council. He stated that most of the time the process works very well but there have been times where there is controversy and a lack of openness. He stated that he would like to memorialize changes. He added that the agreements could be used by other jurisdictions and this is one way to serve others.

Consultant Erik Jensen, of Jensen Strategies stated that the McMinnville City Council functions together well. Typically agreements should bring clarity to the Council's behaviors and roles. It's important for them to have a transferability aspect. It is also important to look at sustainability.

Mr. Jensen distributed a list of mutual expectations from Council interviews and the City Council Group Agreement.

Councilor Stassens felt that there is an effective well-functioning Council and that it is reflected in the values. She stated that the group agreement has not been overt and perhaps the culture of the Council has directed this.

Mayor Hill stated that the agreements should be reviewed annually with Council.

Councilor Peralta felt that it was not important to him to spend a lot of time looking at the agreements. He thought that it was helpful at the initial orientation as guidelines.

Mayor Hill explained that in the past when things aren't working it was helpful to be able to bring it out. He added that there has been successful discussions around the agreements that have improved relationships in the past.

Councilor Stassens indicated that the agreements are important but not urgent. She felt that having the agreement is a good reminder and an important element on how to come up with solutions when the conversations get heated.

Mr. Jensen stated that the current Council has clarity and a good relationship which places them above other Councils. Having the agreements keeps a level of expectations. There are Councils that do not have agreements and guidelines in place and therefore are in a much more difficult situation when they get into heated situations.

Mr. Jensen asked if they would like to combine 2, 4, 16, and 18 of the group agreement. Council President Menke asked Mr. Jensen if he had a suggestion. Mr. Jensen proposed the new language states: "I will respect other members of the Council, even if we disagree philosophically, by articulating my view, listening openly to their perspectives and rationale, sharing my position and intended actions with the Council in a timely manner". Council agreed to the new proposed language.

Discussion ensued regarding the last sentence of item 1 of the group agreement "Once the decision is made, I will generally support that decision". City Manager Towery stated that one would respect the decision making process and perhaps the wording should be changed to "Once the decision is made, I respect that decision". Councilor Stassens felt it is trying to address the process and that the process worked. Council agreed with the proposed change.

Mr. Towery asked about the definition of Administrator. Mr. Towery stated that since this is the City Council working agreement as how they work together as a Council it may be a good idea to remove Administrator. Council President Menke suggested changing Administrator to Mayor.

Councilor Peralta stated that it might be worth looking at a policy on City Councilor conduct.

On item 14 Council felt that the word "Administrator" should be changed to City Manager.

Mayor Hill stated that there should be a full discussion with the full Council. Council felt that item 15 was vague. Councilor Peralta felt that as long as they are following the public meetings law it is acceptable for a Councilor to speak to another Councilor.

Councilor Stassens felt that lobbying could create some dissention. She noted that the body decides, not individual Councilors. Councilor Peralta explained that his concern is that the Council does not do a good job of talking to citizens. He felt that they should be careful on how they approach the policy. Councilor Peralta suggested that item be struck. Mr. Towery stated that they should frame the item as what Council will do. Councilor Stassens felt that there should be conversation and a way that Councilors bring the information back to Council. Mayor Hill felt that the more dialogue on the dais the better. Council agreed to change item 15 to: "I will engage in a robust dialogue with the community in a constructive and inclusive manner."

Council stated that they did not want to have the working agreements sheet any longer.

Roles and responsibilities of Mayor, Council, and City Manager

Mr. Jensen suggested changing "directs" to presides over" on the Council agreement.

Mr. Jensen suggested removing quotation marks.

Council President Menke suggested removing: "sets major goals and objectives, focuses on big issues, and gives direction". She suggested sets polices under provide leadership.

Mr. Towery felt proposed changes to the section "Feels part of the City/ Manger/ Manger "team".

Mr. Jensen would make the changes discussed and the documents would be brought back to Council at a future meeting for adoption.

3. ADJOURNMENT: Mayor Hill adjourned the Work Session at 7:10 p.m.

Melissa Bisset, City Recorder



City Recorder Use	
Final Action: _____	
<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: Momiji McMinnville LLC.
BUSINESS LOCATION ADDRESS: 913 N Highway 99W suite A
LIQUOR LICENSE TYPE: Full on-premises, commercial

Is the business at this location currently licensed by OLCC

☐ Yes ☒ No

If yes, what is the name of the existing business:

Hours of operation: Sunday-Thursday 11 am – 9 pm, Friday and Saturday 11 am – 10 pm

Entertainment: N/A

Hours of Music: N/A

Seating Count: 73

EXEMPTIONS:

(list any exemptions)

Tritech Records Management System Check: ☒ Yes ☐ No

Criminal Records Check: ☒ Yes ☐ No

Recommended Action: ☒ Approve ☐ Disapprove

Chief of Police / Designee

City Manager / Designee



City Recorder Use	
Final Action: _____	
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: At The Wire LLC DBA: Lytle-Barnett

BUSINESS LOCATION ADDRESS: 2803 NE Orchard Ave

LIQUOR LICENSE TYPE: Winery 1st Location

Is the business at this location currently licensed by OLCC

☒ Yes ☐ No

If yes, what is the name of the existing business:

Hours of operation: N/A

Entertainment: N/A

Hours of Music: N/A

Seating Count: N/A

EXEMPTIONS:

(list any exemptions)

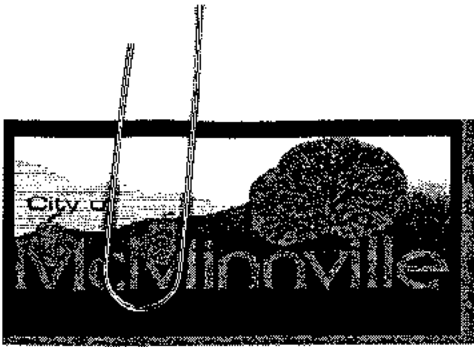
Tritech Records Management System Check: ☒ Yes ☐ No

Criminal Records Check: ☒ Yes ☐ No

Recommended Action: ☒ Approve ☐ Disapprove

Chief of Police / Designee

City Manager / Designee



City Recorder Use	
Final Action: _____	
<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: Shreeji Hospitality Group McMinnville LLC
BUSINESS LOCATION ADDRESS: 2035 S Highway 99W
LIQUOR LICENSE TYPE: Off-Premises

Is the business at this location currently licensed by OLCC

☐ Yes ☒ No

If yes, what is the name of the existing business:

Hours of operation: 24/7, only serving beer and wine by the bottle 7 am to 12 am

Entertainment: N/A

Hours of Music: N/A

Seating Count: N/A

EXEMPTIONS:

(list any exemptions)

Tritech Records Management System Check: ☒ Yes ☐ No

Criminal Records Check: ☒ Yes ☐ No

Recommended Action: ☒ Approve ☐ Disapprove

Chief of Police / Designee

City Manager / Designee



City of McMinnville
Finance Department
230 NE Second Street
McMinnville, OR 97128
(503) 434-2350
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 25, 2019
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: Resolution declaring the City's election to receive certain state shared revenues
MANDATE: ORS 221.770(1)

Discussion:

Oregon Revised Statute (ORS) 221.770(1) designates that a share of certain revenues of the state of Oregon shall be apportioned among and distributed to the cities of the state for general purposes as provided for in the ORS. The City shall not be included in apportionments or receive distributions of state shared revenues unless the city:

- Elects to receive distributions for the fiscal year by enactment of a resolution expressing that election and filing a copy of the resolution with the Oregon Department of Administrative Services not later than July 31 of the fiscal year
- Holds at least one public hearing, after adequate public notice, at which citizens have the opportunity to provide comment to the authority responsible for approving the proposed budget for the fiscal year on the possible uses of the State distributions and certifies its compliance as required by ORS 221.770(1)(b)
- Holds at least one public hearing, after adequate public notice, at which citizens have the opportunity to provide comment to, and ask questions of, the authority responsible for adopting the city budget on the proposed use of distributions in relation to the entire budget of the city for the fiscal year and certifies its compliance as required by ORS 221.770(1)(c)
- Levied a property tax for the year preceding the year in which revenue sharing is due under ORS 471.810 (Distribution of available moneys in Oregon Liquor Control Commission Account)

The City of McMinnville has complied with the requirements to hold public hearings, after adequate public notice, and has levied a property tax for the year preceding the year in which revenue sharing is due.

The attached Resolution satisfies the requirement of 221.770(1(a) which requires the City to elect to receive distribution of State shared funds by adopting such resolution. Upon Council adoption, City staff will file the Resolution with the Department of Administrative Services no later than July 31, 2019.

Attachments:

Resolution

Recommendation:

Approve the Resolution.

RESOLUTION NO. 2019-40

A Resolution declaring the City's election to receive certain state shared revenues.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. Pursuant to ORS 221.770, the City hereby elects to receive state shared revenues for fiscal year 2019 – 2020.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of June, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of June, 2019.

MAYOR

Approved as to form:

CITY ATTORNEY

I certify that a public hearing before the Budget Committee was held on May 15, 2019 and a public hearing before the City Council was held on June 11 2019, giving citizens an opportunity to comment on use of State Revenue Sharing.

CITY RECORDER

**City of McMinnville
City's Possible Uses of State Revenue Sharing
2019 - 2020 Proposed Budget**

Revenue - State Revenue Sharing **\$ 481,000**

Expenditures - State Revenue Sharing

Administration

- General Fund Building master plan 50,000
- General Fund classification/compensation analysis 25,000

Engineering

- Vehicle 13,000

Planning

- Equal Opportunities Analysis update 40,000

Police

- MDT's for patrol cars 36,900
- Annual payment for patrol car lease 56,100

Fire

- Districting consultant 45,000
- Brush rig vehicle (\$130,000 total, McMinnville Rural Fire District contributing 50% of cost 65,000

Parks & Recreation

- Recreation buildings master plan 100,000

Library

- Smoke alarm system upgrade 50,000

Total Proposed Expenditures **\$ 481,000**



City of McMinnville
Finance Department
230 NE Second Street
McMinnville, OR 97128
(503) 434-2350
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 25, 2019
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: Resolution certifying provision of municipal services by the City of McMinnville
MANDATE: ORS 221.760

Discussion:

Oregon Revised Statute (ORS) 221.760(1) designates certain prerequisites for cities in a county of over 100,000 population to receive State shared revenues from cigarette, gas, and liquor taxes. The ORS states that the officer responsible for disbursing such funds to cities shall disburse such funds, in the case of a city located within a county having more than 100,000 inhabitants, only if the officer reasonably is satisfied that the city provides four or more of the following municipal services:

- a) Police protection
- b) Fire protection
- c) Street construction, maintenance and lighting
- d) Sanitary sewers
- e) Storm sewers
- f) Planning, zoning and subdivision control
- g) One or more utility services

The attached Resolution certifies that the City meets the prerequisites for receiving cigarette, gas and liquor taxes.

Attachments:

Resolution

Recommendation:

Approve the Resolution.

RESOLUTION NO. 2019-41

A Resolution certifying provision of municipal services by the City of McMinnville as required by ORS 221.760.

RECITALS:

ORS 221.760 provides that a city located within a county that has more than 100,000 inhabitants according to the most recent federal decennial census must provide four or more municipal services in order to qualify to receive revenues from cigarette, gas, and liquor taxes (Shared Revenues). These revenues are provided for in ORS 323.455, 366.785 to 366.820, and 471.805.

The services to be considered are:

- 1) Police protection
- 2) Fire protection
- 3) Street construction, maintenance, lighting
- 4) Sanitary sewer
- 5) Storm sewer
- 6) Planning, zoning, subdivision control
- 7) One or more utility services

To assist the state officer responsible for determining the eligibility of the City to receive these revenues in accordance with ORS 221.760, the City may certify its eligibility.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON as follows:

1. The City certifies that it provides the following municipal services as enumerated in ORS 221.760(1):
 - 1) Police protection—Yes
 - 2) Fire protection—Yes
 - 3) Street construction, maintenance, lighting—McMinnville Water and Light provides lighting
 - 4) Sanitary sewer—Yes
 - 5) Storm sewer—Yes
 - 6) Planning, zoning, subdivision control—Yes
2. This Resolution will take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of June, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of June 2019.

MAYOR

Approved as to form:

CITY ATTORNEY



City of McMinnville
Finance Department
230 NE Second Street
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www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 25, 2019
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: Resolution extending workers' compensation coverage to City of McMinnville volunteers
MANDATE: ORS 656.031

Discussion:

For purposes of workers compensation coverage, Oregon Revised Statute (ORS) 656.031 defines municipal personnel, other than those employed full-time or part-time, as volunteer personnel. A city utilizing volunteer personnel may elect to have such personnel covered by workers compensation insurance by filing a written application with the city's insurer. The city must also submit a resolution to the insurer declaring its intent to cover volunteer personnel and provide a description of the work to be performed by such personnel.

The City annually submits a written application to City County Insurance Services (CIS) electing to cover volunteer personnel under its workers compensation insurance plan. The attached Resolution extends workers' compensation coverage to City of McMinnville volunteers and meets ORS and CIS requirements.

Attachments:

Resolution

Recommendation:

Approve the Resolution.

RESOLUTION NO. 2019-42

A Resolution extending workers' compensation coverage to City of McMinnville volunteers.

RECITALS:

The City of McMinnville's insurance provider is CityCounty Insurance Services (CIS). CIS provides coverage to City volunteers under certain circumstances. Adoption of a resolution setting out the information below is a prerequisite to coverage.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON as follows:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteers listed in this resolution, noted on CIS payroll schedule, and verified at audit:

1. Public safety volunteers

An assumed monthly wage of \$1600 per month will be used for public safety volunteers in the following volunteer positions:

- Police reserve

- Firefighter

- Police Citizen Emergency Response Team members

2. Police and Fire non-public safety volunteers

The assumed monthly wage for the following Police and Fire volunteers is as specified for each:

- Parking and code enforcement - \$800 per month

- Police chaplains – minimum wage

- Fire and Life Safety – minimum wage

3. Volunteer boards, commissions and councils for the performance of administrative duties.

An aggregate assumed annual wage of \$2,500 will be used per each volunteer board, commission, or council for the performance of administrative duties. The covered bodies are specified on Attachment A, attached to and incorporated into this Resolution by this reference.

4. Non-public safety volunteers

All non-public safety volunteers listed below will track their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code according to the type of volunteer work being performed.

- Parks and Recreation, including Kids on the Block (KOB)
- Senior Center
- Public Works
- Library
- Park Watch

5. Public Events

Volunteers at the following public events will be covered under workers' compensation coverage using verified hourly Oregon minimum wage as basis for premium and/or benefit calculation:

- City sponsored community events

6. Community Service Volunteers/Inmates

Pursuant to ORS 656.041, workers' compensation coverage will be provided to community service volunteers commuting their sentences by performing work authorized by McMinnville Municipal Court.

Oregon minimum wage tracked hourly will be used for both premium and benefit calculations, verifiable by providing a copy of the roster and/or sentencing agreement from the court.

7. Other volunteers

Volunteer exposures not addressed here will have workers' compensation coverage if, prior to the onset of the work:

- a. City provides advance written notice to CIS underwriting requesting the coverage,
- b. CIS approves the coverage and date of coverage, and
- c. CIS provides written confirmation of coverage.

8. Rosters

The City will maintain verifiable rosters for all volunteers including volunteer name, date of service, and hours of service and will make the rosters available at the time of a claim or audit to verify coverage.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of June, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of June, 2019.

MAYOR

Approved as to Form:

CITY ATTORNEY

**Workers' Compensation Renewal
Boards, Commissions, Councils, and Committee NCII Code
#8742V 2019 - 2020**

WC Volunteer Resolution Attachment A

Type of City Organization	Assumed Wage	Totals
City Council		
Mayor		
City Councilor Ward # 1		
City Councilor Ward # 1		
City Councilor Ward # 2		
City Councilor Ward # 2		
City Councilor Ward # 3		
City Councilor Ward # 3	2,500	2,500
Airport Commission	2,500	2,500
Audit Committee	2,500	2,500
Board of Appeals	2,500	2,500
Budget Committee	2,500	2,500
Advisory Board - Building Code	2,500	2,500
Citizen's Advisory Committee	2,500	2,500
Downtown Safety Task Force	2,500	2,500
Historic Landmarks Committee	2,500	2,500
Landscape Review Committee	2,500	2,500
McMinnville Urban Area Mgt Commission	2,500	2,500
McMinnville Urban Renewal Advisory Committee	2,500	2,500
Planning Commission	2,500	2,500
Affordable Housing Task Force	2,500	2,500
Total		\$ 35,000



**City of McMinnville
Fire Department**
175 NE 1st Street
McMinnville, OR 97128
(503) 435-5800
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: May 22, 2019
TO: Jeff Towery, City Manager
FROM: Rich Leipfert, Fire Chief
SUBJECT: Contract with McMinnville Rural Fire Protection District
STRATEGIC PRIORITY & GOAL:



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

OBJECTIVE/S: Develop and foster local and regional partnerships

Report in Brief:

This action is a resolution for the City of McMinnville to renew the Intergovernmental Agreement (IGA) with the McMinnville Rural Fire Protection District for Fire services

Background:

This contract includes a 3 percent increase from last year's contract. The contract allows for the City of McMinnville to provide fire protection and prevention services to the McMinnville Rural Fire Protection District in exchange for monetary compensation.

Discussion:

The City currently provides Fire Protection and Prevention services to 90 square mile area surrounding the City of McMinnville.

Attachments:

1. Resolution
2. IGA

Fiscal Impact:

The total remuneration for services outlined in the 2019 – 2020 contract are \$386,886

Recommendation:

Staff recommends that the City Council approve the Resolution authorizing the City to enter into the IGA with the Amity Fire District.

RESOLUTION NO. 2019-43

A Resolution providing for and approving a form of contract by and between the City of McMinnville, Oregon and the McMinnville Rural Fire Protection District.

RECITALS:

The present contract between the City of McMinnville and the McMinnville Rural Fire Protection District (MRFPD) expires June 30, 2019, and it is necessary that a new contract be executed. The new contract will be in full force and effect for a period up to and including June 30, 2020.

The City of McMinnville and the McMinnville Rural Fire Protection District have mutually agreed to the renewal of the fire protection service contract. This year we have agreed to a five percent increase.

The City of McMinnville has the necessary equipment to furnish rural fire protection to the area surrounding and adjacent to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. That a contract prepared by the City Attorney, and submitted to the Council of the City of McMinnville on the 28th day of June 2019, be entered into by and between the City of McMinnville and the McMinnville Rural Fire Protection District for the period July 1, 2019 through June 30, 2020. The contract provides that the City shall furnish fire protection to the District and the inhabitants of the District. The contract, in the amount of \$386,866.00, is hereby approved and accepted as submitted. Payment shall be made as follows:

\$193,443.00 by December 15, 2019

\$ 96,722.00 by March 15, 2020

\$ 96,722.00 by June 15, 2020
2. The Mayor is hereby authorized and directed to execute the contract in duplicate and to deliver one executed copy thereof to the McMinnville Rural Fire Protection District and to retain one executed copy thereof to be kept on file in the office of the City Recorder.
3. This Resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of June, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of June, 2019.

MAYOR

Approved as to Form:

CITY ATTORNEY

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, authorized by ORS 190.010, is made this 25th day of June, 201~~98~~⁹⁷, by and between the CITY OF MCMINNVILLE, an Oregon municipal corporation, hereinafter referred to as “CITY”, and the MCMINNVILLE RURAL FIRE PROTECTION DISTRICT (MRFPD), an Oregon municipal corporation, hereinafter referred to as “DISTRICT”, the promises and agreements of each being in consideration of the promises and agreements of the other.

The parties agree as follows:

1. **Term:** The term of this Agreement is one (1) year, beginning on the 1st day of July, 201~~98~~⁹⁷ and ending on the 30th day of June, 20~~20~~¹⁹~~98~~⁹⁷.
2. **Scope of Services:**
 - A. The CITY agrees to provide fire protection throughout the DISTRICT, as required. In providing fire protection throughout the DISTRICT, the CITY, through its Fire Department, shall:
 1. Provide fire suppression throughout the DISTRICT.
 2. Provide the use of available pumpers, tenders and ladder equipment, and all other necessary equipment, as well as sufficient personnel to operate said apparatus, subject to the condition that reasonably sufficient apparatus and personnel shall remain within the CITY to assure adequate fire protection to the CITY. If the demands of the DISTRICT exceed the available apparatus and personnel which the CITY can provide, the CITY agrees to invoke then current mutual aid agreements as may be necessary to supplement the CITY’S apparatus and personnel.
 3. Review building and construction plans within the DISTRICT.
 - a. Request that Yamhill County submit all plans for new developments/construction in the DISTRICT requiring a “fire-and-life-safety” plan check to CITY for review. Plans will be reviewed for fire access, fire-flow, built-in-fire protection, road grades, and other fire code issues.
 - b. Perform field inspections to ensure new development and construction is accomplished in accordance with reviewed plans as regards those items listed in (3)(a) above.
 4. Investigate all fires within the DISTRICT to determine cause.
 5. Initiate and sustain a program of study, reasonably calculated to result in the formulation and necessary revision of operating procedures necessary to maintain a high level of fire protection within the DISTRICT.
 6. Review and propose fire codes and ordinances for adoption by the DISTRICT.

7. Investigate all fire code complaints; perform on-site inspection to determine validity of complaint.
8. Perform inspections as required by a priority plan adopted by the DISTRICT and agreed to by the CITY. Conduct home fire-safety inspections upon request.
9. Enforce codes, ordinances, and regulations adopted by the DISTRICT, including the assessment and collection of fees in accordance with Code Enforcement Fee Schedule adopted by DISTRICT.
10. Maintain, for the DISTRICT, adequate records of activity as may be required by the Insurance Services Office and the Oregon State Fire Marshal.
11. Participate in mutual aid agreements with the fire protection districts which are contiguous with the MRFPD and establish and maintain an automatic aid agreement in areas in which service might be improved by such an agreement, so long as it is in the best interests of all parties to do so.
12. Subject to the provisions of Section 2A of this agreement, the CITY shall maintain and operate an adequate fire protection service in the DISTRICT. CITY shall use due diligence to maintain continuous and uninterrupted service. Under no circumstances is the CITY liable to the DISTRICT for interruption or failure of service caused by acts of nature, unavoidable accident, or other circumstances beyond the control of the CITY through no fault of its own.
13. The CITY shall operate the fire protection program authorized by this Agreement twenty-four (24) hours per day, seven (7) days per week.
14. The CITY shall take all reasonable steps to maintain all of its trucks, equipment and the entire system in a good state of repair, and shall at all times conduct its operation under this Agreement in a safe and professional manner so as not to present a danger to the public or DISTRICT.
15. The CITY shall consider the needs of the DISTRICT when designing and purchasing fire apparatus, with specific regard to hill climbing ability, maneuverability, foam production and compatibility with rural fire applications.
16. The DISTRICT shall have the right to use the CITY Fire Department conference room for the DISTRICT'S regularly scheduled meetings, as well as specially scheduled meetings, given sufficient advance notice.
17. The CITY shall assist the Board of the DISTRICT in recommending the site for and development of future station needs as may be required in the DISTRICT.
18. The CITY shall provide public education as follows:
 - a. Conduct a Fire Prevention Open House each October, with announcement flyers sent to all students in all schools in the MRFPD area, including private schools.
 - b. Solicit opportunities to give fire safety education programs to all DISTRICT neighborhood associations on an annual basis.

- c. ~~Mail-Post out one newsletter per year to all updated information for~~ rural district residents ~~with-containing~~ pertinent fire safety information on the City Fire Department Web Site.
19. The CITY shall provide fire suppression training and provide for fire suppression preparedness as follows;
- a. Equip all operations personnel with wild land fire fighting apparel.
 - b. Conduct training for all personnel in wild land fire behavior and urban/forest interface strategy and tactics prior to fire season.
 - c. Identify locations throughout the DISTRICT where water supply might be established or improved.
 - d. Train on rural water supply operations, with surrounding rural districts, to reduce turnaround time and improve water supply procedures in rural area.
 - e. Maintain a supply of forestry type fire suppression foam.
 - f. Develop a countywide major fire event plan to be implemented as a component of the City's and County's disaster plan.
 - g. Maintain nominal staffing (call back) and situation status management plan to ensure adequate fire defense resources in the event of simultaneous responses which may deplete on-duty resources.

- B. The DISTRICT agrees that the CITY shall not be required to duplicate those efforts or services regularly provided by other governmental agencies; nor shall the CITY be required to provide any services which are, by law, reserved for another government agency.
- C. The CITY agrees to provide the DISTRICT with regular reports based on the fire protection services provided in Section 2A (see above) of this Agreement. Also, a copy of the annual audit of the City of McMinnville shall be provided to the DISTRICT. The DISTRICT agrees to provide a copy of the annual audit of the DISTRICT to the CITY.
- D. The CITY shall keep the DISTRICT informed of all new developments, issues or concerns affecting the fire operations of the CITY as they may relate to the DISTRICT. The CITY shall endeavor to notify the DISTRICT in advance of any public announcement concerning this Agreement that is to be made. The DISTRICT shall endeavor to notify the CITY of any developments or uses concerning the Agreement in advance of any public announcement on the subject.
- E. At all times during the term of this Agreement, the CITY and DISTRICT shall comply with all applicable laws, ordinances, rules and regulations of the United States of America and the State of Oregon, including all agencies and subdivisions thereof.
- F. The City agrees to support and defend the MRFPD where the MRFPD has taken action to implement rules and or ordinances at the request of, or when benefit accrues to, the City.

3. **Compensation:** The DISTRICT agrees to pay the CITY during the term of this Agreement the sum of \$~~386,886,375,617~~ for fire protection during fiscal year 201~~978~~-201~~920~~. In addition, as additional compensation, the CITY shall retain all fees collected by the CITY related to the Code Enforcement Fee Schedule adopted by DISTRICT.

- A. The CITY and DISTRICT shall retain the right to renegotiate the service level and/or service cost as of the 30th day of June, 20~~2017~~9, by giving 180 days' prior written notice to the other party (see Sections 4 and 5).
- B. The DISTRICT agrees to make payments to the CITY according to the following schedule unless these funds are not made available by the county tax collector.

<u>Payment #</u>	<u>Due Date</u>	<u>Amount</u>
1	Dec. 15	\$ 193,443,187,809
2	Mar. 15	\$ 96,7223,904
3	June 15	\$ 96,7223,904

- C. The DISTRICT agrees that it will levy taxes during the term of this Agreement sufficient to provide the payments required to be made to the CITY during this Agreement.
- D. It is understood and agreed by the parties that no director, officer or other representative of the DISTRICT shall be individually liable for any payments due to the CITY.
- E. If, as a result of the tax limitation, the CITY is unable to provide the level of service described in Section 2 above, or the DISTRICT is unable to pay for the current level of services, then the parties agree to renegotiate in good faith the amount of compensation to be paid to the CITY for the services provided.
- E.F. It is understood that while this agreement is in place that the City will not bill for motor vehicle accident "Fire Fees" to residents of the McMinnville Rural Fire Protection District.

4. **Future Fee Increases:** The CITY and DISTRICT agree that the fee for each future year will be increased three percent per annum. The parties agree to enter into negotiations regarding a change in the three percent increase or any other change in the fee when requested by either party so long as said request to negotiate is given not less than 180 days prior to the expiration of the Agreement. In the event negotiations have not been completed by June 30, 2020, the CITY may decline to provide the services described in Section 2 of this Agreement.

5. **Renegotiation/Termination/Renewal:** This Agreement shall be renewed unless CITY or DISTRICT gives written notice to the other party 180 days prior to the expiration of this Agreement, informing the other party that the notice-giving

party wishes to renegotiate the terms of the Agreement or to terminate the Agreement.

- A. If notification of the intent to renegotiate this Agreement has been given, the parties agree that, prior to June 30, 2020, they will negotiate in good faith concerning the terms of this Agreement.
- B. If the DISTRICT has notified the CITY of its intent to renegotiate this Agreement and a successful renegotiation has not been completed before June 30, 2020, this Agreement shall be automatically extended for 90 days to allow continuing negotiations. This Agreement may be extended further by mutual agreement for additional increments of up to 90 days each.
- C. If notification of the intent to terminate this Agreement has been given, the Agreement shall terminate on the 30th day of June 2020. If both parties agree in writing, a termination pursuant to this section may be effective at an earlier date.

6. **Rules of Construction/Interpretation:**

- A. Unless otherwise specifically prescribed in this Agreement, the following provisions shall govern its interpretation and construction:
 - 1. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.
 - 2. Time is of the essence of this Agreement. Neither the CITY nor the DISTRICT shall be relieved of its obligation to comply promptly with any provisions of this Agreement by any failure of the other party to enforce prompt compliance with any of its provisions.
 - 3. Every duty and every act to be performed by either party imposes an obligation of good faith on the party to perform such.
- B. All notices, reports or demands required to be given in writing under this Agreement shall be deemed to be given a) when delivered personally to the person designated below, or b) when three (3) days have elapsed after it is deposited in the United States mail in a sealed envelope, registered or certified mail, postage prepaid, or c) on the next business day when sent by express mail, all addressed to the party to whom the notice is being given:

Fire Chief Rich Leipfert,
City of McMinnville,
175 NE First St,
McMinnville, Oregon 97128

Steve Leonard
Chairman, McMinnville Rural Fire Protection District,
175 NE First St,

McMinnville, Oregon 97128

- C. Neither the CITY nor the DISTRICT shall be relieved of its obligation to comply with any of the provisions of this Agreement by reason of any failure of the other party to enforce prompt compliance.
 - D. The paragraph captions and headings in this Agreement are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
 - E. For purposes of determining time of performance, time shall be computed so as to exclude the first and include the last day of the prescribed period of time. When the last day of the period falls on Saturday, Sunday or a legal holiday, the next working day shall be construed to be the last day of the prescribed period.
 - F. None of the provisions of this Agreement shall be construed to create in the DISTRICT any right, interest or ownership in any real or personal property used by the CITY for the performance of this Agreement.
7. **Hold Harmless:** The parties agree that neither the CITY nor any of the CITY'S officers, agents, representatives, employees or volunteers shall be liable to the DISTRICT, or any owner within the DISTRICT, or any other person, for any claim for injury or damage or any loss or expense growing out of or resulting directly or indirectly from the performance of this Agreement, including but not limited to, a claim for alleged failure to provide fire fighting or fire protection apparatus or services, or for court costs and attorneys' fees (including an appeal filed in connection with any legal proceedings arising out of this Agreement).
8. **Discrimination:** The parties agree not to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation or source of income in the performance of this Agreement.
9. **Waiver of Breach:** A waiver of any breach of any provision of this Agreement by either party shall not operate as a waiver of any subsequent breach of the same or any other provision of this Agreement.

City of McMinnville
an Oregon Municipal
Corporation

McMinnville Rural Fire
Protection District, an
Oregon Municipal Corporation

By: _____
Scott Hill, Mayor

By: _____
Steve Leonard, Chairman

Date: _____

Date: _____

Approved as to form:



City of McMinnville
Finance Department
230 NE Second Street
McMinnville, OR 97128
(503) 434-2350
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 25, 2019
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: Resolution 2019-44: A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations for the Transient Lodging Tax Fund and General Fund

STRATEGIC PRIORITY & GOAL:



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

OBJECTIVE/S: Identify and focus on the City's core services

Report in Brief: This resolution proposes a supplemental budget for the Transient Lodging Tax Fund and General Fund

Background: For fiscal year 2018-19, the City estimated that approximately \$1.2 million in transient lodging tax (TLT) revenue would be received. Based on current receipts, it is anticipated that TLT revenue will be approximately \$1.3 million.

As allowed by State law, the City transfers 30 percent of TLT revenues from the Transient Lodging Tax Fund to the General Fund. Because TLT revenue is expected to be higher than anticipated, the 30 percent transfer to the General Fund is also expected to be higher than budgeted.

As a result, a supplemental budget is necessary to allow the transfer of the unanticipated additional TLT revenue to the General Fund. The supplemental budget in the Transient Lodging Tax fund increases both Transient Lodging Tax revenue and Transfers Out to the General Fund appropriations by \$40,000.

In addition, a supplemental budget is necessary in the General Fund, Non-Departmental section. The supplemental budget increases Transfers In revenue from the Transient Lodging Tax Fund by \$40,000 and the General Fund contingency appropriation is also increased by \$40,000. It is anticipated that the additional revenue will be carried forward to the 2019-20 General Fund beginning fund balance.

Discussion: Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning (ORS 294.471). The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations.

This resolution adopts a supplemental budget in the Transient Lodging Tax Fund and increases both TLT revenue and Transfers Out appropriation authority by \$40,000. It also adopts a supplemental budget in the General Fund, Non-Departmental section and increases both Transfers In revenue and contingency by \$40,000.

Attachments: Resolution 2019-44

Fiscal Impact: None

Recommendation: Adoption of Resolution 2019-44, adopting a supplemental budget for fiscal year 2018-19 and making supplemental appropriations for the Telecommunications Fund and General Fund

RESOLUTION NO. 2019-44

A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations

RECITAL:

This resolution proposes a supplemental budget for the Transient Lodging Tax Fund due to higher than anticipated transient lodging tax (TLT) revenues received in 2018-19. As allowed by State law, the City transfers 30 percent of TLT revenues from the Transient Lodging Tax Fund to the General Fund. Because TLT revenue is expected to be higher than anticipated, the 30 percent transfer to the General Fund is also expected to be higher than budgeted. As a result, a supplemental budget is necessary to allow the transfer of the unanticipated additional transient lodging tax revenue to the General Fund. The supplemental budget in the Transient Lodging Tax Fund increases both Transient Lodging Tax revenue and Transfers Out to the General Fund by \$40,000.

In addition, a supplemental budget is necessary in the General Fund, Non-Departmental section. The supplemental budget increases General Fund Transfers In revenue from the Transient Lodging Tax Fund by \$40,000 and the General Fund contingency appropriation is also increased by \$40,000. It is anticipated that the additional revenue will be carried forward to the 2019-20 General Fund beginning fund balance.

Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning (ORS 294.471). The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations.

This resolution adopts a supplemental budget in the Transient Lodging Tax Fund and increases both TLT revenue and Transfers Out appropriation authority by \$40,000. It also adopts a supplemental budget in the General Fund, Non-Departmental section and increases both Transfers In revenue and contingency by \$40,000.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, as follows:

1. **Adopt the following Supplemental Budget:** The Council of the City of McMinnville adopts the following Supplemental Budget for 2018-2019 in the Transient Lodging Tax Fund and General Fund
2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2018-2019 are hereby appropriated as follows:

Transient Lodging Tax resource and requirement increases of \$40,000, with \$40,000 increase in appropriations in the Transfer Out to Other Funds category, to allow transfer of higher than anticipated transient lodging tax revenues to the General Fund

Transient Lodging Tax Fund:

	<u>Amended Budget</u>	<u>Budget Adjustment</u>	<u>Amended Budget</u>
Resources:			
Beginning Fund Balance	\$ 229,000		\$ 229,000
Licenses and Permits	1,216,825	40,000	1,256,825
Miscellaneous	2,387		2,387
Total Resources	<u>\$1,448,212</u>	<u>40,000</u>	<u>\$ 1,488,212</u>
Requirements:			
Materials and services	834,441		834,441
Transfers Out to Other Funds	375,375	40,000	415,375
Contingencies	238,396		238,396
Total Requirements	<u>\$ 1,448,212</u>	<u>40,000</u>	<u>\$ 1,488,212</u>

General Fund resource and requirement increases of \$40,000, with a \$40,000 increase in appropriations in the Contingencies category, due to higher than anticipated transient lodging tax revenue and transfer to the General Fund.

General Fund:

	<u>Amended Budget</u>	<u>Budget Adjustment</u>	<u>Amended Budget</u>
Resources:			
Beginning Fund Balance	\$ 5,392,990		\$ 5,392,990
Property Taxes	12,846,861		12,846,861
Licenses & Permits	2,998,600		2,998,600
Intergovernmental	2,388,480		2,388,480
Charges for Services	1,462,458		1,462,458
Fines & Forfeitures	564,300		564,300
Miscellaneous	894,879		894,879
Transfers In from Other Funds	2,458,547	40,000	2,498,547
Total Resources	<u>\$29,007,115</u>	<u>\$40,000</u>	<u>\$29,047,115</u>
Requirements:			
Administration	1,505,991		1,505,991
Finance	805,929		805,929
Engineering	1,091,207		1,091,207
Planning	1,502,007		1,502,007
Police	8,506,466		8,506,466
Municipal Court	539,655		539,655
Fire	3,802,566		3,802,566
Parks & Recreation	2,989,569		2,989,569
Park Maintenance	1,328,774		1,328,774
Library	1,678,331		1,678,331
Not Allocated to Organization:			
Debt Service	487,996		487,996
Transfers Out to Other Funds	2,182,508		2,182,508
Operating Contingencies	822,250	40,000	862,250
Ending Fund Balance	1,763,866		1,763,866
Total Requirements	<u>\$29,007,115</u>	<u>\$40,000</u>	<u>\$29,047,115</u>

This Resolution will take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of June, 2019 by the following votes:

Ayes:_____

Nayes:_____

Approved this 25th day of June, 2019.

MAYOR

Approved as to form:

CITY ATTORNEY



City of McMinnville
Finance Department
230 NE Second Street
McMinnville, OR 97128
(503) 434-2350
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 25, 2019
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: Resolution 2019-45: A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations for the Telecommunications Fund

STRATEGIC PRIORITY & GOAL:



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

OBJECTIVE/S: Identify and focus on the City's core services

Report in Brief: This resolution proposes a supplemental budget for the Telecommunications Fund.

Background: Resolution 2019-45 proposes a supplemental budget for the Telecommunications Fund. A supplemental budget is necessary to allow disbursement of higher than anticipated telecommunication fee revenues received in 2018-2019. Materials and services expenditures are increased by a total of \$12,000 to allow disbursement of the unanticipated cable franchise fees and public, education, and governmental (PEG) access fees to McMinnville Community Media (MCM), as provided for in the City's agreement with MCM.

Discussion: Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning (ORS 294.471). The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations.

This resolution increases franchise fee revenue and materials and services appropriation authority by \$12,000 in the Telecommunications Fund

Attachments: Resolution 2019-45.

Fiscal Impact: None

Recommendation: Adoption of Resolution 2019-45, adopting a supplemental budget for fiscal year 2018-19 and making supplemental appropriations for the Telecommunications Fund

RESOLUTION NO. 2019-45

A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations

RECITAL:

This resolution proposes a supplemental budget for the Telecommunications Fund. A supplemental budget is necessary to allow disbursement of higher than anticipated telecommunication fee revenues received in 2018-2019. Materials and services expenditures are increased by a total of \$12,000 to allow disbursement of the unanticipated cable franchise fees and public, education, and governmental (PEG) access fees to McMinnville Community Media (MCM), as provided for in the City's agreement with MCM.

Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning (ORS 294.471). The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations.

This supplemental budget increases expenditures in the Telecommunications Fund by \$12,000 to allow disbursement of unanticipated revenue.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. **Adopt the following Supplemental Budget:** The Common Council of the City of McMinnville adopts the following Supplemental Budget for 2018-2019 in the Telecommunications Fund.
2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2018-2019 are hereby appropriated as follows:

Telecommunications Fund resources and requirements are increased due to the unanticipated receipt of additional telecommunications fees in fiscal year 2018-2019.

<u>Telecommunications Fund:</u>	<u>Adopted Budget</u>	<u>Budget Adjustment</u>	<u>Amended Budget</u>
Resources:			
Beginning Fund Balance	\$ 1,925	-	\$ 1,925
Licenses and Permits	245,000	12,000	257,000
Miscellaneous	100	-	100
Total Resources	<u>\$ 247,025</u>	12,000	<u>\$ 259,025</u>
 Requirements:			
Materials & Services	\$ 245,000	12,000	257,000
Contingencies	1,450	-	1,450
Ending Fund Balance	575	-	575
Total Requirements	<u>\$ 247,025</u>	12,000	<u>\$ 259,025</u>

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of June, 2019 by the following votes:

Ayes: _____

Nayes: _____

Approved this 25th day of June, 2019.

Approved as to form:

MAYOR

CITY ATTORNEY



City of McMinnville
Finance Department
230 NE Second Street
McMinnville, OR 97128
(503) 434-2350
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 25, 2019
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: Resolution 2019-46: Making a Budgetary Transfer of Appropriation Authority in Fiscal Year 2018-19 (Ambulance Fund)

STRATEGIC PRIORITY & GOAL:



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

OBJECTIVE/S: Identify and focus on the City's core services

Report in Brief: This resolution proposes a budgetary transfer of appropriation authority for the Ambulance Fund

Background: The resolution transfers appropriation authority from the Ambulance Fund contingency appropriation to the materials and services category. A contingency transfer is necessary due to higher than anticipated write-offs for ambulance accounts receivable. When the City writes-off an account, the accounts receivable balance is reduced and write-off expense is recorded. Accounts are considered uncollectable after billing staff has exhausted all avenues to collect payment.

The City recently contracted with a third-party provider to process bills for ambulance transports, effective with transports occurring March 1, 2019, and thereafter. City ambulance billing staff has invoiced all transports that occurred prior to March 1, 2019.

With the contractor assuming responsibilities for billing, City staff has been able review and identify uncollectable accounts more quickly. As a result, the timing of write-offs has changed although the total amount of write-offs will not necessarily increase. In other words, accounts that may have been written off in July or August are being sent to collections in the current fiscal year and it is anticipated that the change will result in more write-off expense than expected in 2018-19.

Discussion: Oregon Revised Statute (ORS) 294.463 allows a governing body to authorize a transfer of appropriation authority after a budget has been adopted by passing a resolution or ordinance. Transfers may be made between appropriation categories in the same fund.

This resolution transfers appropriation authority of \$75,000 from Ambulance Fund contingency to the write-off expense accounts in the materials and services category.

Attachments: Resolution 2019-46

Fiscal Impact: None

Recommendation: Adoption of Resolution 2019-46, making a budgetary transfer of appropriation authority for fiscal year 2018 – 2019 (Ambulance Fund)

RESOLUTION NO. 2019-46

A Resolution making budgetary transfers of appropriation authority for fiscal year 2018-2019 (Ambulance Fund)

RECITAL:

This resolution transfers appropriations from Ambulance Fund contingency to the Ambulance Fund materials and services category. A contingency transfer is necessary due to higher than anticipated write-offs for ambulance accounts receivable. When the City writes-off an account, the accounts receivable balance is reduced and write-off expense is recorded. Accounts are considered uncollectable after billing staff has exhausted all avenues to collect payment.

The City recently contracted with a third-party provider to process bills for ambulance transports, effective with transports occurring March 1, 2019, and thereafter. City ambulance billing staff has invoiced all transports that occurred prior to March 1, 2019.

With the contractor assuming responsibilities for billing, City staff has been able review and identify uncollectable accounts more quickly. As a result, the timing of write-offs has changed although the total amount of write-offs will not necessarily increase. In other words, accounts that may have been written off in July or August are being sent to collections in the current fiscal year and it is anticipated that the change will result in more write-off expense than expected in 2018-19.

Oregon Revised Statute (ORS) 294.463 allows a governing body to authorize a transfer of appropriation authority after a budget has been adopted by passing a resolution or ordinance. Transfers may be made from an operating contingency appropriation to the appropriation category from which it will be expended.

This resolution transfers appropriation authority of \$75,000 from contingency to the materials and services category, write-off expense accounts.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON that the following transfer of appropriation authority under the fiscal year 2018-2019 City of McMinnville Amended Budget is hereby made, to wit:

The following emergency need exists in the Ambulance Fund:

In the Materials & Services category due to unanticipated costs related to write-off of ambulance billing accounts receivable

<u>Ambulance Fund:</u>	<u>Adopted Budget</u>	<u>Budget Adjustment</u>	<u>Amended Budget</u>
Requirements:			
Emergency Medical Services	5,210,903	75,000	5,285,903
Transfers Out to Other Funds	366,015		366,015
Contingency	229,150	(75,000)	154,150
Ending Fund Balance	1,025,296		1,025,296
Total Requirements	<u>\$6,831,364</u>	-----	<u>\$6,831,364</u>

This Resolution will take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of June, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of June, 2019.

MAYOR

Approved as to form:

CITY ATTORNEY



City of McMinnville
Finance Department
230 NE Second Street
McMinnville, OR 97128
(503) 434-2350
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 25, 2019
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: Resolution 2019-47 Making a Budgetary Transfer of Appropriation Authority in Fiscal Year 2018-19 (General Fund, Finance Department)

STRATEGIC PRIORITY & GOAL:



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

OBJECTIVE/S: Identify and focus on the City's core services

Report in Brief: This resolution proposes a budgetary transfer of appropriation authority for the General Fund, Finance Department

Background: This resolution transfers appropriation authority from the General Fund, Non-Departmental contingency appropriation to General Fund, Finance Department personnel services. A contingency transfer is necessary due to higher than anticipated personnel services expenditures in the Finance Department related to vacation payouts for employees. Effective May 31, 2019, the Finance Director retired and received payment for the outstanding balance of her unused vacation leave. In addition, the Ambulance Billing Coordinator's position was eliminated as of June 30, 2019 and the employee in that position will receive payment for the outstanding balance of her unused comp time and vacation leave.

Discussion: Oregon Revised Statute (ORS) 294.463 allows a governing body to authorize a transfer of appropriation authority after a budget has been adopted by passing a resolution or ordinance. Transfers may be made between appropriation categories in the same fund.

This resolution transfers appropriation authority of \$40,000 from General Fund, Non-Departmental contingency to Finance Department personnel services category.

Attachments: Resolution 2019-47

Fiscal Impact: None

Recommendation: Adoption of Resolution 2019-47, making a budgetary transfer of appropriation authority for fiscal year 2018 – 2019 (General Fund, Finance Department)

RESOLUTION NO. 2019-47

A Resolution making a budgetary transfer of appropriation authority for fiscal year 2018-2019

RECITAL:

Oregon Revised Statute (ORS) 294.463 allows a governing body to authorize a transfer of appropriation authority after a budget has been adopted by passing a resolution or ordinance. Transfers may be made between appropriation categories in the same fund.

This resolution transfers appropriation authority from the General Fund, Non-Departmental contingency appropriation to General Fund, Finance Department personnel services. A contingency transfer is necessary due to higher than anticipated personnel services expenditures in the Finance Department related to vacation payouts for employees. Effective May 31, 2019, the Finance Director retired and received payment for the outstanding balance of her unused vacation leave. In addition, the Ambulance Billing Coordinator's position was eliminated as of June 30, 2019. The employee in that position will receive payment for the outstanding balance of her unused comp time and vacation leave.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, that the following transfer of appropriation authority under the fiscal year 2018-2019 City of McMinnville Amended Budget is hereby made, as follows:

The following emergency need exists in the **General Fund, Finance Department:**

In the Personnel Services category due to unanticipated payment of unused leave to Finance Department employees.

<u>GENERAL FUND:</u>	<u>Amended Budget</u>	<u>Budget Adjustment</u>	<u>Amended Budget</u>
Requirements:			
Administration	1,505,991		1,505,991
Finance	805,929	40,000	845,929
Engineering	1,091,207		1,091,207
Planning	1,502,007		1,502,007
Police	8,506,466		8,506,466
Municipal Court	539,655		539,655
Fire	3,802,566		3,802,566
Parks and Recreation	2,989,569		2,989,569
Park Maintenance	1,328,774		1,328,774
Library	1,678,331		1,678,331
Non-Departmental (Not Allocated to Department or Program)			
Debt Service	487,996		487,996
Transfers Out to Other Funds	2,182,508		2,182,508
Operating Contingencies	822,250	(40,000)	782,250
Ending Fund Balance	1,763,866		1,763,866
Total Requirements	\$ 29,007,115	\$ ----	\$ 29,007,115

This Resolution will take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of June, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of June, 2019.

MAYOR

Approved as to form:

CITY ATTORNEY



**City of McMinnville
Fire Department**
175 NE 1st Street
McMinnville, OR 97128
(503) 435-5800
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 20, 2019
TO: Mayor and City Councilors
FROM: Rich Leipfert, Fire Chief
SUBJECT: Resolution updating the Fire and EMS Fee Schedule
STRATEGIC PRIORITY & GOAL:



COMMUNITY SAFETY & RESILIENCY

Proactively plan for & responsively maintain a safe & resilient community.

OBJECTIVE/S: Provide exceptional police, municipal court, fire, emergency medical services (EMS), utility services and public works

Report in Brief:

The Fire Department is authorized to charge fees to recover costs for Fire and EMS services authorized by City Ordinance and the International Fire Code as adopted by the State of Oregon.

Background:

The increases recommended to the EMS service charges are based on two items. The Advanced Life Support Services are recommended to increase by \$125 to cover the increasing costs of medications and EMS supplies used on these call types. The second increase will be on all remaining ambulance service charges and that will be a 2.5% CPI increase. There is no increase in the Fire Med Membership recommended.

There are two new categories added to the permit fees. Construction permits for fuel tank installations since the building code does not cover these plan reviews or permits. The second is operational permits for high hazard operations. These permits are authorized by the Oregon Fire Code and the permit fees are based on fees for time spent inspecting hazardous operations.

Discussion:

The revision of the Fee Schedule is designed to keep pace with the cost of increasing EMS supplies and services. In addition it is designed to move the prevention division into providing more oversight on businesses with high hazard operations within McMinnville and recover expenses for time spent in those high hazard facilities.

Attachments:

Resolution 2019-48 Fire and EMS Fee Schedule
(repeal and replace resolution 2018-54)

Fiscal Impact:

Expected Gross revenue after the Fee adjustments for ambulance will be \$75,000
Expected permit fee increase will be estimated at \$5,000 annually.

Recommendation:

Council adopt resolution 2019-48

RESOLUTION NO. 2019-48

A Resolution providing for certain increases to the combined Fire and EMS fee schedule that allows the Fire Department to recover costs for fire and EMS services allowed within City Ordinance and the International Fire Code as adopted by the State of Oregon.

RECITALS:

The City of McMinnville has adopted Fire Codes as amended by the State of Oregon in accordance with Chapter 15.04 of the McMinnville Municipal Code; and the current Fire Code as adopted by the State of Oregon provides for fees under Section 113 of the Fire Code. The following fee schedule reflects those fees.

The City of McMinnville also charges fees as part of its ambulance services.

This fee schedule reflects a \$125 increase to Advanced Life Support Ambulance Transports due to increasing medication costs. It also reflects a 2.5% increase on all other ambulance charges for a cost adjustment.

The fire fee schedule reflects the addition of operational permits as outlined in the Fire Code and construction permits for those items not covered by the building code including fuel tank installation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. The City of McMinnville adopts the attached fee schedule (Exhibit "A").
2. This Resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.
3. Resolution 2018-54 is repealed.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of June, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of June, 2019.

MAYOR

Approved as to Form:

CITY ATTORNEY

Exhibit "A"

The McMinnville Fire Department Fire and EMS Fee Schedule

<i>Description</i>	<i>Fee</i>	<i>Notes</i>
<i>Code Enforcement</i>		
First Fire Inspection	0	
First Re-inspection	0	
2 rd Re-inspections	\$100	
3 rd Re-inspection	\$200	
4 th Re-inspection	\$400	
Failure to Comply	Citation	IAW <u>15.08.070</u> of the McMinnville Municipal Code
Non-Code required Inspection	\$150	Per Building per request
Environmental Review	\$50	
<i>Specialty Business License Care Facility</i>		
Initial Application Fee	\$500	
Annual Specialty License Fee	\$200/bed	
<i>Stand By Fees</i>		
Fire and Rescue standby request by private and for profit companies, developers and industry	250/ hour per vehicle plus crew costs	Fee is tied to Oregon State Conflagration rates for crew costs
Hazardous Material Response Costs	Full Reimbursement	Fee is tied to Oregon State Conflagration rates for vehicles and crew
<i>False Alarm Response</i>		
Each False Fire Alarm after 3 in a six month period	\$300	
Each False Medical Alarm after 3 in a six month period	\$150	
<i>General Violation Fees</i>		
Fire response resulting from an illegal burn or specialized fire suppression required due to burning of illegal material	Full Reimbursement	Fee is tied to Oregon State Conflagration rates for vehicles and crew
Failure to obtain a permit	200	
Failure to adhere to permit conditions	200	
Burning in violation of fire code	100	
<i>Permits Required</i>		
<i>Fireworks Permits</i>		
Fire Works Public Display	200	
Retail or storage (structure)	50	
Retail or storage (tent)	50	
<i>Event Permits(festivals, celebrations, special events)</i>		
For areas up / including 50,000 Sq Ft	150	
For areas over 50,000 Sq Ft	250	
Pyrotechnics/Flaming Art Performance	100	
<i>Operational Permits</i>		
Aircraft Refueling	\$250	Annual Permit

Hazardous Materials Operations	\$250	Annual Permit
Construction Permits		
Fuel Tank Installations/Removal	\$200	
EMS FEES		
Ambulance Standby	\$250	Per hour or fraction thereof
Advance Life Support	\$1,909	Base Rate In City
Advanced Life Support	\$2,149	Base Rate Outside of City
Basic Life Support	\$1,829	Base Rate In City
Basic Life Support	\$2,058	Base Rate Outside of City
Specialty Care Transport	\$2,557	
Medical Aid	\$539	
Mileage	\$27	
Vehicle Accident Non-resident	Full Reimbursement	Fee is tied to Oregon State Conflagration Rates
Waiting Time	\$100	Per hour or fraction thereof
Fire Med Subscription	\$70	Per family within City
Fire Med Subscription	\$90	Per Family Outside City
Care Home Misuse of EMS Fee	\$1,500	



STAFF REPORT

DATE: June 25, 2019
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: A Resolution adopting the budget for fiscal year beginning July 1, 2019; making the appropriations; imposing the property taxes; and categorizing the property taxes
MANDATE: ORS 294.456

Report in Brief:

Oregon Revised Statute (ORS) 294.456 requires the City to enact a resolution to adopt the City's budget for the fiscal year. Resolution 2019-49 adopts the 2019-2020 budget for the fiscal year beginning July 1, 2019, makes appropriations, imposes property taxes, and categorizes the property taxes, as required by the ORS.

ORS 294.456 also allows the City Council to make changes to the budget that was approved by the Budget Committee. If a change increases expenditures by more than 10 percent, the City must publish a revised financial summary and hold a second budget hearing before the adjusted budget can be adopted.

Discussion:

A number of changes to the 2019-20 Budget approved by the Budget Committee on May 15, 2019, are included in the Budget that is being presented to the Council for adoption. A list of all changes made to the 2019-20 Budget follows:

- 1) Reallocation of General Fund contingency appropriation to General Fund, Administration Department and Unappropriated Ending Fund Balance (General Fund reserve)
 - Several options for use of the recently enacted wastewater franchise fee revenue and existing Transient Lodging Tax (TLT) revenue were discussed by the City Council during the June 11th meeting. Based on that discussion, staff has prepared two resolutions adopting the 2019-20 budget for the Council's consideration. The resolutions reflect two different scenarios:
 - a) One-half of the unrestricted portion of the TLT revenue allocated for Council spending, with the remaining revenue dedicated to the General Fund reserve.
 - b) Two-thirds of the unrestricted TLT revenue allocated for Council spending, with remaining revenue dedicated to the reserve

NOTE: Please refer to the attachments to this Report for additional details on the two proposed resolutions:

- *"Fiscal Year 2019-20 Budget" – Staff Report prepared by City Manager Jeff Towery*
- *"General Fund Reserve as Percentage of Annual Expenditures" – Schedule showing estimated reserve percentages based on different spending scenarios*

Increase in appropriations in 2019-2020 Budget requiring a Budget Hearing

- *Park Development Fund* – Total increase of \$662,652 in materials and services and capital outlay appropriations for the Jay Pearson Neighborhood Park project; carry over of 2018-19 appropriations
- *Airport Maintenance Fund* – Total increase of \$133,128 in materials and services and capital outlay appropriations for the apron project; carry over of 2018-19 appropriations

NOTE: A revised Financial Summary was published as required by ORS 294.456 and a second budget hearing will be held June 25, 2019

Increase in appropriations in 2019-2020 Budget *not* requiring a Budget Hearing

- *General Fund, Administration Department*
 - Increase of \$73,900 in materials and services for consultant for Class/Comp Study and Human Resources (HR) software
 - Pending direction from the City Council, either **\$188,600** (50% of unrestricted TLT revenue in 2019-20 budget) or **\$252,724** (67% of unrestricted TLT revenue) will be reallocated from the General Fund contingency appropriation to the General Fund, Administration, Mayor and City Council, materials and services budget
- *General Fund, Planning Department* – Total increase of \$22,500 in materials and services for consultant/attorney fees related to urban growth boundary
- *General Fund, Fire Department* – Total increase of \$103,125 in capital outlay for mold remediation project (carry over of 2018-19 project) and system alerting system (additional cost for Fire Hall wiring)
- *General Fund, Park & Recreation Department* – Total increase of \$40,235 in materials and services appropriations primarily related to the recreation activities assessment; carry over of 2018-19 appropriations
- *General Fund, Park Maintenance* – Total increase of \$12,000 in materials and services appropriations for Community Development Center (CDC) building repairs; carry over of 2018-19 appropriations
- *General Fund, Non-Departmental*
 - Increase of \$145,000 for Urban Renewal activities; primarily carry over of 2018-19 appropriations for projects not completed as anticipated
 - Pending direction from City Council on allocation of unrestricted TLT revenue, either **\$311,400** (50% TLT reallocation) or **\$247,276** (67% TLT reallocation) will be reallocated from General Fund contingency to General Fund, Unappropriated Ending Fund Balance (reserve); contingency appropriation balance will be \$900,000
- *Street Fund* – Total increase of \$12,000 in materials and services appropriations for CDC building repairs; carry over of 2018-19 appropriations
- *Transportation Fund* – Total increase of \$185,500 of materials and services and capital outlay appropriations for street resurfacing and Old Sheridan Road project; carry over of 2018-19 appropriations

- *Wastewater Capital Fund* – Total decrease of \$13,500; net of increase in materials and services of \$64,000 and decrease in capital outlay of \$77,500; primarily due to changes in I&I reduction projects and filtration system expansion
- *Ambulance Fund* – Total increase of \$34,375 in capital outlay appropriations for mold remediation and station alerting system projects; carry over of 2018-19 appropriations (this is portion of total project costs allocated to the Ambulance Fund)
- *Information Systems & Services (IS) Fund*- Total increase of \$28,900 materials and services for additional cost of HR software

Action:

Approve the Resolution

Attachments:

Resolution 2019-49, A resolution adopting the budget for fiscal year beginning July 1, 2019; making the appropriations; imposing the property taxes; and categorizing the property taxes.



**City of McMinnville
Administration**
230 NE Second Street
McMinnville, OR 97128
(503) 435-5702
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 25, 2019
TO: Mayor and City Councilors
FROM: Jeff Towery, City Manager
SUBJECT: Fiscal Year 2019-20 Budget

STRATEGIC PRIORITY & GOAL:



HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM)
Create diverse housing opportunities that support great neighborhoods.



CITY GOVERNMENT CAPACITY
Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

OBJECTIVE/S: Collaborate to improve the financial feasibility of diverse housing development opportunities
Identify and focus on the City's core services

Report in Brief:

During the June 11th meeting, the City Council discussed options and preferences for the potential use of revenues related to the recently enacted franchise fee on municipal wastewater services as well as existing Transient Lodging Tax revenue in the General Fund, specifically, the intent to provide stimulus funds to assist with supportive projects and services for people without homes, including potential mitigation of near-term symptoms related to negative conduct.

Background:

Strategic Plan Context

Among the Council priorities (mentioned by multiple members) that were discussed in the Council's planning session in February were approaches to address Housing and Homelessness:

- Increasing workforce housing
- Addressing camping within the community's quality of life standards
- Ensuring diverse and affordable housing options

Further, the item relates to multiple goals and priorities in the City's Strategic Plan, including but not limited to the following Council Priority Action Items:

- A-1a. Strategically participate in local and regional partnerships
- A-3e. Right-Size Services: Address insufficient resources by finding new sustainable funding sources
- G-2c. Housing strategy (May 2019) renew every 10 years

Revenue Sources

The Wastewater Franchise Fee will generate approximately \$500,000 in new revenue to the General Fund. The City's Budget Committee approved the proposed budget with the revenue included in anticipation of Council action. In order to balance the budget, the funds were placed in contingency pending Council direction.

The Council has also discussed, in concept, the possibility of dedicating some portion of the City's unrestricted Transient Lodging Tax (TLT), also commonly referred to as the 30%, to support affordable

housing initiatives. The City does not allocate discretionary General Fund revenues to specific departments or uses. The best way to set the context for how dedicating some or all of the TLT could impact current services is to show the proportional share of the General Fund by department. The FY19-20 budget appropriates 36.3% to Police, 16.3% to Fire and 12.7% to Parks and Recreation. The other departments range from 2.4% to 7.5% of the General Fund.

Expenditure Options

The Affordable Housing Task Force has discussed this issue and recommended that the City establish a fund to support several initiatives:

- Land banking
- Leverage for gap financing for affordable housing projects
- Annual Competitive process for affordable housing development projects
- Fund Regional Coordinator
- Support private development of affordable housing

The City has recently taken actions intended to address public safety needs and the negative impacts of camping that may well create added costs. First, additional no parking areas have been designated on portions of Marsh Ln. and Dustin Ct. to ensure emergency access and second, the Council has amended Municipal Code to better regulate camping in the public right of way. Implementing and enforcing these regulations may result in additional costs for:

- Vehicle Towing/Storage
- Facility Costs (i.e. restrooms, garbage, enforcement, clean-up)
- Storage of belongings
- Legal defense

In addition, the Council reviewed options of using all or part of these revenues to support or expand existing General Fund Services, to assist in stabilizing the General Fund Reserves or to address capital improvement needs identified in the recently completed Facilities Conditions Assessment.

Discussion:

During the Council discussion on June 11th, staff noted several issues that all members present seemed to support as well as areas of apparent consensus, although not unanimity. All members appeared to agree on the following items:

- A connection between tourism and affordable housing, therefore justifying dedication of TLT revenue.
- A desire to maintain General Fund services that are currently supported by TLT revenue.
- An interest in committing resources to encourage a variety of affordable housing strategies.
- A recognition that recent actions by the City may require added resources.
- A strong preference to assist in stabilizing the General Fund Reserves.

There also seemed to be broad support for the concepts presented by the Affordable Housing Task Force and staff as detailed in the Background Section above. With respect to the question of how much resource to dedicate, one Councilor expressed support for one third of the TLT (about \$125,000), one suggested the full amount (about \$380,000) and the others expressed support for something in between. Staff has prepared an attachment that describes the impacts of spending one third, one half, two thirds and all of the funds as a reference. Based on the discussion however, only two resolutions were prepared, one for one half of the funds and the other for two thirds.

Fiscal Impact:

This franchise fee will generate approximately \$500,000 in new revenue to the General Fund. The full fiscal impact will differ based on the Council's decision. Both options presented by the Finance Director detail the respective impacts.

Recommendation:

Staff recommends that the City Council adopt the budget resolution that best reflects the will of the Council.

General Fund Reserve as Percentage of Annual Expenditures

Scenarios for additional Wastewater franchise fee revenue
with a portion of unrestricted Transient Lodging Tax (TLT) revenue allocated for Council spending
and remaining revenue dedicated to General Fund reserve

	Estimated 2018-19	Forecast 2019-20	Forecast 2020-21	Forecast 2021-22
(1) Resolution: Estimated reserve with \$500,000 wastewater franchise revenue and \$188,600 (1/2) of unrestricted transient lodging tax (TLT) appropriated; \$311,400 to GF reserve	25.3%	17.7%	14.9%	7.8%
(2) Resolution: Estimated reserve with \$500,000 wastewater franchise revenue and \$252,724 (2/3) of unrestricted transient lodging tax (TLT) appropriated; \$247,276 to GF reserve	25.3%	17.4%	14.4%	7.1%
(3) Estimated reserve with \$500,000 wastewater franchise revenue and \$124,476 (1/3) of unrestricted transient lodging tax (TLT) appropriated; \$375,524 to GF reserve	25.3%	17.9%	15.4%	8.4%
(4) Estimated reserve with \$500,000 wastewater franchise revenue and \$377,200 (100%) of unrestricted transient lodging tax (TLT) appropriated; \$122,800 to GF reserve	25.3%	16.9%	13.4%	5.8%

NOTE:

\$377,200 = 2019-20 budget for Transient Lodging Tax (TLT) revenues transferred to General Fund (30%)

RESOLUTION NO. 2019-49

A Resolution adopting the budget for the fiscal year beginning July 1, 2019; making the appropriations; imposing the property taxes; and categorizing the property taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. Adopting the Budget: The City Council for the City of McMinnville hereby adopts the budget for 2019 - 2020, now on file at City Hall, 230 NE Second Street, McMinnville, Oregon, as approved by the Budget Committee and amended by the City Council, in the sum of **\$ 114,025,082**

2. Making Appropriations: The amounts for the fiscal year beginning July 1, 2019 are for the purposes shown below and are hereby appropriated as follows:

General Fund

Administration	1,691,556
Finance	740,801
Engineering	1,178,759
Planning	1,428,287
Police	9,007,017
Municipal Court	601,752
Fire	4,142,612
Parks & Recreation	3,175,670
Park Maintenance	1,395,342
Library	1,866,005
Not Allocated to Organizational Unit or Program:	-
Debt Service	543,952
Transfers Out To Other Funds	2,680,195
Operating Contingencies	900,000
Total General Fund Appropriation	\$ 29,351,948

Special Assessment Fund

Community Assessments	573,000
Transfers Out To Other Funds	8,057
Operating Contingencies	20,000
Total Special Assessment Fund Appropriation	\$ 601,057

Transient Lodging Tax Fund

Tourism Promotion and Programs	860,033
Transfers out to Other Funds	402,001
Operating Contingencies	248,232
Total Transient Lodging Tax Fund Appropriation	\$ 1,510,266

Telecommunications Fund

Public Education Access	257,000
Operating Contingencies	1,500

Total Telecommunications Fund Appropriation \$ 258,500

Emergency Communications Fund

911 Emergency Communications	940,585
Operating Contingencies	35,000

Total Emergency Communications Fund Appropriation \$ 975,585

Street (State Gas Tax) Fund

Street Maintenance and Improvements	2,015,463
Transfers Out To Other Funds	983,450
Operating Contingencies	250,000

Total Street (State Gas Tax) Fund Appropriation \$ 3,248,913

Airport Maintenance Fund

Airport Maintenance and Operations	423,278
Transfers Out To Other Funds	164,938
Operating Contingencies	300,000

Total Airport Maintenance Fund Appropriation \$ 888,216

Transportation Fund

Street Capital Improvements	5,289,200
Debt Service	201,248
Transfers Out To Other Funds	191,705
Project Contingencies	300,000

Total Transportation Fund Appropriation \$ 5,982,153

Park Development Fund

Park Acquisition and Improvements	889,052
Transfers Out To Other Funds	59,009
Project Contingencies	660,390

Total Park Development Fund Appropriation \$ 1,608,451

Debt Service Fund

General Obligation Bond Debt Service	3,740,450
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Total Debt Service Fund Appropriation \$ 3,740,450

Building Fund	
Building Plan Review and Inspection	750,771
Transfers Out To Other Funds	88,001
Operating Contingencies	75,000
Total Building Fund Appropriation	\$ 913,772
Wastewater Services Fund	
Administration	750,675
Plant	1,953,748
Environmental Services	511,545
Conveyance Systems	846,787
Transfers Out To Other Funds	6,635,373
Operating Contingencies	300,000
Total Wastewater Services Fund Appropriation	\$ 10,998,128
Wastewater Capital Fund	
Sewer Capital Improvements	5,776,500
Transfers Out To Other Funds	249,194
Project Contingencies	500,000
Total Wastewater Capital Fund Appropriation	\$ 6,525,694
Ambulance Fund	
Emergency Medical Services	5,381,117
Transfers Out To Other Funds	239,087
Operating Contingencies	300,000
Total Ambulance Fund Appropriation	\$ 5,920,204
Information Systems & Services Fund	
Information Technology Services	1,308,541
Operating Contingencies	50,000
Total Information Systems & Services Fund Appropriation	\$ 1,358,541
Insurance Services Fund	
Property, Liability and Workers Compensation Insurance	1,228,409
Transfers Out To Other Funds	640,048
Operating Contingencies	150,000
Total Insurance Services Fund Appropriation	\$ 2,018,457
Total Appropriations, All Funds	\$ 75,900,335
Total Unappropriated and Reserved Amounts, All Funds	38,124,747
Total Adopted Budget	114,025,082

3. Imposing & Categorizing Property Taxes: The City Council for the City of McMinnville hereby imposes the property taxes provided for in the Adopted Budget at the rate of \$5.0200 per \$1,000 of assessed value for general operations and in the amount of \$3,716,108 for general obligation bond debt service; and that these taxes are hereby imposed and categorized for tax year 2019 - 2020 upon the assessed value of all taxable property within the City.

	Subject to General Government Limitation	Excluded from General Government Limitation
General Fund	\$5.0200 / \$1,000	
General Obligation Bond Debt Service Fund		3,716,108
Category Totals	\$5.0200 / \$1,000	3,716,108

This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of June, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of June, 2019.

MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 2019-49

A Resolution adopting the budget for the fiscal year beginning July 1, 2019; making the appropriations; imposing the property taxes; and categorizing the property taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. Adopting the Budget: The City Council for the City of McMinnville hereby adopts the budget for 2019 - 2020, now on file at City Hall, 230 NE Second Street, McMinnville, Oregon, as approved by the Budget Committee and amended by the City Council, in the sum of **\$ 114,025,082**

2. Making Appropriations: The amounts for the fiscal year beginning July 1, 2019 are for the purposes shown below and are hereby appropriated as follows:

General Fund

Administration	1,755,680
Finance	740,801
Engineering	1,178,759
Planning	1,428,287
Police	9,007,017
Municipal Court	601,752
Fire	4,142,612
Parks & Recreation	3,175,670
Park Maintenance	1,395,342
Library	1,866,005
Not Allocated to Organizational Unit or Program:	-
Debt Service	543,952
Transfers Out To Other Funds	2,680,195
Operating Contingencies	900,000
Total General Fund Appropriation \$	29,416,072

Special Assessment Fund

Community Assessments	573,000
Transfers Out To Other Funds	8,057
Operating Contingencies	20,000
Total Special Assessment Fund Appropriation \$	601,057

Transient Lodging Tax Fund

Tourism Promotion and Programs	860,033
Transfers out to Other Funds	402,001
Operating Contingencies	248,232
Total Transient Lodging Tax Fund Appropriation \$	1,510,266

Telecommunications Fund

Public Education Access	257,000
Operating Contingencies	1,500

Total Telecommunications Fund Appropriation \$ 258,500

Emergency Communications Fund

911 Emergency Communications	940,585
Operating Contingencies	35,000

Total Emergency Communications Fund Appropriation \$ 975,585

Street (State Gas Tax) Fund

Street Maintenance and Improvements	2,015,463
Transfers Out To Other Funds	983,450
Operating Contingencies	250,000

Total Street (State Gas Tax) Fund Appropriation \$ 3,248,913

Airport Maintenance Fund

Airport Maintenance and Operations	423,278
Transfers Out To Other Funds	164,938
Operating Contingencies	300,000

Total Airport Maintenance Fund Appropriation \$ 888,216

Transportation Fund

Street Capital Improvements	5,289,200
Debt Service	201,248
Transfers Out To Other Funds	191,705
Project Contingencies	300,000

Total Transportation Fund Appropriation \$ 5,982,153

Park Development Fund

Park Acquisition and Improvements	889,052
Transfers Out To Other Funds	59,009
Project Contingencies	660,390

Total Park Development Fund Appropriation \$ 1,608,451

Debt Service Fund

General Obligation Bond Debt Service	3,740,450
--------------------------------------	-----------

Total Debt Service Fund Appropriation \$ 3,740,450

Building Fund	
Building Plan Review and Inspection	750,771
Transfers Out To Other Funds	88,001
Operating Contingencies	75,000
Total Building Fund Appropriation	\$ 913,772
Wastewater Services Fund	
Administration	750,675
Plant	1,953,748
Environmental Services	511,545
Conveyance Systems	846,787
Transfers Out To Other Funds	6,635,373
Operating Contingencies	300,000
Total Wastewater Services Fund Appropriation	\$ 10,998,128
Wastewater Capital Fund	
Sewer Capital Improvements	5,776,500
Transfers Out To Other Funds	249,194
Project Contingencies	500,000
Total Wastewater Capital Fund Appropriation	\$ 6,525,694
Ambulance Fund	
Emergency Medical Services	5,381,117
Transfers Out To Other Funds	239,087
Operating Contingencies	300,000
Total Ambulance Fund Appropriation	\$ 5,920,204
Information Systems & Services Fund	
Information Technology Services	1,308,541
Operating Contingencies	50,000
Total Information Systems & Services Fund Appropriation	\$ 1,358,541
Insurance Services Fund	
Property, Liability and Workers Compensation Insurance	1,228,409
Transfers Out To Other Funds	640,048
Operating Contingencies	150,000
Total Insurance Services Fund Appropriation	\$ 2,018,457
Total Appropriations, All Funds	\$ 75,964,459
Total Unappropriated and Reserved Amounts, All Funds	38,060,623
Total Adopted Budget	114,025,082

3. Imposing & Categorizing Property Taxes: The City Council for the City of McMinnville hereby imposes the property taxes provided for in the Adopted Budget at the rate of \$5.0200 per \$1,000 of assessed value for general operations and in the amount of \$3,716,108 for general obligation bond debt service; and that these taxes are hereby imposed and categorized for tax year 2019 - 2020 upon the assessed value of all taxable property within the City.

	Subject to General Government Limitation	Excluded from General Government Limitation
General Fund	\$5.0200 / \$1,000	
General Obligation Bond Debt Service Fund		3,716,108
Category Totals	\$5.0200 / \$1,000	3,716,108

This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of June, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of June, 2019.

MAYOR

Approved as to form:

CITY ATTORNEY



**City of McMinnville
Police Department**
121 SW Adams Street
McMinnville, OR 97128
(503) 434-7307
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 10, 2019
TO: Mayor and City Councilors
FROM: Matt Scales, Police Chief
SUBJECT: Amend MMC 9.42 Exclusion Zones
STRATEGIC PRIORITY & GOAL:



COMMUNITY SAFETY & RESILIENCY

Proactively plan for & responsively maintain a safe & resilient community.

OBJECTIVE/S: Build a community culture of safety

Report in Brief:

This staff report contains background information and a recommendation to amend MMC 9.42 Exclusion Zones, specifically the Downtown Exclusion Zone. On July 1, 2019 MMC 9.42 will automatically “sunset” under MMC 9.42.060. The proposed amendment will allow the continued designation and enforcement of the “Downtown Exclusion Zone” DEZ identified in MMC 9.42.010. In addition, this code amendment cleans up language by deleting “violation” convictions as being able to be placed on Municipal Court probation.

Background:

In the wake of increased chronic problem behaviors to include criminal activity; in August of 2016 the McMinnville City Council adopted Ordinance 5006 specific to Exclusion Zones. Ordinance 5006 codified the Downtown Exclusion Zone (DEZ) as an area in which there was a need to protect from problem behaviors as there has been significant investment by the City and the business community. The DEZ is a pedestrian focused corridor with numerous street level improvements and art displays that are designed to attract visitors and enhance livability within the city. It is host to numerous festivals, outdoor concerts, and other activities designed to attract visitors within and to the City. The DEZ hosts thousands of out-of-town visitors each year, which are especially vulnerable to negative impacts associated with negative behaviors. The DEZ has benefited the community by keeping the area welcoming to businesses, citizens and tourists.

The DEZ has been designed and has shown itself to be an effective enforcement tool for the McMinnville Police Department and the City as a whole. The Court has been able to exclude persons for a period of time who have been convicted of crime in the DEZ, when the person’s criminal act is contrary to behavioral expectations. These livability crimes affect not only the business community, but also those who frequent the area and want to experience what McMinnville has to offer. Those who

have been excluded from the DEZ have committed crimes such as fighting, disorderly conduct, urinating in public, drinking in public, and theft from businesses.

With respect to fairness and objectivity, the DEZ exclusions have been imposed by the Municipal Court judge, after either having been recommended by the City Prosecutor or the Municipal Court Judge imposing the sentence.

Of note: In 2015 and 2016 there were significant issues with problem behaviors in the downtown when this ordinance was enacted, and we have seen a dramatic decrease in the problem behaviors since its adoption. This is evidenced by number of exclusions ordered in 2017 (12), 2018 (5), 2019 year to date (1). This ordinance has lived up to expectations and has not been challenged in court, as it is a post-conviction order by an impartial judge. In addition, it allows for exceptions to an exclusion order such as, employment in the area, attending religious services, receiving social services, consultation with an attorney etc.

Staff believes this ordinance has worked as it was intended to, and there have been no legal obstacles or formal challenges whatsoever.

Discussion:

Staff has discussed amending MMC 9.42 to remove the “Sunset Clause”. In those discussions, City Attorney Koch believes there is no longer a need to come before the City Council for additional reviews every 3 years. The City Attorney is comfortable that enough time has passed since its inception, and that the Municipal Court has been judicious in imposing these exclusions in the proper situations. In addition, MMC 9.42 has had the desired effect on behavior as predicted in the DEZ.

Attachments:

Exhibit “A” Amended Code MMC 9.42
Map of Downtown Exclusion Zone

Fiscal Impact:

There are no fiscal impacts associated with this amended code.

Recommendation:

Staff recommends that City Council adopt the code as amended.

ORDINANCE NO. 5073

An Ordinance amending McMinnville Municipal Code Chapter 9.42 relating to the designation of the Downtown Exclusion Zone within the City of McMinnville, and removing the sunset clause.

RECITALS:

The City Council has previously passed Ordinance 5006 enacting a “Downtown Exclusion Zone” in the downtown core of McMinnville. This Ordinance has a “Sunset Clause” MMC 9.42.060 repealing it automatically on July 1, 2019.

The Downtown Exclusion Zone has been an effective enforcement tool for the McMinnville Police department. The tool has protected the congested commercial district from persons whose unlawful activities and/or criminal conduct poses a threat the public’s peace, dignity, safety and welfare of the public at large by providing the ability to temporarily exclude certain repeat offenders from the Zone.

Now, therefore, THE COMMON COUNCIL FOR THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. The provisions set forth in the Attached “Exhibit A”, which are incorporated by this reference, are hereby adopted.
2. An emergency is hereby declared and this Ordinance shall take effect immediately after its passage by the Council.

Passed by the Council this 25th day of June 2019, by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of June, 2019.

MAYOR

Attest:

Approved as to form:

CITY ATTORNEY

CITY RECORDER

“Exhibit A”

Chapter 9.42 EXCLUSION ZONES*

Sections:

- 9.42.010** **Downtown Exclusion Zone.**
- 9.42.020** **Exclusion.**
- 9.42.030** **Term of Exclusion.**
- 9.42.040** **Exclusion Enforcement.**
- 9.42.050** **Exceptions to Exclusion Order.**
- ~~**9.42.060** **Sunset Clause.**~~

* Chapter [9.48](#) does not apply to this chapter.

(Prior history note: Enhanced Enforcement Areas, repealed by Ord. 4948 §1, 2011)

9.42.010 Downtown Exclusion Zone.

The McMinnville Downtown Exclusion Zone (DEZ) is designated to protect the public in a congested commercial district from persons whose violation activity or criminal conduct poses a threat to the peace, dignity, safety and welfare of the public at large. The boundaries of the DEZ are described as follows:

Beginning at the northeast corner of the intersection of NE Second Street and NE Adams Street, then north along east side of NE Adams Street to the southeast corner of NE Fourth Street, then east along south side of NE Fourth Street to the southwest corner of NE Galloway Street, then south along the west side of NE Galloway Street to the northwest corner of NE Second Street, then west along the north side of NE Second Street to the point of beginning (as shown on Map A). (Ord. 5006 §1, 2016; Ord. 4948 §1, 2011).

9.42.020 Exclusion.

As a condition of probation in the municipal court, a person may be subject to an Exclusion Order, prohibiting such person from entering or remaining in the DEZ for the period of time described in

MMC [9.42.030](#), when that person is convicted of a ~~violation or~~ crime that occurred within the boundaries of the DEZ. (Ord. 5006 §2, 2016).

9.42.030 Term of Exclusion.

A. Unless otherwise provided in the Exclusion Order, the Term of Exclusion shall take effect immediately upon conviction of a ~~violation or~~ crime described in MMC [9.42.020](#), and shall continue for the number of days described in the Exclusion Order.

B. The Term of Exclusion shall be recommended by the city prosecutor and determined by the Municipal Judge based on the nature of the underlying crime, the number ~~of prior violation and~~ criminal convictions the person has received during the 2 year period immediately preceding the date of the underlying crime, the term of probation, and other factors related to the peace, dignity, safety and welfare of the public at large.

C. The maximum Term of Exclusion that may be imposed as a condition of probation shall be:

~~1. 180 days, if convicted of a violation.~~

~~12.~~ 240 days, if convicted of a crime classified as a Class C Misdemeanor.

~~23.~~ 300 days, if convicted of a crime classified as a Class B Misdemeanor.

~~34.~~ 360 days, if convicted of a crime classified as a Class A Misdemeanor.

D. If a person is convicted of more than one ~~violation or~~ crime related to the same incident, then the most serious ~~violation or~~ crime shall be used for the purpose of calculating the maximum Term of Exclusion. (Ord. 5006 §3, 2016).

9.42.040 Exclusion Enforcement.

If a person excluded from the DEZ is found within the DEZ during the Term of Exclusion, that person may be cited, summoned and/or ordered into municipal court for a probation violation hearing. A person is not considered to be within the DEZ if the person is within a vehicle that is passing through the DEZ. (Ord. 5006 §4, 2016).

9.42.050 Exceptions to Exclusion Order.

A. In any probation violation hearing in which the violation of an Exclusion Order issued pursuant to this chapter is a basis for the violation, it is a defense that the person was within the DEZ for one or more of the following reasons:

1. The person owns or rents a residence within the DEZ, and resides at that residence.
2. The person owns a business or is employed within the DEZ.
3. The person was visiting the residence of an immediate family member that is located within the DEZ.
4. The person was consulting with an attorney whose primary office is located within the DEZ.
5. The person was attending religious services within the DEZ.
6. The person was receiving social services, government services, or mental health, medical, alcohol or drug treatment services within the DEZ.
7. The person was conducting banking, investing or other similar financial services activities within the DEZ.
8. The person was performing court ordered community service obligations within the DEZ.

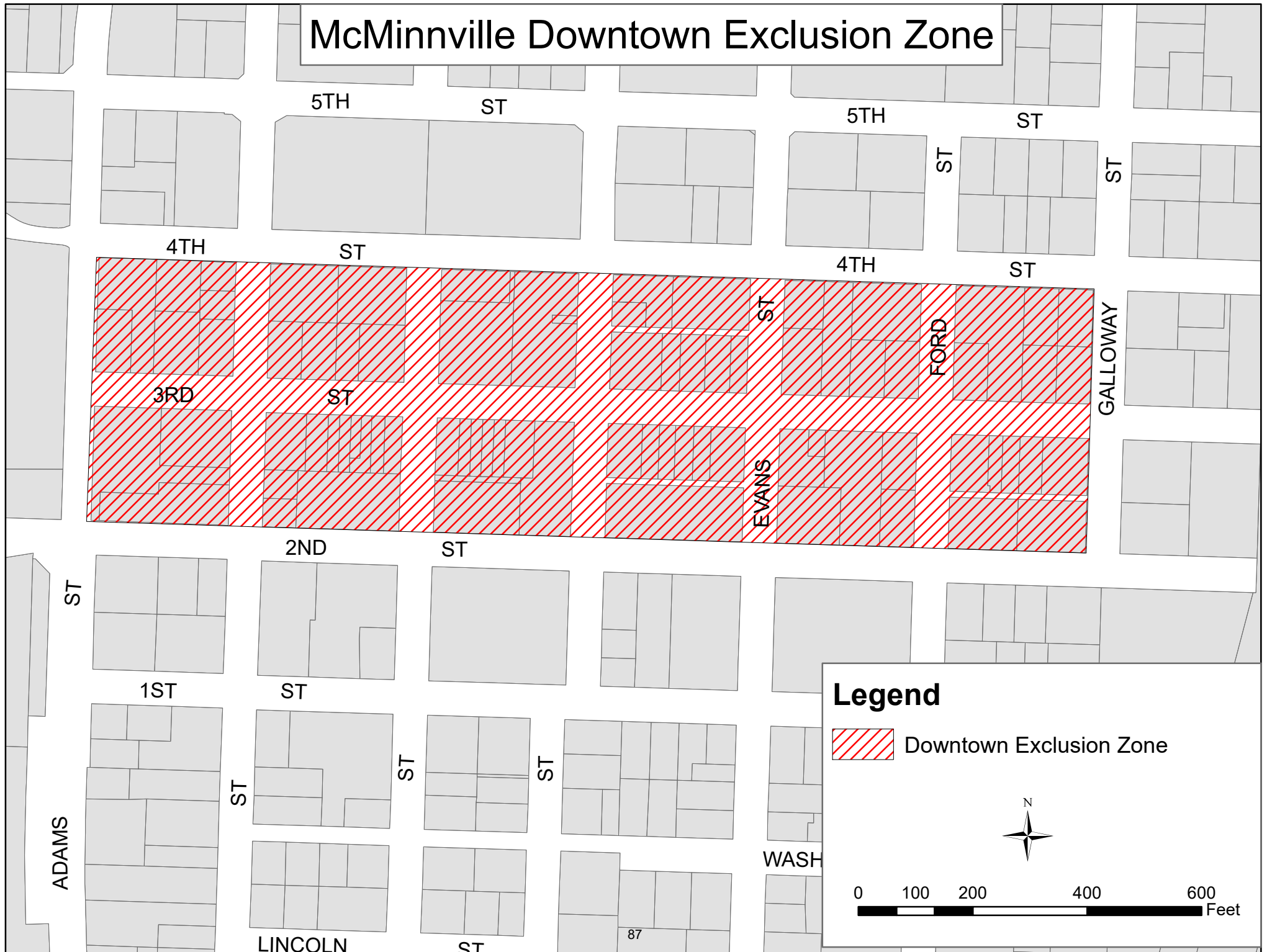
B. For the purposes of this section, the term “immediate family member” shall mean the spouse, parent, stepparent, grandparent, child, grandchild, sibling, stepsibling, son-in-law, or daughter-in-law of the person. (Ord. 5006 §5, 2016).

~~9.42.060 Sunset Clause.~~

~~The provisions of this chapter shall be automatically repealed on July 1, 2019. (Ord. 5006 §6, 2016).~~

The McMinnville Municipal Code is current through Ordinance 5062, passed March 12, 2019.

McMinnville Downtown Exclusion Zone





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

STAFF REPORT

DATE: June 25, 2019
TO: Mayor and City Councilors
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Oak Ridge Meadows Land-Use Applications - Ordinance Nos. 5065, 5069 and 5070.

- PDA 3-18 (Amendment of Oak Ridge Planned Development), and
- PDA 4-18 (Amendment of Oak Ridge Meadows Planned Development), and
- S 3-18 (Tentative Subdivision Plan, Oak Ridge Meadows).

STRATEGIC PRIORITY & GOAL:

 GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character. OBJECTIVE: Strategically plan for short and long-term growth and development that will create enduring value for the community.	 HOUSING OPPORTUNITIES <small>[ACROSS THE INCOME SPECTRUM]</small> Create diverse housing opportunities that support great neighborhoods. OBJECTIVE: Collaborate to improve the financial feasibility of diverse housing development opportunities.
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Report in Brief:

This is the consideration of Ordinances 5065, 5069 and 5070, representing three land-use applications for the Oak Ridge Meadows housing development. Two are amendments to existing planned developments approved in 2000 and 2005. Both land-use decisions are still valid and have not expired. The applicant, Premier Development LLC, would like to combine the last unbuilt phase of the Planned Development approved in 2000 with the unbuilt Planned Development approved in 2005 to create one master planned development in order to improve connectivity, protect the floodplain and riparian corridor and provide better open space amenities for the neighborhood. The third land-use application is a Tentative Subdivision Plan for the one resulting amended Planned Development.

The sum total of these land-use decisions would allow a 108 lot, single-family residential housing development on 35.47 acres of R2 (low density residential) zoned land within the city limits.

Attachments:

Attachment A: Ordinance No. 5065 including:
Exhibit A – PDA 3-18 Decision Document
Attachment B: Ordinance No. 5069 including:
Exhibit A – PDA 4-18 Decision Document
Attachment C: Ordinance No. 5070 including
Exhibit A – S 3-18 Decision Document
Attachment D: Memorandum and Supplemental Findings
Attachment E: Planning Commission Minutes, 4-18-19
Attachment F: Planning Commission Minutes, 5-16-19

- 1) Ordinance No. 5065 would approve **Planned Development Amendment PDA 3-18**, removing 11.47 acres of undeveloped land (Tax Lot R44170300) from the Oak Ridge Planned Development, (adopted by Ordinance No. 4722).
- 2) Ordinance No. 5069 would approve **Planned Development Amendment PDA 4-18**, adding the 11.47 acres of undeveloped land removed from the Oak Ridge Planned Development via PDA 3-18 to the current 24 acre Oak Ridge Meadows Planned Development (adopted by Ordinance No. 4822), Tax Lot R440700602, for a total of 35.47 acres, and approve the following amendments to the existing design and development standards of the Oak Ridge Meadows Planned Development.
 - That the average lot size shall be amended from 7,500 square feet to approximately 7,770 square feet.
 - That the setbacks be amended from:

Setbacks	Current	Proposed
Front Yard	20 feet	20 feet
Side Yard	Lots less than 6,000 square feet in area - 6 feet. All other lots – 7.5 feet.	5 feet
Exterior Side Yard	15 – 20 feet	10 feet
Rear Yard	20 feet	20 feet
Open Side of Garage	20 feet	20 feet

- That side lot lines that do not run at right angles to the street upon which the lots face shall be allowed where necessary to respond to physical conditions of the site.
 - That the maximum block length be amended to 2,305 feet, with a maximum distance of 800 feet between pedestrian ways.
 - That a lot depth to width ratio exceed the recommended two (2) to one (1) ratio shall be allowed where necessary to respond to physical conditions of the site, not to exceed 2.75:1.
 - That a minimum 0.85 acre private active neighborhood park be provided and improved.
 - That a minimum 5.6 acre public open space greenway be dedicated and improved.
- 3.) Ordinance No. 5070 would approve a **Tentative Subdivision Plan S 3-18**, a 108 lot single-family residential subdivision, for the Oak Ridge Meadows Planned Development created by Ordinance No. 5069.

Both the Oak Ridge Planned Development and the Oak Ridge Meadows Planned Development are existing approved planned developments. This project would combine the undeveloped last phase of the Oak Ridge Planned Development with the undeveloped Oak Ridge Meadows Planned Development creating one comprehensive Planned Development allowing for improved connectivity, bicycle and

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pedestrian mobility, open space amenities and better protection of environmentally sensitive areas, such as the floodplain, wetland, slopes, mature trees and the riparian corridor.

As proposed the amended Oak Ridge Meadows Planned Development would yield 108 home lots, varying in size from approximately 5,000 square feet to 14,000 square feet; preserve approximately 2 acres of wetland and mitigate 1 acre of wetland, dedicate and improve 5.6 acres of land along Baker Creek to the City of McMinnville for a natural greenway park and trail system; locate higher density housing away from the wetlands and floodplain to help buffer the ecological systems; and preserve and maintain mature oak trees on the site.

These land use requests were considered at a public hearing by the McMinnville Planning Commission on April 18, 2019 and May 16, 2019. The public hearing was closed on May 16, 2019, following which the Planning Commission deliberated and then voted to recommend that the Council consider and approve the Planned Development requests and the Tentative Subdivision Plan subject to conditions outlined in Ordinances No. 5065, 5069 and 5070, based on the Findings of Fact, the Planning Commission's Conclusionary Findings for Approval, and the materials submitted by the applicant.

Normally, a Tentative Subdivision Plan would be a final decision of the Planning Commission and would not be considered by the City Council unless it was appealed to the City Council. However, since these three land-use applications were submitted together, per McMinnville Municipal Code (MMC) Section 17.72.070, *Concurrent Applications*, "when a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously." With this provision, the Tentative Subdivision Plan will be decided by the City Council along with the Planned Development Amendments.

Per MMC, Section 17.72.130(C)(6), once the Planning Commission makes a decision to recommend a land-use decision to the McMinnville City Council, the Council shall:

- a. Based on the material in the record and the findings adopted by Commission and transmitted to the City Council, adopt an ordinance effecting the proposed change, or;
- b. Call for a public hearing on the proposal subject to the notice requirements stated in Section 17.72.120(D) – (F).

Per Oregon Revised Statute, ORS 227.178, the City of McMinnville needs to render a decision on these three land-use decisions within 120 days unless the applicant requests an extension. The applicant submitted a request on March 1, 2019 to extend the 120 day decision timeframe for an additional 60 days and on June 5, 2019 for an additional 21 day extension, therefore the City's final decision is subject to a 201 day processing timeline, and a decision will need to be rendered by August 13, 2019 on all three land-use decisions.

The City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and are entitled to notice as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code.

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Oak Ridge Meadows PD

- 35.47 total acres

Request:

- 108 lot single-family residential subdivision
- Public & private open space amenities

Background:

The subject site being considered for the amended Oak Ridge Meadows PD and new 108-lot subdivision tentative plan consists of a total of 35.47 acres, including the 11.47 acres of undeveloped land in the Oak Ridge Planned Development (Ordinance No. 4722) and the 24.0 acres of undeveloped land in the Oak Ridge Meadows Planned Development (Ordinance No. 4822).

Although these planned developments were originally approved in 2000 and 2005 respectively, due to the Great Recession, the last phase of the Oak Ridge Planned Development (Phase IV) approved in 2000 and the entire Oak Ridge Meadows Planned Development were not developed. And although the planned developments did not expire, the approved subdivision plans did expire. When the developer decided to start moving forward on the development they elected to amend the two planned developments to create one planned development for the remaining undeveloped land.

See Figures 1 & 2.

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Figure 1. Subject site proposed for removal from Oak Ridge PD and addition to amended Oak Ridge Meadows PD



Original Oak Ridge Meadows P.D. boundary (Ord. 4822) 24 acres. (outlined in dark red)

Subject Site proposed for removal from Oak Ridge P.D. 11.47 acres. (outlined in yellow)

Oak Ridge P.D. boundary (Ord. 4722) (outlined in bright red)

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Attachment C: Ordinance No. 5070 including

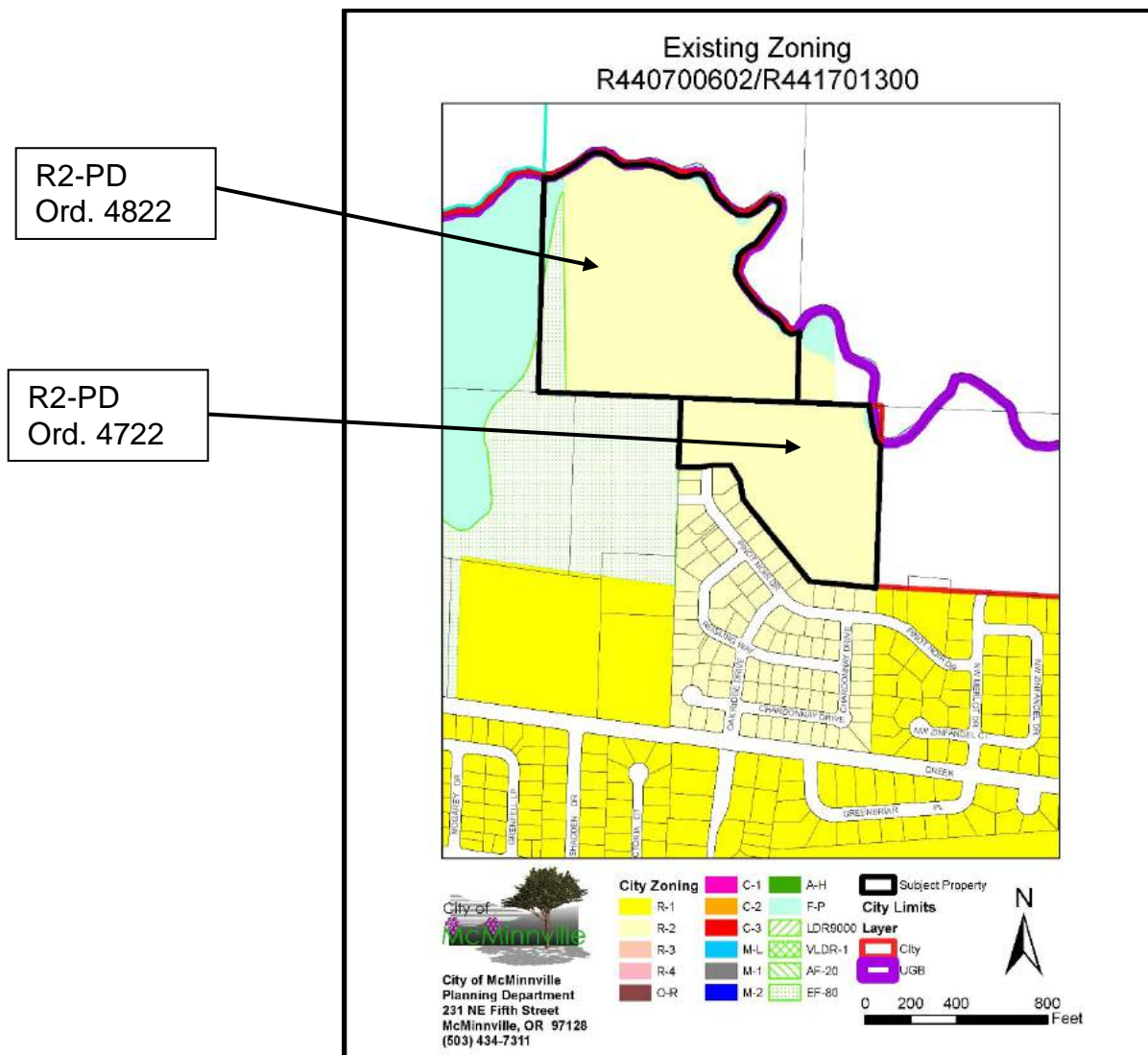
Exhibit A – S 3-18 Decision Document

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Figure 2. Zoning Map



Several distinctive natural features are present on the subject site. Baker Creek forms the northern boundary of the 24 acre parcel, and its associated floodplain encroaches on the subject site. A recently completed wetland delineation identified 3.09 acres of wetlands on the 11.47 acre parcel. Steep slopes are present on the subject site, generally around the perimeter of the properties leading down from the central peninsula to Baker Creek and the wetland area. Groves of mature, native white oak trees are found on the subject site, particularly at the existing terminus of Pinot Noir Drive and on the steep slopes. **See Figures 3 & 4.**

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Attachment C: Ordinance No. 5070 including

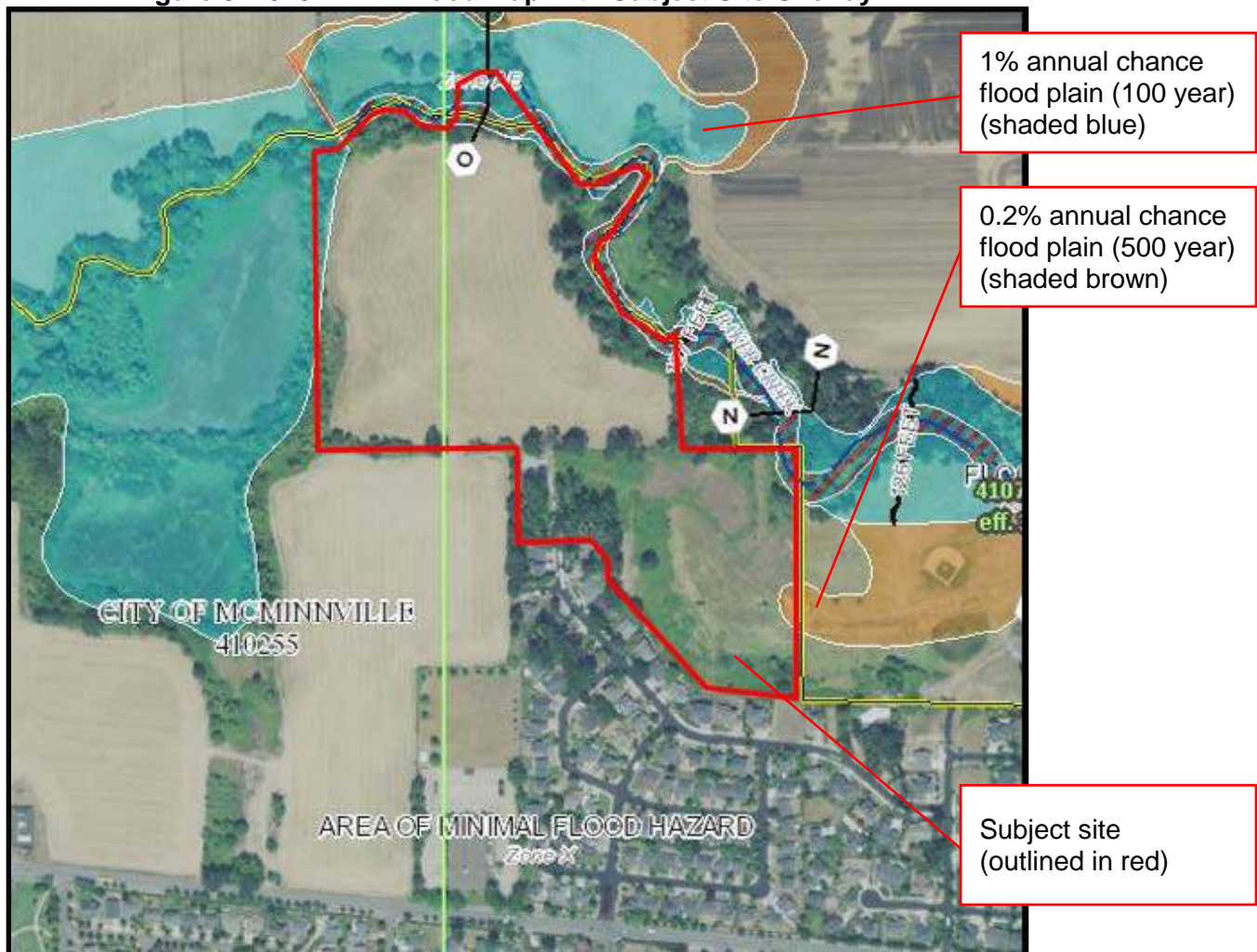
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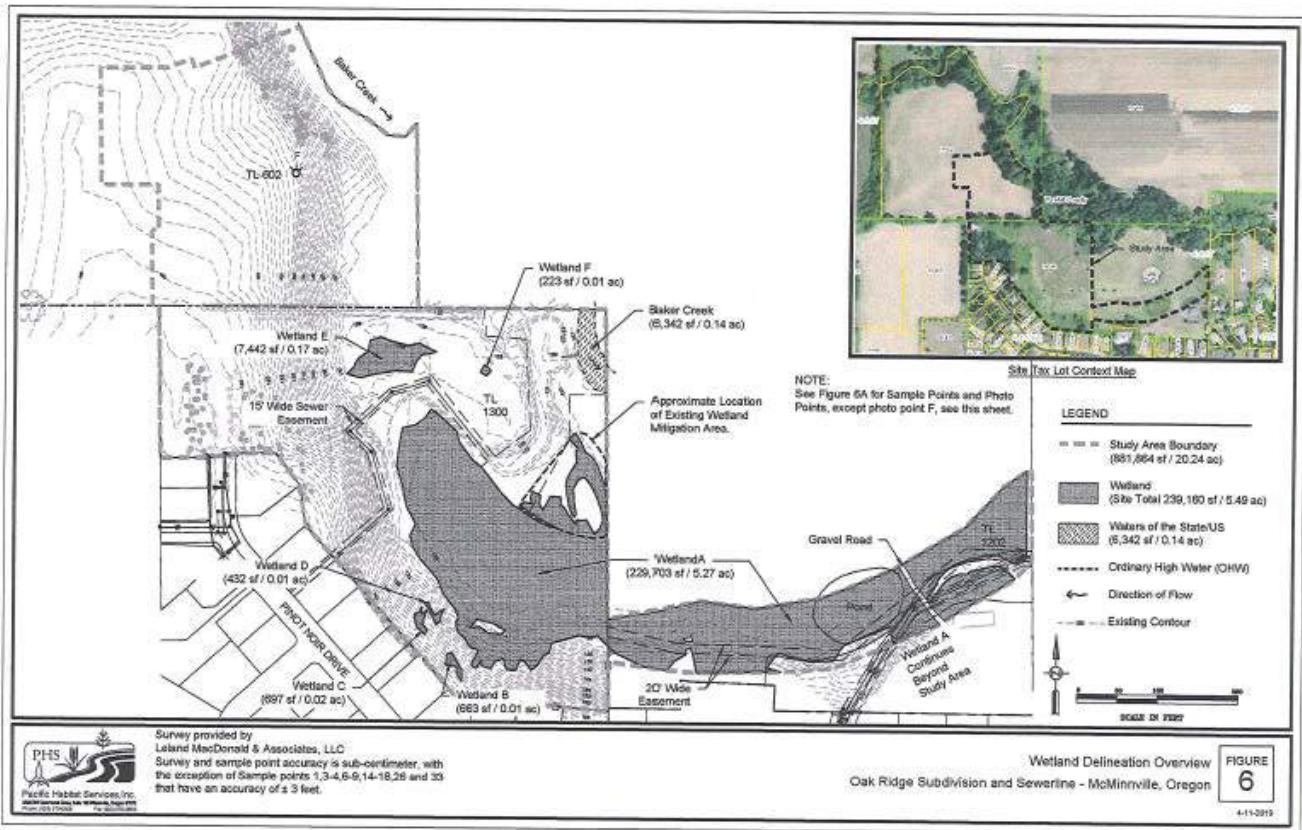
Figure 3. 2010 FEMA Flood Map with Subject Site Overlay



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Figure 4. Wetland Delineation



The Oak Ridge Planned Development was approved in February, 2000, adopted by Ordinance 4722. A tentative subdivision plan (S 6-99) of 107 residential lots with an average minimum lot size requirement of 7,000 square feet, was approved by the McMinnville Planning Commission as a three phase plan for the Oak Ridge Planned Development Overlay District. The original subdivision plan was eventually amended to reallocate the 107 lots from three phases into four phases. The first three phases of the residential subdivision were developed, totaling 82 lots averaging 7,387 square feet in size. The fourth phase (approved for 30 lots) was left undeveloped due to the onset of the Great Recession in 2007, leaving 11.47 acres unplatted and undeveloped. The Oak Ridge Meadows Planned Development Overlay District was approved in April, 2005, adopted by Ordinance 4822. A tentative subdivision (S 14-04) was approved for 99 residential lots averaging 8,059 square feet. Again, due to the Great Recession in 2007 development did not move forward. **See Figures 5 & 6.** Although both Tentative Subdivisions S 6-99 and S 14-04 have since expired, each development plan became part of its respective zone and binding on the property owner and developer.

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Figure 5: Oak Ridge Phase 4 (2004)

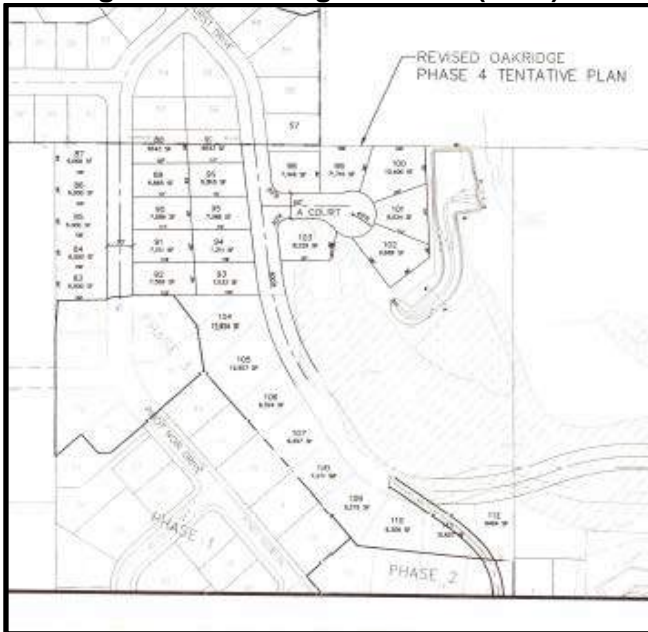


Figure 6: Oak Ridge Meadows (2005)



Currently both planned development overlay districts are active, zoned R2-PD, and Premier Development LLC could submit two separate tentative subdivision plans that satisfy the covenants of each individual planned development and develop the acreage accordingly. However, the applicant felt that it would be more appropriate to masterplan the remaining undeveloped land as part of one unified planned development due to their adjacencies and opportunities for improved connectivity and open space planning.

The overall goal of the applicant's land use requests is to combine the undeveloped 11.47 acres remaining in the Oak Ridge Planned Development Overlay District with the 24 acres in the Oak Ridge Meadows Planned Development Overlay District for a total site area of 35.47 acres for a subdivision of 108 lots of varying sizes to build a housing development with a dedicated 5.6 acre public greenway and trail system along Baker Creek, and a private 0.85 acre neighborhood park overlooking a preserved wetland to be maintained by the homeowner's association in a separate tract of land. **See Figure 7.**

Figure 7: Oak Ridge Meadows Tentative Subdivision (S 3-18)

5.6 acre dedicated greenway

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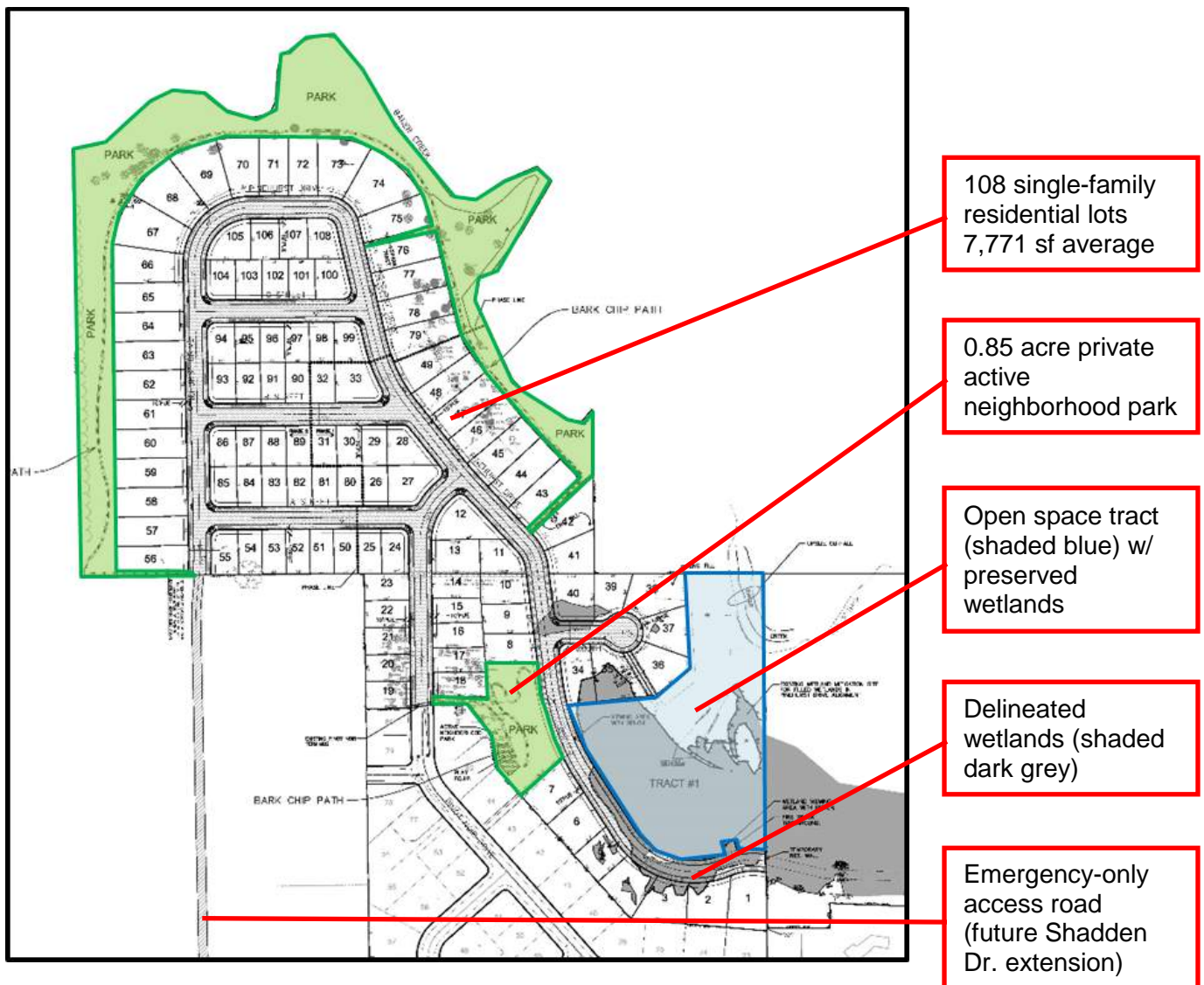
Attachment C: Ordinance No. 5070 including

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Summary of Review Criteria

A Planned Development Overlay District is a method of adopting a specialized zone for specific property that has refined design and development standards to allow for better development within the City of McMinnville than would normally occur with just strict interpretation of the Zoning Ordinance.

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

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The two Planned Development Amendment applications (PDA 3-18 and PDA 4-18) are subject to Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

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

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

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

The applicant has provided extensive narrative and findings to support the request for the Planned Development Amendments based on their proposed additional benefits to the community that would be provided through the amendment:

1. The addition of the 11.47 acre parcel (the unplatted fourth phase of the Oak Ridge subdivision) to the Oak Ridge Meadows Planned Development Overlay boundary will allow efficient use of open space, greater freedom in the development of the land, and allow for the preservation of significant natural features (wetlands) on the property. Additionally, a portion of the property would be established as a private neighborhood park for the benefit of the community.

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2. Requested lot size averaging would allow flexibility and variety in the development pattern of the community. A wider variety of lot sizes would increase the type of housing products and price points to be made available.
3. The request to modify setbacks would support the flexibility and variety in the development provided by varied lot sizes. A provision would allow for the adjustment of setbacks on a lot by lot basis to preserve significant trees.
4. A request to allow side lot lines at non-90 degree angles would allow flexibility to employ a creative design and development approach in response to unique geographic features of the subject site.
5. A request to allow lots with larger than standard depth to width ratio in response to unique geographic features of the subject site would allow preservation of natural features (significant trees and slopes) by allowing uniquely shaped lots in ecologically sensitive areas with buildable area away from sensitive natural features.
6. Allowing longer than standard block lengths would allow flexibility in the design and development of the land by letting the design respond to unique geographic features of the subject site.
7. Establishment of a private park in the development would encourage mixed use in the planned area and create a private common open space.
8. Dedication of a public greenway park would encourage mixed use in the planned area and create a public common open space.

Overall, the proposed planned development amendment would provide additional benefits to the community and the City as a whole that are above and beyond what would be provided through a traditional subdivision application and strict interpretation of the zoning ordinance. The proposal provides a variety of housing lots with varying sizes, maintaining larger lots adjacent to the floodplain and clustering smaller lots internally. The proposal preserves all of the floodplain and riparian corridor by donating it to the City of McMinnville for a natural greenway park. The proposal also preserves the majority of the wetland providing viewing areas for the wildlife and ecosystem protected by preserving the wetland, and mitigates only the periphery of the wetland. The proposal also provides a private natural park that preserves a stand of older oak trees and provides a playground for the neighborhood families to enjoy.

Below are some tables summarizing the applications compliance with critical criteria. The Decision Documents for each land-use application have the detailed analysis and findings for this compliance:

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PDA 3-18 (Planned Development Amendment, Ordinance No. 4722, Removal of 11.47 Acres)

Issue	Notes	Condition to Help Meet Criteria
Removes land from an existing PD to include in an adjacent PD for connectivity efficiency and open space planning.	Meets Comp Plan Policies and Code Criteria for Amendment. Oak Ridge Planned Development without planned Phase IV still meets the intent and covenants of the Comp Plan and the code.	Condition of Approval #1
What happens if the land is successfully removed from the Oak Ridge PD but not successfully amended into the Oak Ridge Meadows PD	Land will be rezoned from R2-PD to R2, and future development will need to be compliant with the R2 zone.	Condition of Approval #2

PDA 4-18 (Oak Ridge Meadows Planned Development Amendment, Ordinance No. 4822, Addition of 11.47 Acres plus design and development standard amendments)

Issue	Notes	Condition to Help Meet Criteria
Trade-Offs for Planned Development	Comp Plan, Volume 1, Chapter V, references the need for trade-offs that benefit the community in addition to a mixture of lot sizes and housing types.	Condition of Approval #8 identifies the provision of a private active neighborhood park within the subdivision. Condition of Approval #9, identifies the dedication, construction and maintenance of a 5.6 acre greenway and trail system along Baker Creek. Condition of Approval #10 identifies the preservation of the majority of wetlands with viewing areas.
Street Specifications	Due to the unique characteristics of the site with Baker Creek and its associated floodplain bordering three sides of the site, a variance on right angle intersections was requested. Request meets Comp Plan policies and City Code with Condition.	Condition of Approval #5

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PDA 4-18 Continued. (Planned Development Amendment, Ordinance No. 4822, Addition of 11.47 Acres plus design and development standard amendments)

Issue	Notes	Condition to Help Meet Criteria
Lots Depth to Width Ratio	Due to the unique characteristics of the site with Baker Creek and its associated floodplain bordering three sides of the site, a variance on the lot depth to width ratio was requested. Request meets Comp Plan policies and City Code with Condition.	Condition of Approval #6
Block Length	Due to the unique characteristics of the site with Baker Creek and its associated floodplain bordering three sides of the site, a variance on block lengths was requested. Request meets Comp Plan policies and City Code with Condition of approval that requires a bicycle and pedestrian mid-block connection at least every 800 feet.	Condition of Approval #7
Provides Required Open Space	Meets Parks Master Plan and Comp Plan Policies with the construction and dedication of a 5.6 acre public greenway and trail system along Baker Creek, and a 0.85 acre private park, and preserved wetlands.	Condition of Approval #8 Condition of Approval #9 Condition of Approval #10
Wetland Delineation	Wetland Delineation was updated and needs to be approved by Department of State Lands prior to platting. This is a state regulation and approval process.	Condition of Approval #11

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PDA 4-18 Continued. (Planned Development Amendment, Ordinance No. 4822, Addition of 11.47 Acres plus design and development standard amendments)

Issue	Notes	Condition to Help Meet Criteria
Wetland Mitigation	Wetland Mitigation Plan will need to be submitted and approved by the Department of State Lands prior to any construction work impacting the wetland. This is a state regulation and approval process.	Condition of Approval #11
Tree Preservation	Trees 9" or greater in diameter will need to be inventoried and a plan identifying preservation and removal needs to be submitted for approval by the Planning Department prior to construction.	Condition of Approval #12 Condition of Approval #13
Traffic Impact	A traffic impact analysis was conducted indicating that Pinot Noir could accommodate the amount of trips generated by 108 dwelling units prior to a second public street access to serve the development.	Condition of Approval #15 limits the amount of dwelling units that can be constructed to 108 dwelling units prior to the construction of a second public access street.

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S 3-18 (Tentative Subdivision Plan for Amended Planned Development Overlay District associated with the approval of PDA 4-18).

Issue	Notes	Condition to Help Meet Criteria
Size and Number of Lots	Meets Code and PD	
Street Specifications	Meets City Code	
Lots Depth to Width Ratio	Meets PD	
Block Length	Meets PD with Condition	Condition of Approval #10
Provides Required Open Space	Meets Parks Master Plan and PD with Condition	Condition of Approval #3 Condition of Approval #8 Condition of Approval #9 Condition of Approval #11
Wetland Delineation	Meets State Requirements and City Comp Plan Policies with Condition	Condition of Approval #22
Wetland Mitigation	Meets State Requirements and City Comp Plan Policies with Condition.	Condition of Approval #22 Condition of Approval #23
Tree Preservation	Meets City Code and PD.	
Traffic Impact	Meets City Code and PD.	Condition of Approval #12
Variety of Housing Types	Meets Comp Plan Policy and PD.	
Disposition of lots for public sale.	Meets Comp Plan Policy with condition.	Condition of Approval #7

As summarized above, the proposed plan is responsive to the natural features found on the subject site. As required by City code, no development is proposed in the 100 year floodplain as described by the 2010 FEMA floodplain study. **See Figure 8.**

The applicant is working with the Oregon Department of State Lands to approve the updated wetland delineation and to develop a wetland mitigation plan to address disturbed areas necessary to accommodate the needed infrastructure to support the housing development. **See Figure 9.**

The orientation and size of the lots allow the protection and dedication of the Baker Creek riparian corridor, as well as minimizing potential impact on steep slopes. The applicant has also secured an arborist to identify and evaluate all of the mature trees on the site with the goal of preserving as many of them as possible, balanced with the need to develop medium density housing.

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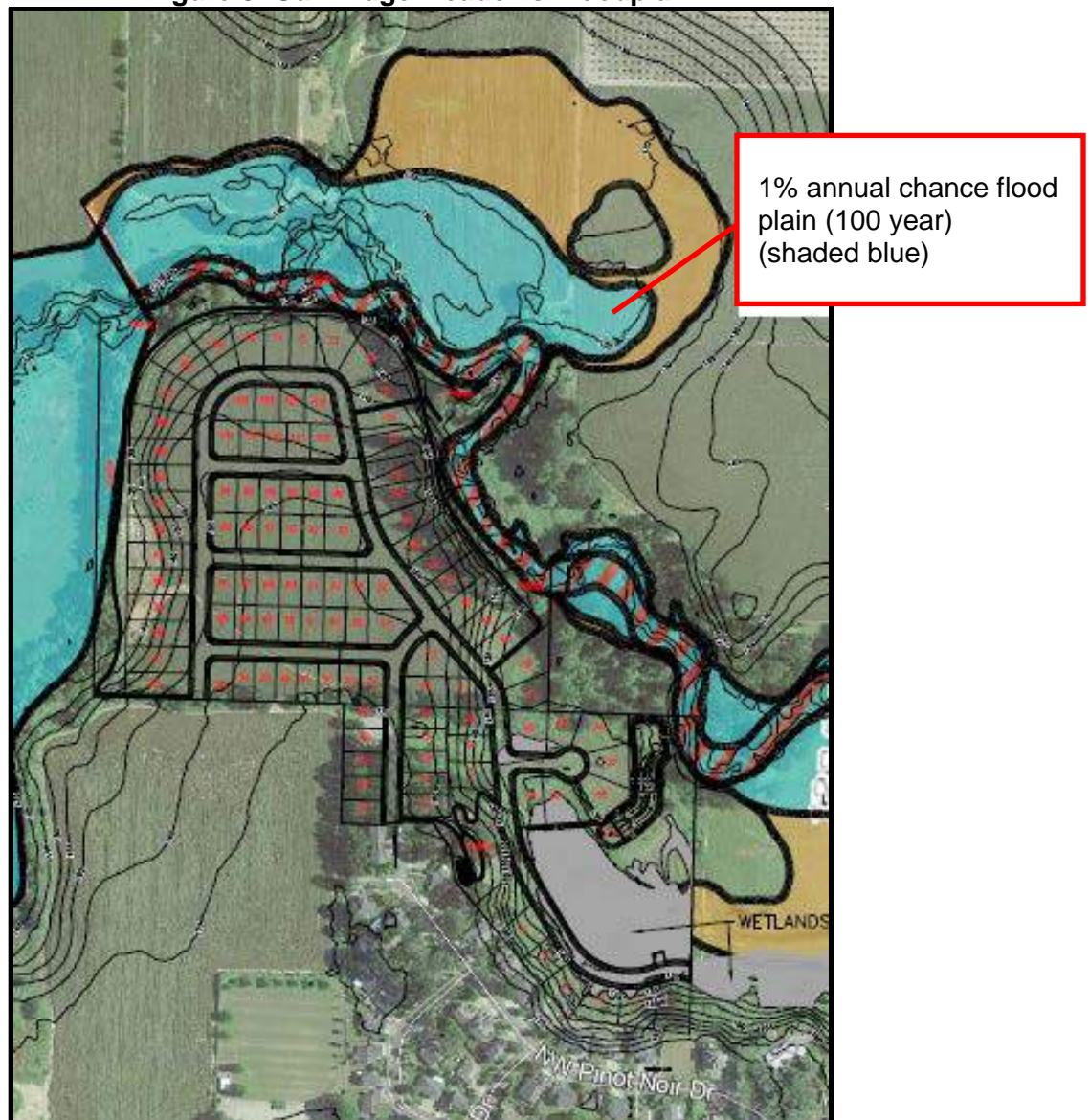
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Figure 8: Oak Ridge Meadows Floodplain



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Figure 9: Oak Ridge Meadows Wetlands – Preserved vs. Impacted



In short, the requests meet the applicable review criteria and are consistent with applicable Comprehensive Plan Goals and Policies. The proposals provide several advantages and benefits over a standard subdivision, the current PD approvals in effect, and the prior, now expired tentative plan approvals.

- Original Oak Ridge PD approval and Phase 4 didn't include any recreational open space. The new proposals for that portion of the site include a new private neighborhood park. The wetland tract and access configuration remain substantially as originally proposed.

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- Original Oak Ridge Meadows PD didn't include any public open space. The new proposals for that portion of the site include a public greenway and trail system. The new proposals also include better internal street connectivity. The external street connectivity (current and future) remain as originally proposed.
- Together, the total area provides a better overall development plan than the current PD approvals in place and the previously approved (now expired) tentative plan approvals.

Discussion:

The Planning Commission held a public hearing for the two Planned Development Applications (PDA 3-18 and PDA 4-18), as well as the Tentative Subdivision (S 3-18) at their regular meeting on April 18, 2019. Fourteen written testimonies were received by the Planning Department prior to the public hearing. Several oral testimonies were provided during the April 18, 2019 public hearing, along with additional written testimony. The testimonies provided were oppositional, and primarily focused on three issues:

1. That development impacting wetlands should not be allowed by the City;
2. That proposed development could cause increased downstream flooding;
3. That anticipated traffic from the development (construction and new residents) would negatively impact surrounding neighborhoods until such time as a northerly extension of Shadden Drive was completed.

Due to the length of the meeting and the amount of public interest, the Planning Commission voted to continue the public hearing to their May 16, 2019 regular meeting to provide additional opportunity for public testimony. Between the April 18, 2019 public hearing and the continued hearing on May 16, 2019, the Planning Department received nineteen additional written testimonies with similar themes as prior testimonies – that the wetlands should not be allowed to be impacted, that the proposed development could cause increased downstream flooding, and that traffic generated by the proposed development would negatively impact the existing Oak Ridge residential development. Included in the written testimony from opponents to the development, submitted in advance of the May 16, 2019 public hearing was a Hydrologic Analysis of Baker Creek, which concluded the current FEMA flood maps were in need of updating, and that the proposed development would not increase downstream flow.

Additional public oral testimonies were provided at the continued hearing on May 16, 2019, along with rebuttal from the applicant. Specifically, the applicant's rebuttal called into question the methodology and data used in the hydrologic analysis, and referenced the Traffic Impact Analysis indicating the proposed and existing street network to be within City standards. The rebuttal also addressed the "Goal Post Rule", the requirement that the rules and regulations in place at the time of application are the applicable criteria and standards the application is to be judged by. This was relevant to the issue of FEMA floodmap accuracy raised by the hydrologic analysis, because even if the analysis did conclude flood maps were in need of updating, the standard by which the application is judged per MMC, Section 17.48.010, is the current, adopted floodplain mapping, FIRM Map panels, March 2, 2010.

The public hearing was closed on May 16, 2019, following which the Planning Commission deliberated and discussed the public testimony per the following:

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TRAFFIC IMPACT:

Many opponents testified that Pinot Noir cannot handle increased traffic as proposed: The traffic impact analysis provided by the applicant indicates that Pinot Noir as built to the local street standards specified in the City of McMinnville's 2010 Transportation System Plan will be able to handle the amount of traffic generated by 108 new homes without a secondary access to Baker Creek Road per the City of McMinnville's adopted capacity standards of 1200 vehicle trips per day for local residential streets. A condition of approval on the land-use decision caps the amount of dwelling units that will be permitted prior to Shadden Drive being built as a secondary public access to Baker Creek Road to 108 new dwelling units. Planning Commissioners did not find the public testimony warranted changing the City's findings.

Complete Street Design Standards										
			Arterial		Collector		Neighborhood Connector	Local Residential	Alley	
			Major	Minor	Major	Minor				
Streetscape	Street Profile	Auto/Truck Amenities (lane widths)	2-4 lanes (12 ft.)	2 lanes (11 ft.)	2 lanes (11 ft.)	2 lanes (10 ft.)	See Street Width	See Street Width	20 ft.	
		Median / Center Turn Lane	14 ft.	12 ft.	12 ft.	10 ft.	None	None	None	
		Bike	Bike Facility	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (5 ft.)	2 Lanes (5 ft.) or Shared Lane	Shared Lane	Shared Lane	None
		Curb-to-curb Street Width	On-Street Parking Two Sides	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
	Pedestrian Zone <small>(ADA ADA Requirements)</small>	Pedestrian Amenities	Two Sides	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
		Sidewalks (both sides)	8 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft.	5 ft.	None	
		Planter Strips		6 ft. Res na Com	6 ft. Res na Com	6 ft. Res na Com	5 ft. Res	5 ft. Res	None	
		Preferred Adjacent Land Use - Intensity	High	Medium to High	Medium	Medium	Medium to Low	Low	Low	
	Traffic Management	Maximum Average Daily Traffic	32,000	20,000	16,000	10,000	1,200 - 3,000	1,200	500	
		Traffic Calming	Not Typical	Not Typical	Not Typical	Permissible/ Not Typical	Permissible/ Not Typical	Typical	Not Typical	
		Managed Speed	35 mph	30-35 mph	25-30 mph	25 mph	25 mph	15-25 mph	10 mph	
		Through-traffic Connectivity	Primary	Typical	Typical	Typical	Not Typical	Not Permissible	Not Permissible	
Access Control		Yes	Yes	Some	Some	No	No	No		
Maximum Grade			6%	6%	10%	10%	12%	12%	12%	
Right-of-Way:			104 ft.	96 ft.	74 ft.	56 ft. (no bike lanes) 66 ft. (bike lane)	50 ft.	50 ft.	20 ft.	

Many opponents testified that development should be limited based upon previous planned development limitations. Previous limitations on how many homes could be built on the planned development reflected the need for a secondary emergency fire access. This proposal provides that secondary emergency fire access with an easement over the future Shadden Drive on property owned by a neighboring property owner. A condition of approval requires this easement prior to development. Planning Commissioners did not find the public testimony warranted changing the City's findings.

Many opponents testified that Pinehurst Drive should not dead-end at Les Toth's property if Les Toth provided testimony that he never plans to develop the property. Public testimony in opposition to the development expressed concern about the establishment of a road that terminated adjacent to a property that is not expected to develop under its current ownership. The property to the east of the 11.47 acre parcel, owned by Les Toth, is inside the Urban Growth Boundary, but outside City limits. Mr. Toth provided testimony that he will not annex this parcel into the City to allow development. However, because the land is inside the Urban Growth Boundary, the expectation is that it will urbanize within a given planning horizon, and the proposed extension of Pinehurst Drive to the property limits responds to this. Previously, developments to the east of Toth's property have extended streets (NW Merlot Drive and Pinehurst Drive) to the property line and terminated the road to plan for future access to the property. These future street connections, including the proposed extension of Pinehurst Drive through the Oak

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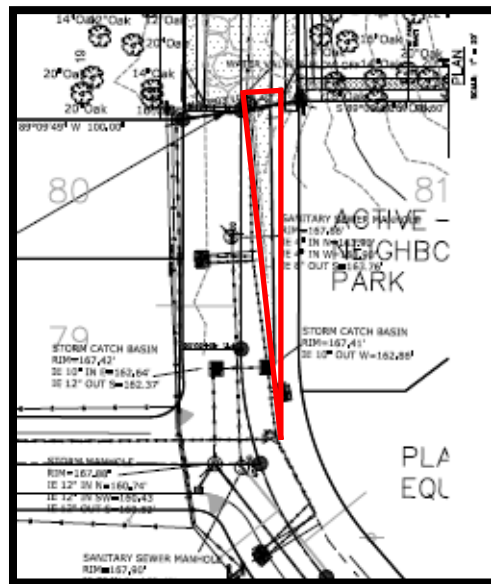
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Ridge Meadows development would allow for future development if and/or when the property is urbanized and developed.

McMinnville City Code for land divisions require that connecting streets be considered and platted to support future planned development within the city limits. Planning Commissioners did not find the public testimony warranted changing the City's findings.

Many opponents testified that Pinot Noir Drive's northern terminus is not wide enough to accommodate the traffic. Public testimony raise the issue that at the current northerly terminus of Pinot Noir Drive, the width of the road is only 21 feet and the road was not built to standards that could accommodate any additional construction or residential resulting from new development. However, a provision of the application is, and a condition of approval #21 of S 3-18 requires, the widening of Pinot Noir Drive from Blake Street north to the terminus from 21 feet to 28 feet, the current City standard for local residential streets. The existing public right-of-way for Pinot Noir Drive is 50 feet, which will accommodate the widened cross-section of roadway. Planning Commissioners did not find the public testimony warranted changing the City's findings, but added a condition of approval to S 3-18 to ensure this occurs.



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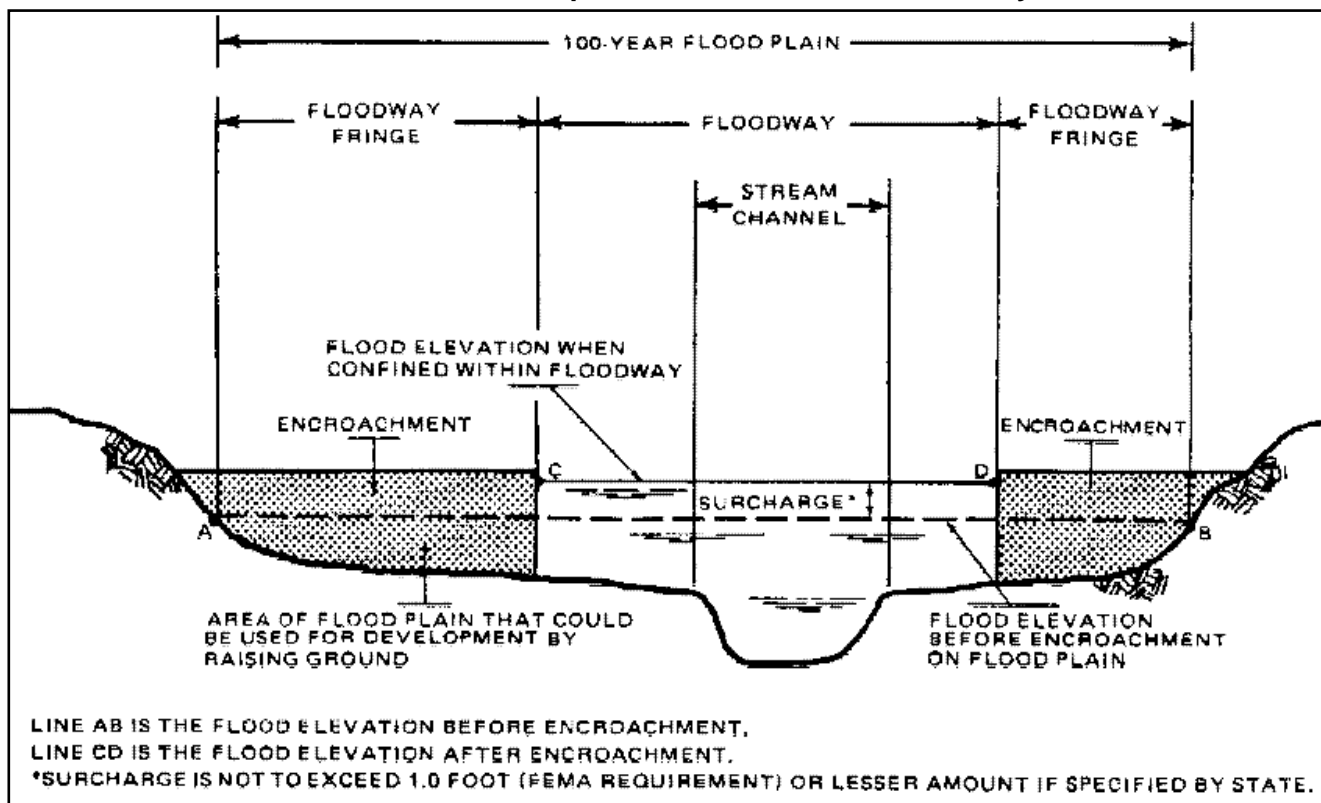
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FLOODPLAIN:

Many opponents testified that the development could harm the floodplain. In the City of McMinnville, the floodplain is protected by a Floodplain Zone (MMC Chapter 17.48), and very limited development is allowed in the Floodplain Zone – this is the means in which the City protects the floodplain. The Floodplain Zone incorporates the floodplain hazard area, including the 100 year floodplain, the floodway and the floodplain fringe per the illustration below. Additionally, McMinnville City Code does not allow anything but low density residential development adjacent to the floodplain to further protect it. This proposal not only does not develop in the floodplain but it also dedicates the entire floodplain to the City of McMinnville as a natural greenway park so that the city can maintain the land, thus protecting the floodplain and its associated riparian corridor. In many historical developments, the floodplain is privately owned and often private land owners are inadvertently building fences, sheds and clearing brush in the floodplain impacting the capacity of the floodplain to manage water events. Additionally, all housing lots adjacent to the floodplain are larger lots to control the density of development adjacent to the floodplain. Planning Commissioners did not find the public testimony warranted changing the City's findings.

FLOODWAY SCHEMATIC – Chapter 17.48 of the McMinnville City Code



Several opponents testified that the 2010 FEMA maps that the City of McMinnville relies on to define the Floodplain Zone are outdated and were erroneously calculated when they were updated in 2010, relying on old data and not updated data.

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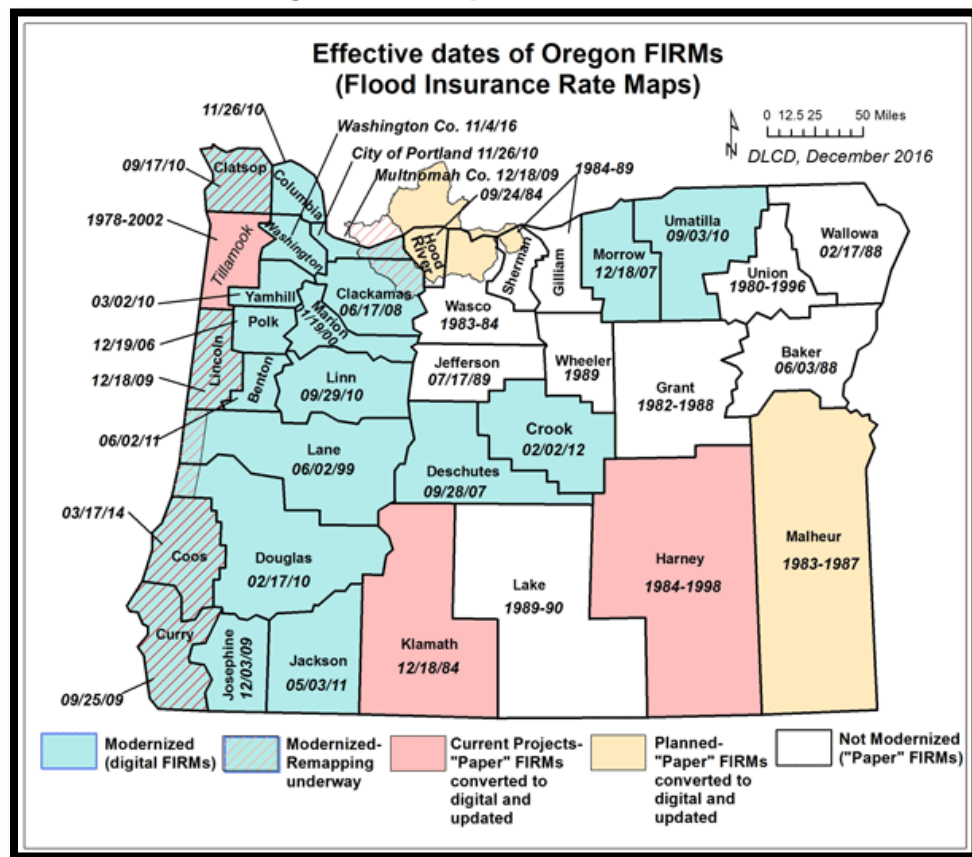
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FIRM panels (FEMA maps delineating floodplains) in Yamhill County were updated in 2010 as part of a state-wide effort to modernize and update FIRM maps. Please see illustration below. City staff worked with Department of Land Conservation and Development staff and FEMA staff for three years (2007-2009) to provide updated “as-builts” for developments adjacent to the floodplains in McMinnville as part of the modernizing process.

Final adoption of the updated maps were an amendment to the Development Code and adopted locally by the City of McMinnville with a public hearing process and then acknowledged by the Department of Land Conservation and Development.

Oregon FIRM Map Modernization Plan



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Friends of Baker Creek provided a hydrology report from PBS on May 8, 2019 and testified about it at the continued public hearing on May 16, 2019.

The hydrology report submitted by PBS studied factors affecting the extents of the floodplain around Baker Creek, and concluded that the effective flood insurance rate maps are in need of revision, based on current data and methodology. Several figures (see below) are provided in the report indicating the extent of the proposed 1% annual chance floodplain (100 year floodplain) that could be anticipated if the FEMA floodplain maps were updated. The report indicated that based on the new study, the only lots that would be impacted by the new floodplain boundary would be Lots 34 and 35 (as numbered on Applicant's Exhibit 6) south of the cul-de-sac, and Lots 41, 42, and 43 (as numbered on Applicant's Exhibit 6), north of the cul-de-sac. It appears that the southeasterly extension of Pinehurst Drive and the lots it would serve would not be impacted by the anticipated proposed floodplain.



Figure 22: Proposed Condition 100-year Maximum Water Surface Elevation (ft NAVD) Grid Result from RAS Mapper.

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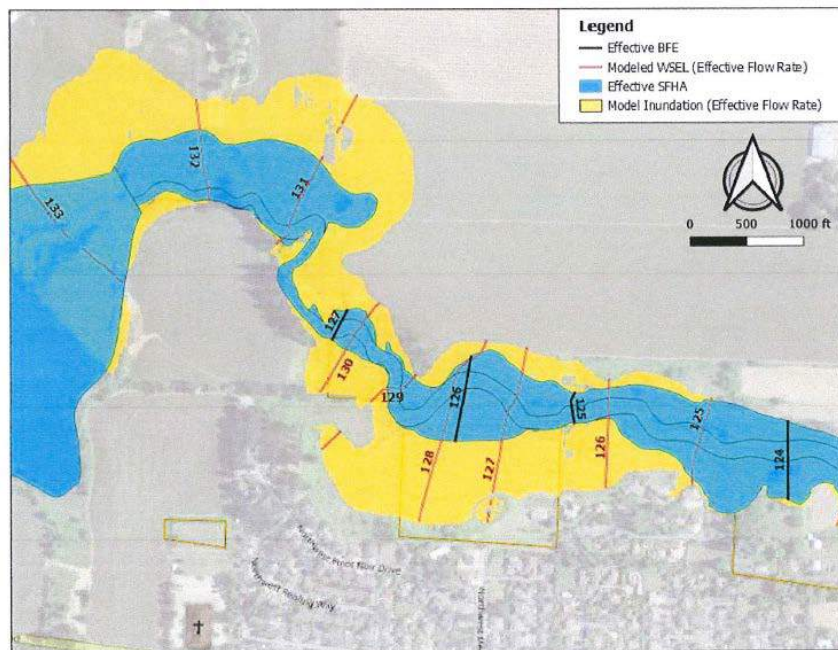


Figure 26: FEMA Effective SFHA and BFEs Overlain on Hydraulic Model Results for the Effective Flow Rate (2,030 cfs).

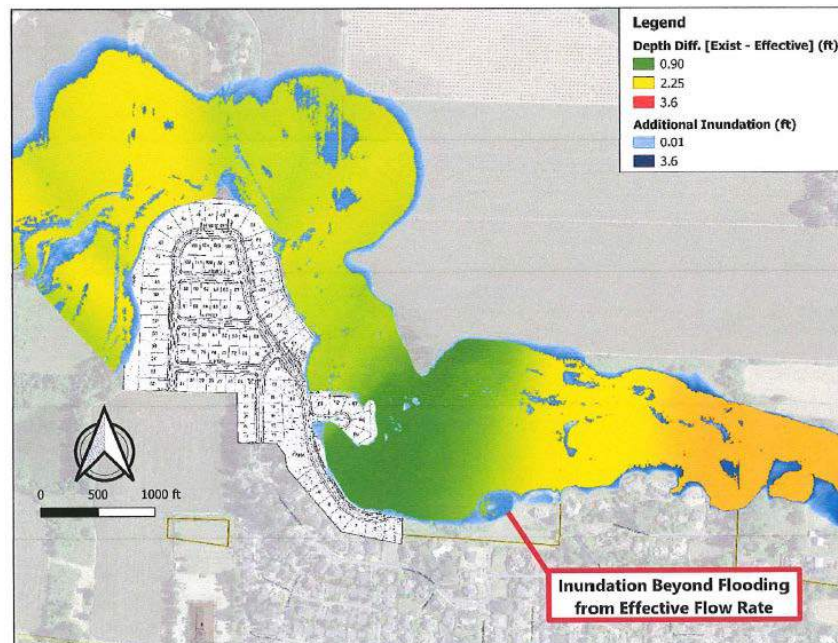


Figure 27: Difference Between Depth for Existing Condition (~6,150 cfs) and Depth for Modeled Effective Flow Rate (2,030 cfs).

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Premier Development provided rebuttal testimony that the data used in the hydrology report, rainfall and survey data, was not McMinnville data and therefore the accuracy of the report was flawed.

Thalweg Comparison of LIDAR vs Survey Data

Thalweg - a line connecting the lowest points of successive cross-sections along the course of a river

Cross Section	Survey Elevations (ft)	LIDAR Elevations (ft)	Difference (ft)
1	118.7	121.6	2.9
2	117.4	119.4	2
3	115.6	120.4	4.8
4	116	119.5	3.5
5	115.3	119.6	4.3
6	112.9	118.1	5.2
7	112.4	117.7	5.3
8	112.9	117.3	4.4
9	111.3	116.5	5.2
10	107.3	115.8	8.5
11	109.6	115.8	6.2
12	110.2	115.3	5.1
13	109.2	114.7	5.5
14	107.4	114.3	6.9
15	108.5	114.3	5.8
16	108.3	113.6	5.3

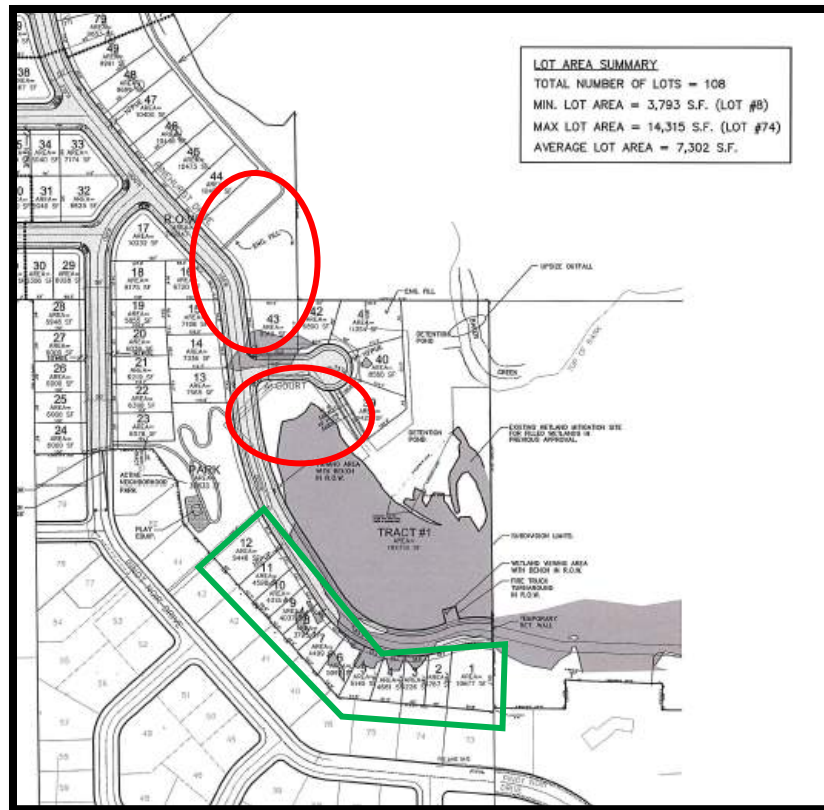
Max	8.5
Min	2
Avg	5.1

Comments:

- All LIDAR data that the opponents used is higher than the real surveyed data.
- This means that the opponents report underestimates the real flow capacity of the channel.
- The opponents report overestimates the flood stage water surface elevations.

Rainfall Chart

Station	Date	Precipitation (in inches)
McMinnville	October 31, 2015	1.39
Lake Oswego	October 31, 2015	2.02
McNary	October 31, 2015	3.09 ⁴
McMinnville	December 3, 2015	0.45
Lake Oswego	December 3, 2015	2.41
McNary	December 3, 2015	0.57 ⁵
McMinnville	October 2018	3.08
Lake Oswego	October 2015	1.20
McNary	October 2018	2.52 ⁶



Planning Commissioners noted that the applicable zoning standards are those in effect at the time of application. Section 17.48010 of the McMinnville Zoning Ordinance establishes the area defined as the flood area zone:

17.48.010 Established—Area included. In accordance with Section 17.09.010, all property within the corporate limits of the City lying within Special Flood Hazard Areas (100-year flood) identified by the Federal Insurance Administration in the report entitled “The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas,” (effective date March 2, 2010), and accompanying Flood Insurance Rate Maps (FIRM) is declared to be flood area zone property and subject to the requirements of this Chapter. (Ord. 4921 §4A, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Therefore, the decision must be based on current FEMA mapping, dated March 2, 2010 per the map below with the subject site outlined in red. Planning Commissioners did not find the public testimony warranted changing the City’s findings.

Planning Commissioners also found that since the hydrology report and the revised site plan were entered into the record at the public hearing, they did not feel that there had been enough time to review the revised plan and wanted to leave it for future consideration.

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WETLANDS:

Several opponents testified that the proposed development impacted 11.47 acres of wetlands.

The number of 11.47 acres is the total size of the un-platted 4th phase of Oak Ridge, which is proposed by the applicant to be removed from the Oak Ridge Planned Development (PDA 3-18). The Wetland Delineation Report provided by the applicant shows that the total wetland is approximately 3.09 acres of wetland of which 1.06 are impacted by the development. Planning Commissioners did not find the public testimony warranted changing the City's findings.

Several opponents testified that the City of McMinnville should not allow the development to impact any wetlands.

Discussion was also held regarding the impact of the development on wetlands, and mitigation of the impacted wetlands, referencing the Oregon Department of State Lands (DSL) permitting and wetland mitigation process and that the City of McMinnville defers regulatory authority of local wetlands and mitigation to DSL. The City of McMinnville does not have a local wetland management program and relies on the Department of State Lands to delineate wetlands and approve or deny wetland mitigation plans. Historically many housing developments within the city limits have been built on partially

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Exhibit A – PDA 3-18 Decision Document

Attachment B: Ordinance No. 5069 including:

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mitigated wetlands approved by the Department of State Lands balancing the type and amount of wetland impacted and the need for development within the city. Baker Creek East, Hillside Subdivision, Brookside Subdivision, Kauer Addition, Cottonwood First Subdivision, Bixler Addition, and Crestbrook First Addition, among others, were constructed after completing DSL Removal-Fill permitting for work impacting wetlands and waters of the state, and mitigation of those impacts. All subdivision approvals have conditions of approval requiring compliance with federal, state and local regulations, and require wetland delineation reports and mitigation plans approved by the Department of State Lands prior to starting construction if wetlands are suspected on the site. Due to the city's long tradition of relying on the Department of State Lands to manage the protection and potential mitigation of wetlands in the City of McMinnville and the historic precedent of allowing some wetland mitigation to support housing developments, Planning Commissioners did not find the public testimony warranted changing the City's findings.

TREE PRESERVATION:

Several opponents testified about their concerns regarding the preservation of trees on the site.

As described in the application, the site features many mature native white oak trees, most in groves and some stand as isolated specimens. Comprehensive Plan policy 80.00 reads "In proposed residential development distinctive or unique natural features such as wooded areas, isolated preservable trees and drainage swales shall be preserved wherever feasible." During public testimony, concern was expressed about a large tree near Lot 1, in the southeastern corner of the property. Additionally, the application identifies a second large isolated white oak tree at Lot 54, straddling the property line between the subject site and the adjacent property to the south. Both trees appears to be in what would be the rear yard of a proposed single family residence on those lots. Condition 13 of PDA 4-18 states that removal of any tree greater than nine inches in diameter would require the approval of the Planning Director. Together, with the flexibility to approve reduced setbacks provided in Condition 4 of PDA 4-18, the Planning Director has greater ability to preserve isolated preservable trees throughout the proposed development. The application also addresses the preservation of native oak groves by proposing longer than normal lots around the perimeter of the property. This lot configuration would allow building envelopes outside the proximity of the oak groves found on the slopes that define the outer boundaries of the property. Planning Commissioners did not find the public testimony warranted changing the City's findings.

The Planning Commission also had discussion about the community benefit of the proposed development compared to what is approved in the existing planned developments for the two parcels. Commissioners referenced the dedication of the 5.6 acre greenway which would be the first step in completing a larger vision of the Parks Master Plan, a Baker Creek greenway corridor extending from Tice Park to the Westside BPA Trail.

The Planning Commission then voted on each land use request. By a vote of 9-0, the Planning Commission voted to recommend that the Council consider and approve Planned Development Amendment PDA 3-18 subject to the conditions described in detail in Ordinance No. 5065. By a vote of 8-1, the Planning Commission voted to recommend that the Council consider and approve Planned Development Amendment PDA 4-18 subject to the conditions described in detail in Ordinance No. 5069. Additionally, the proposed subdivision (S 3-18) was approved by the Planning Commission by a vote of 7-2, conditioned on final approval of the Planned Development Amendments by City Council.

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Following the May 16, 2019 Planning Commission meeting, flyers in opposition to the proposed Oak Ridge Meadows development citing concern over lack of affordable housing and loss of wetlands were posted on several public buildings, possibly leading to ex parte contact by one or more Councilors. A copy of the flyer has officially been entered into the public record.

All written public testimony received by the Planning Department has been provided in the City Council meeting materials, organized by the person(s)/organization entering the testimony into the record. The intent of grouping testimony in this manner is to provide clarity about who provided testimony at what time, as multiple people(s)/organization(s) provided multiple testimonies over the course of two public hearings and the time leading up to them. Submitted written public testimony includes the following:

- Mike Colvin, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on increased risk of downstream flooding.
 2. Letter - April 18, 2019 - expressing opposition to the application based on potential downstream flooding impact, loss of unique natural habitats that could be preserved as recreation/park space.
 3. Letter - April 18, 2019 - expressing opposition to the application based on impact of proposed public improvements on the wetlands.
 4. Letter - May 8, 2019 - expressing opposition to the application based on impact of proposed development of traffic on Baker Creek Road.
 5. Letter - May 8, 2019 - expressing opposition to the application based on Comprehensive Plan policies that do not support development on the 11.47 acre parcel and instead support it being left in a natural state for drainage and recreation.
 6. Letter - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and calling on neighbors to submit testimony.
 7. Letter - May 16, 2019 - expressing opposition to the applications based on a comparison of Comprehensive Plan policies as they relate to individual parcels of the overall proposed development.
- Sandi Colvin, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application stating that removal of the 11.47 acre parcel from the Oak Ridge Planned would circumvent Oak Ridge CC&Rs, and that the proposed development is held to lesser standards than the current PDs.
 2. PowerPoint slides - May 16, 2019 - expressing opposition to the applications based on extension of Pinehurst Drive to eastern property line, and potential impacts on downstream flooding.
- Friends of Baker Creek, 501c3 Non-Profit, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on lack of two access points to proposed development.
 2. Letter - April 10, 2019 - expressing opposition of the application based on development in the wetland, emergency access to the development, retention of an isolated preservable tree, impact of park maintenance on HOA fees, development of the private active neighborhood park, Federal and State agency permitting, and FEMA floodplain mapping.

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3. PowerPoint slides - April 18, 2019 - used as imagery and talking points for several oppositional testimonies at the April 18, 2019 public hearing.
 4. Baker Creek Hydrologic Analysis (prepared by PBS Engineering for FoBC) – May 9, 2009 – providing analysis indicated that FEMA floodplain maps are in need of revision, proposed development could occur in areas of flood risk but with FEMA designation, and that proposed development would not significantly increase downstream flow.
 5. Power Point slides - May 16, 2019 - used as imagery and talking points for several oppositional testimonies at the May 16, 2019 public hearing.
- Steve and Catherine Olsen, 2650 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on concerns of development in the wetland, increased traffic in the Oak Ridge developments, Great Neighborhood Principles, and Federal and State agency permitting, and FEMA floodplain mapping.
 2. Letter - May 8, 2019 - expressing opposition to the application because of impact of the proposed development on traffic, public safety, and existing Oak Ridge CC&Rs, and the desire to preserve the 11.47 acre parcel as a nature preserve.
 3. Letter - May 16, 2019 - expressing opposition to the applications and support for preserving 11.47 acre parcel as a nature preserve.
 - Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on concerns of development in the wetland, steep slopes, construction access, potential loss of trees, and loss of lifestyle on Pinot Noir Drive.
 2. Letter - May 6, 2019 - expressing opposition to the application based on traffic impact to the surrounding neighborhoods, and the impact of development on the lifestyle of the surrounding neighborhoods.
 3. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
 - Tim and Margaret Roberts, 1069 NW Baker Crest Court
 1. Letter - April 15, 2019 - expressing opposition of the application based on concern for potential downstream flooding impact.
 - Friends of Yamhill County, 501c3 Non-Profit, PO Box 1083, McMinnville
 1. Letter - April 15, 2019 - expressing opposition of the application based on impact to wetlands.

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- Yamhill Soil & Water Conservation District, 2200 SW 2nd Street
 1. Email - April 16, 2019 - expressing concern over the proposed development based on potential impacts to wetlands, and removal of vegetation along Baker Creek.
- Jan and Randy Hartzell, 1093 NW Baker Crest Court
 1. Email - April 17, 2019 - expressing opposition to the application based on potential downstream flooding impact and inaccurate FEMA maps.
- Housing Land Advocates and Fair Housing Council of Oregon, 501c3 Non-Profit, 1221 SW Yamhill Street #305, Portland
 1. Letter - April 17, 2019 - expressing concern that Statewide Goal 10 findings had not been made, and the proposal not evaluated under the HNA and BLI.
- Glen Westlund (no address provided)
 1. Email - April 18, 2019 - expressing concern over the proposed development based on potential impacts to wetlands and wildlife habitat.
- Carmen Mendenhall, 2410 NW Zinfandel Loop
 1. Letter - April 18, 2019 - expressing opposition to the applications based on the impact of the proposed development on neighborhood livability.
 2. Email - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, development impact to the Baker Creek riparian corridor, and loss of wetlands.
- Gail Norby, 2840 NW Pinot Noir Drive
 1. Letter - April 18, 2019 - expressing opposition to the application based on potential impact of traffic on neighborhood livability.
- Scott Wellman, 2756 NW Pinot Noir Drive
 1. Letter - April 18, 2019 - expressing opposition to the application based on potential impact on wildlife habitat.
 2. Letter - May 16, 2019 - expressing opposition to the applications based on loss of wetlands.
- Bill Kabeiseman, Bateman Seidel (representing Friends of Baker Creek), 888 SW 5th Avenue, Suite 1250, Portland
 1. Letter - April 18, 2019 - expressing opposition to the application based on impact on the wetlands that would be inconsistent with the Comprehensive Plan, that Ordinance 4845 limits Oak Ridge Meadows to 76 lots, and that there is no approved wetland delineation or mitigation plan.
 2. Letter - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, extension of Pinehurst Drive to eastern property line, potential impacts on downstream flooding, and loss of wetlands.
- Valerie Kelly, McMinnville

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1. Email – April 22, 2019 - expressing opposition to the application based on potential downstream flooding impact and inaccurate FEMA maps.
- Helen Bitar, 30500 SW Moriah Lane, Sheridan
 1. Email - May 6, 2019 - expressing opposition to the application based on loss of wetlands.
 - Michael and Sherill Roberts, 2812 NW Pinot Noir Drive
 1. Letter – May 7, 2019 - expressing concern for public safety and livability during construction of proposed development. The testimony suggests requiring the improvement of Shadden Drive for construction access, and expediting the restriping project for Baker Creek Road.
 2. Letter - May 16, 2019 - expressing concern for public safety and livability during construction of proposed development. The testimony suggests requiring the improvement of Shadden Drive for construction access, and expediting the restriping project for Baker Creek Road.
 - Rob Stephenson, 1081 NW Baker Crest Court
 1. Letter – May 8, 2019 - expressing opposition to the application based on potential downstream flooding impact, and impact of the development on wetlands.
 - Les Toth, 2700 NW Pinehurst Drive
 1. Letter – May 13, 2019 - expressing opposition to the applications based on impact of proposed Pinehurst Drive on wetlands and adjacent property.
 - Stephanie Rudolph, 2849 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing concern about traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
 - Melba Smith, 2780 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and impact on existing streets.
 2. Photograph - May 16, 2019 - indicating extent development impact on existing wetlands.
 - Terry and Beth Uhrinak, 2731 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
 - Anniedear Chappell, 1334 NW Zinfandel Court
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood.
 2. Email - May 14, 2019 - expressing concern over existing traffic systems and pedestrian safety in Oak Ridge neighborhood that would be compounded by new traffic.
 - Erin Stanton & Sarah Hadfield, 2687 NW Pinot Noir Drive

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1. Email - May 14, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and calling on neighbors to submit testimony.
- Steve and Sarah Fox, 2687 NW Oak Ridge Drive
 1. PowerPoint slides - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and concern over previous land fill activity.
- Ray and Nina Clevidence, 1493 NW Riesling Way,
 1. Letter - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and loss of wetlands.
- Justin Maynard (submitted by Catherine Olsen), PBS Engineering, 415 W 6th Street, Vancouver, WA
 1. Letter - May 16, 2019 - summarizing the analysis and findings of the Baker Creek Hydrologic Analysis. The analysis indicated that FEMA floodplain maps are in need of revision, and proposed development could occur in areas of flood risk but with FEMA designation.
- Unattributed (no name provided)
 1. Letter - May 16, 2019 – provided at the public hearing - listing several Comprehensive Plan policies related to natural features, transportation and traffic systems, and provision of open space and natural areas.
 2. Letter – May 18, 2019 – posted to several public buildings – expressing opposition to proposed development based on lack of affordable housing and loss of wetlands.

Attachments:

- A. Ordinance No. 5065, including:
 - Exhibit A – PDA 3-18 Decision Document
- B. Ordinance No. 5069, including:
 - Exhibit A – PDA 4-18 Decision Document
- C. Ordinance No. 5070, including:
 - Exhibit A – S 3-18 Decision Document
- D. Memorandum and Supplemental Findings
- E. Draft Planning Commission Minutes, 4-18-19
- F. Draft Planning Commission Minutes, 5-16-19

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Fiscal Impact:

None.

Ordinance No. 5065 Alternative Courses of Action:

1. **ADOPT** Ordinance No. 5065, approving PDA 3-18 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
3. **DO NOT ADOPT** Ordinance No. 5065, providing findings of fact based upon specific code criteria to deny the application in the motion to not approve Ordinance No. 5065.

Ordinance No. 5065 Recommendation:

Staff recommends that the Council adopt Ordinance No. 5065 which would approve PDA 3-18, subject to conditions of approval as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5065.”

Ordinance No. 5069 Alternative Courses of Action:

1. **ADOPT** Ordinance No. 5069, approving PDA 4-18 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
3. **DO NOT ADOPT** Ordinance No. 5069, providing findings of fact based upon specific code criteria to deny the application in the motion to not approve Ordinance No. 5069.

Ordinance No. 5069 Recommendation:

Staff recommends that the Council adopt Ordinance No. 5069 which would approve PDA 4-18, subject to conditions of approval as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5069.”

Ordinance No. 5070 Alternative Courses of Action:

Attachments:

Attachment A: Ordinance No. 5065 including:

Exhibit A – PDA 3-18 Decision Document

Attachment B: Ordinance No. 5069 including:

Exhibit A – PDA 4-18 Decision Document

Attachment C: Ordinance No. 5070 including

Exhibit A – S 3-18 Decision Document

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Attachment F: Planning Commission Minutes, 5-16-19

1. **ADOPT** Ordinance No. 5070, approving S 3-18 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
3. **DO NOT ADOPT** Ordinance No. 5070, providing findings of fact based upon specific code criteria to deny the application in the motion to not approve Ordinance No. 5070.

Ordinance No. 5070 Recommendation:

Staff recommends that the Council adopt Ordinance No. 5070 which would approve S 3-18, subject to conditions of approval as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5070.”

Attachments:

Attachment A: Ordinance No. 5065 including:

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Attachment B: Ordinance No. 5069 including:

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ORDINANCE NO. 5065

AN ORDINANCE AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 4722 TO REMOVE APPROXIMATELY 11.47 ACRES FROM THE BOUNDARY OF THE OAK RIDGE PLANNED DEVELOPMENT OVERLAY DISTRICT.

RECITALS:

The Planning Department received an application (PDA 3-18) from Premier Development, LLC, property owner, requesting approval of a Planned Development Amendment to remove the unplatted fourth phase of the Oak Ridge phased subdivision (Tax Lot R441701300) from the boundary of the Oak Ridge Planned Development Overlay District adopted by Ordinance 4722; and

The subject site is located north of Baker Creek Road and NW Pinot Noir Drive, south of Baker Creek, and is more specifically described as Tax Lot 1300, Section 17, T. 4 S., R 4 W., W.M.; and

A public hearing before the McMinnville Planning Commission was held on April 18, 2019, after due notice had been provided in the local newspaper on April 9, 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. The Planning Commission voted to continue the public hearing; and

The public hearing before the McMinnville Planning Commission was continued on May 16, 2019, after due notice had been provided in the local newspaper on May 7, 2019; 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 request, found that the requested amendment conformed to the applicable Comprehensive Plan goals and policies, as well as the Planned Development Amendment review criteria listed in Section 17.74.070 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, by a vote of 9-0, recommended approval of said Planned Development Amendment to the Council; and

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

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, Decision and Conditions of Approval as documented in Exhibit A approving PDA 3-18; and
2. That Section 3 of Ordinance 4722 is amended by adding the following:

6. *That the subject site and property, Tax Lot R441701300, is removed from the Oak Ridge Planned Development Overlay District, hereby adjusting the boundary of the Planned Development Overlay District. All other standards and conditions of approval adopted by Ordinance 4722 remain in effect exclusive of the 11.47 acres that are subject to this Planned Development Amendment application (the unplatted fourth phase of Oak Ridge).*
7. *That Tax Lot R441701300 shall remain in the underlying R-2 zone when removed from the boundary of the Oak Ridge Planned Development Overlay District until such time that it is re-zoned.*

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

Passed by the Council this 25th day of June 2019, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Attest:

Approved as to form:

CITY RECORDER

CITY ATTORNEY



EXHIBIT A

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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDEMENT TO REMOVE PROPERTY FROM AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT AT R441701300.

DOCKET: PDA 3-18 (Planned Development Amendment)

REQUEST: Approval to amend an existing Planned Development Overlay District to remove property from the Overlay District boundary. The original Planned Development Overlay District was adopted in 2000 by Ordinance 4722.

LOCATION: North and east of NW Pinot Noir Drive, south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R 4 W., W.M.)

ZONING: R-2 PD (Single Family Residential Planned Development)

APPLICANT: Premier Development, LLC (property owner)

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: January 24, 2019

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

HEARING DATE & LOCATION: April 18, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon, continued to May 16, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon

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

CRITERIA: The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL:

The Planning Commission makes a recommendation to the City Council, and the City Council makes the final decision. The City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code. Per the applicant's requests on March 1, 2019 to extend the 120 day decision timeframe for an additional 60 days and on June 5, 2019 for an additional 21 day extension, the City's final decision is subject to a 201 day processing timeline, and a decision will need to be rendered by August 13, 2019.

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of State Lands. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the City Council **APPROVES** the Planned Development Amendment (PDA 3-18) **subject to the conditions of approval provided in Section II of this document.**

DECISION: APPROVAL WITH CONDITIONS

City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

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

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

I. APPLICATION SUMMARY:

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

Subject Property & Request

The proposal is an application for a Planned Development Amendment (PDA 3-18) to amend the existing Oak Ridge Planned Development adopted by Ordinance 4722 to remove the unplatted fourth phase of the Oak Ridge phased subdivision (Tax Lot R441701300), approximately 11.47 acres, from the boundary of the Oak Ridge Planned Development Overlay District.

A concurrent application for a Planned Development Amendment (PDA 4-18) requests to add the unplatted fourth phase of the Oak Ridge phased subdivision (Tax Lot R441701300), approximately 11.47 acres, to the boundary of the Oak Ridge Meadows Planned Development Overlay District adopted in 2005 by Ordinance 4822, in addition to other zoning allowances. The second Planned Development Amendment request (PDA 4-18) is a separate land-use decision and will be processed in a separate decision document.

Also requested in conjunction with the two (2) Planned Development Amendments described above is approval of a Tentative Subdivision for the construction of a 108 lot single family residential subdivision, referred to as Oak Ridge Meadows. Approval of the Tentative Subdivision request (S 3-18) would be conditioned upon the approval of the two (2) Planned Development Amendments being approved as requested. The Tentative Subdivision Plan is a separate land-use decision and will be processed in a separate decision document.

The subject site being considered in PDA 3-18, Tax Lot R441701300, is approximately 11.47 acres in size. This parcel is identified as Residential on the McMinnville Comprehensive Plan Map and is zoned R-2 PD (Single-Family Residential, Planned Development). The site is generally located north of Baker Creek Road and the multi-phased Oak Ridge residential development, and south of Baker Creek and the Oak Ridge Meadows PD site, and is currently undeveloped. ***See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.***

Excerpts from Land Use Application Narrative and Findings (a portion of the narrative also describes the characteristics of the adjacent 24 acre Oak Ridge Meadows site together with the 11.47 acre subject property):

Baker Creek and its associated floodplain lie adjacent to the northern and a portion of the eastern edges of the site; other land to the east is identified as wetlands. The southernmost edge of the site lies adjacent to the Oak Ridge 1st Addition and Oak Ridge 2nd Addition residential subdivisions, zoned R-2 PD subject to the Oak Ridge Planned Development Overlay adopted by Ordinance 4722. Land to the west is currently undeveloped and is owned by Stafford Land Company; future development of that land is anticipated to include additional residential, commercial and recreational uses. Northwest of the site is the undeveloped land subject to the Oak Ridge Meadows Planned Development, zoned R-2 PD and the subject of the concurrent Planned Development Amendment request (PDA 4-18).

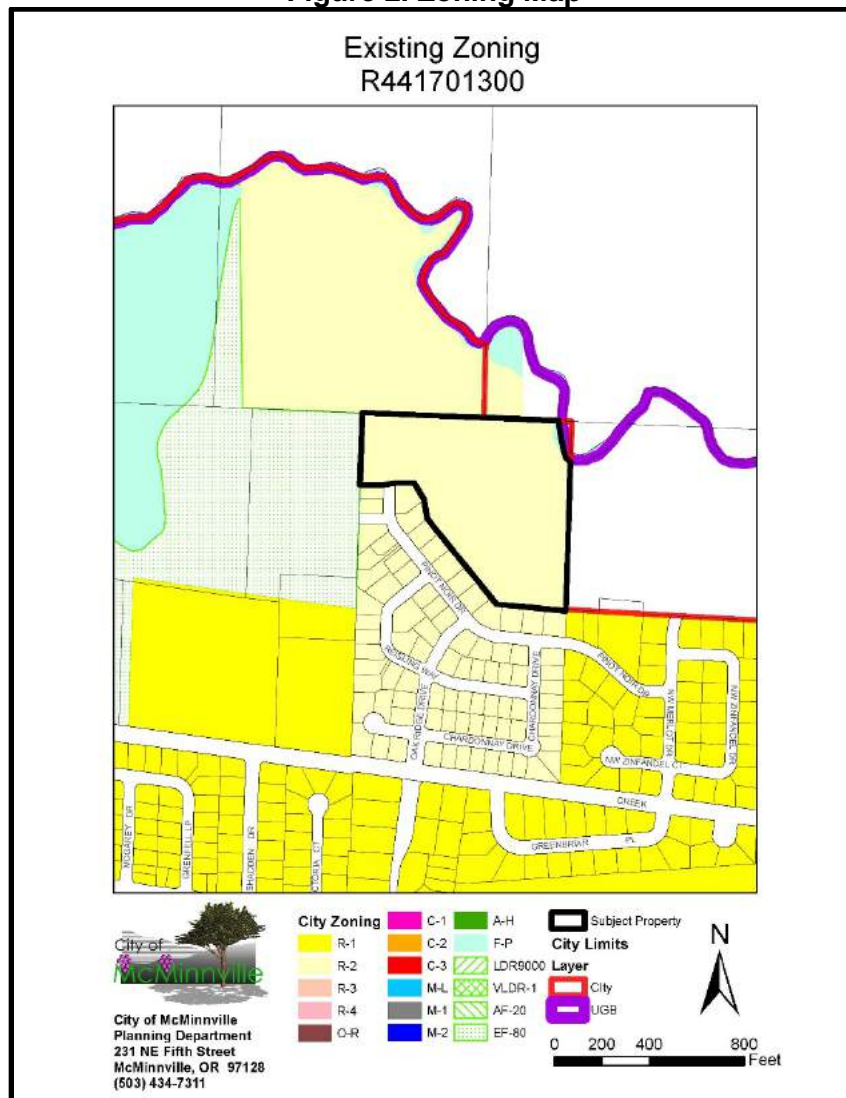
The site exhibits two main topographic characteristics. The central portion of the site, north of the existing temporary terminus of NW Pinot Noir Drive, is relatively flat. Wrapping around this central area of the site to the west, north and east is a band of steeply sloping land beyond which can be

found generally level ground at many locations near the site's edge. Slopes within the site vary from near one percent in the central interior, to a 15 percent slope along the west boundary, and slopes ranging from between approximately 20 to 40 percent along the north and east edges. The southern portion of the site, generally north and east of Oak Ridge 1st Addition and Oak Ridge 2nd Addition, exhibits slopes also reaching up to approximately 40 percent in some locations. There are no structures or other improvements on this site. While Oak trees are the most prevalent tree type found on the site, Fir, Cottonwood and Ash trees are also present. Most of the tree cover exists along the steeper banks of the site's perimeter in addition to a fairly defined smaller area located directly north of Oak Ridge 2nd Addition subdivision.

Figure 1. Vicinity Map



Figure 2. Zoning Map



Background

Excerpts from Land Use Application Narrative and Findings:

The Oak Ridge and Oak Ridge Meadows Planned Developments (PDs) were approved by the McMinnville City Council on February 8, 2000 (Ordinance 4722) and April 12, 2005 (Ordinance 4822), respectively, and remain in place and in force as no expiration dates of the Planned Development approvals were identified in either of the enacting ordinances.

The R-2 PD zoned Oak Ridge tentative subdivision plan (S 6-99) was approved by the McMinnville Planning Commission as a three phase plan for a total of 107 residential lots with an average minimum lot size requirement of 7,000 square feet. Through subsequent amendments to the approved tentative subdivision layout and phasing plan that were determined to be Minor Amendments and approved by the McMinnville Planning Director, three phases of the residential subdivision, totaling 82 lots averaging 7,387 square feet in size were eventually platted leaving a new fourth and final 11.47-acre phase unplatted. North of Oak Ridge, the R-2 PD zoned Oak Ridge Meadows tentative subdivision plan (S 14-04), which did not include the unbuilt fourth phase of the adjacent Oak Ridge subdivision, was approved by the

McMinnville City Council as a two-phase subdivision with a total of 99 residential lots with an average minimum lot size requirement of 7,500 square feet.

The last approved subdivision design that existed to implement Ordinance 4822 showed that the intersection of Pinot Noir Drive and Pinehurst Drive (which was needed to enable the construction of the southerly portion of Pinehurst Drive and “A” Court (Exhibit 4) as part of the fourth phase of the Oak Ridge subdivision) was last approved by the City Council as being located within the Oak Ridge Meadows tentative subdivision plan and within the Oak Ridge Meadows Planned Development boundary (ZC 12-04/S 14-04). Following this approval, Premier Development filed an appeal with the Oregon Land Use Board of Appeals (LUBA) on the decision. At issue was Condition of Approval number five (5) of Ordinance 4822 related to a limitation on the number of lots allowed within the Oak Ridge Meadows subdivision until such time that NW Pinehurst Drive was extended southward to connect to Baker Creek Road. LUBA acted to remand the decision back to the City Council. The Council held a public hearing as directed by the remand and concluded to adopt additional findings in support of their April decision to adopt Ordinance 4822. This action was then memorialized by the adoption of such additional findings as referenced in Ordinance 4845 (Exhibit 5) which the Council approved on March 14, 2006. The Council’s approval of the S 14-04 tentative subdivision plan, including the locating of the intersection of Pinot Noir Drive and Pinehurst Drive within the Oak Ridge Meadows Planned Development site, remained unchanged through the subsequent Land Use Board of Appeals (LUBA) remand (LUBA 2005-065) of the City’s approval of ZC 12-04/S 14-04.

Apart from the Council’s approvals of ZC 12-04 and S 14-04, the connecting roadway segment of Pinot Noir Drive necessary to enable access to the Oak Ridge Meadows site, and the location of the afore mentioned Pinot Noir Drive and Pinehurst Drive intersection, yet remained a part of the earlier Oak Ridge tentative subdivision plan and Planned Development boundary approvals. This resulted in a situation where neither of the two adjacent subdivisions could be constructed without the prior completion of a portion of the other. Had the economy not convulsed as it did for a number of years, this situation would not have been a concern as the adjacent subdivision phases, although located within different Planned Development boundaries, could have been developed simultaneously and the noted street improvements effectively constructed concurrently and seamlessly.

Summary of Criteria & Issues

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

The application (PDA 3-18) is subject to Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

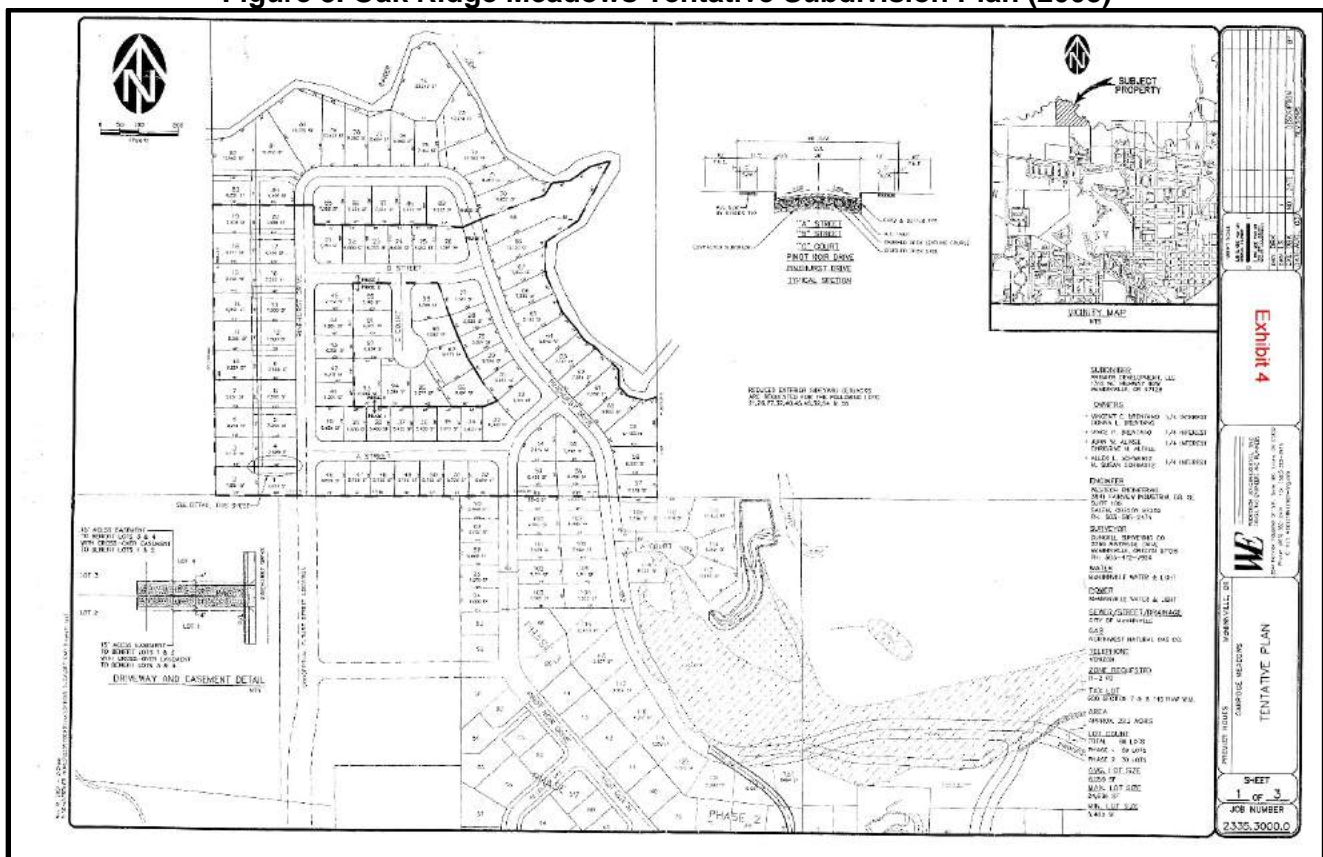
Review criteria for Planned Development Amendments refer to the “plan, “development”, or “proposed development” that results from the requested Planned Development Amendment. In the case of the

requested Planned Development Amendment (PDA 3-18), there is no plan, development, or proposed development in association with the specific request. The specific request of PDA 3-18 is the removal of the subject site, an undeveloped property, from the boundary of an existing Planned Development Overlay District, and not to consider any proposed development of that property.

The applicant is also requesting approval of a second Planned Development Amendment (PDA 4-18) and Tentative Subdivision Plan (S 3-18). It is in these concurrent requests that a proposed development including the subject property is described. The second Planned Development Amendment and Tentative Subdivision Plan are separate land-use decisions and will be processed in a separate decision documents.

The requested Planned Development Amendment (PDA 3-18) is driven by the special physical conditions of the previously approved subdivisions for the Oak Ridge and Oak Ridge Meadows planned developments. The approved plans required simultaneous construction to allow street connections and access through one development into the other. The extension of Pinot Noir Drive through the Oak Ridge 4th Phase was necessary to access the Oak Ridge Meadows site, and the intersection of Pinot Noir Drive and Pinehurst Drive within the Oak Ridge Meadows development was necessary to access the majority of lots in the Oak Ridge 4th Phase. **See Oak Ridge Meadows Tentative Subdivision Plan (2005) (Figure 3).** The proposed Oak Ridge Meadows and Oak Ridge Phase 4 subdivisions were not platted or constructed, and each tentative subdivision approval has expired. To restart the development of the two lots as once envisioned, two separate subdivision requests under two separate planned development overlays would need to occur.

Figure 3. Oak Ridge Meadows Tentative Subdivision Plan (2005)



This applicant's overall proposal, which includes two (2) planned development amendment requests and a tentative subdivision requests, seeks to achieve the intended development pacing envisioned for the Oak Ridge Fourth Phase and Oak Ridge Meadows subdivisions by bringing the two adjacent

undeveloped parcels of land together under one Planned Development Amendment approval and construct both of the afore mentioned street improvements as part of Phase 1 of the proposed tentative residential subdivision plan. The first step in this process is the removal of the subject property from the Oak Ridge Planned Development Overlay District.

Removal of the subject property from the Oak Ridge Planned Development Overlay District does not alter the function of the already constructed first three phases of the Oak Ridge Planned Development. The applicant has demonstrated a special physical condition of the Planned Development that the amendment request would help alleviate. Furthermore, a development plan is not part of this specific request, and future development plans for the subject site will be reviewed against applicable criteria at that time. Overall, the criteria for Planned Development Amendment approval are satisfied by this proposal.

II. CONDITIONS:

1. That Ordinance 4722 is amended to remove the subject site and property, Tax Lot R441701300, from the Oak Ridge Planned Development Overlay District, hereby adjusting the boundary of the Planned Development Overlay District. All other standards and conditions of approval adopted by Ordinance 4722 remain in effect exclusive of the 11.47 acres that are subject to this Planned Development Amendment application (the unplatted fourth phase of Oak Ridge).
2. That Tax Lot R441701300 shall remain in the underlying R-2 zone when removed from the boundary of the Oak Ridge Planned Development Overlay District until such time that it is re-zoned.

III. ATTACHMENTS:

1. PDA 3-18 Application and Attachments (on file with the Planning Department)
2. PDA 3-18 Application – Supplemental Materials
 - a. Errata Memorandum, April 17, 2019, Ron Pomeroy, Navigation Land Use Consulting (representing Premier Development) (on file with the Planning Department)
 - b. Wetland Delineation Report, Pacific Habitat Services (on file with the Planning Department)
3. Public Notices (on file with the Planning Department)
4. Agency Comments (on file with the Planning Department)
5. Testimony Received (on file with the Planning Department)
 - a. Public Testimony
 - i. Steve and Catherine Olsen, 2650 NW Pinot Noir Drive, Letter received April 10, 2019 (on file with the Planning Department)
 - ii. Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive, Letter received April 10, 2019 (on file with the Planning Department)
 - iii. Sandi Colvin, 2718 NW Pinot Noir Drive, Letter received April 10, 2019 (on file with the Planning Department)
 - iv. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received April 10, 2019 (on file with the Planning Department)
 - v. Friends of Baker Creek, 501-3C (submitted by Mike Colvin), Letter received April 10, 2019 (on file with the Planning Department)
 - vi. Friends of Baker Creek, 501-3C, Letter received April 10, 2019 (on file with the Planning Department)
 - vii. Tim and Margaret Roberts, 1069 NW Baker Crest Court, Letter received April 15, 2019 (on file with the Planning Department)

- viii. Friends of Yamhill County, Email received April 15, 2019 (on file with the Planning Department)
- ix. Yamhill Soil & Water Conservation District, Email received April 16, 2019 (on file with the Planning Department)
- x. Jan and Randy Hartzell, 1093 NW Baker Crest Court, Email received April 17, 2019 (on file with the Planning Department)
- xi. Housing Land Advocates and Fair Housing Council of Oregon, Letter received April 17, 2019 (on file with the Planning Department)
- xii. Glen Westlund, Email received April 18, 2019 (on file with the Planning Department)
- xiii. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received April 18, 2019 (on file with the Planning Department)
- xiv. Carmen Mendenhall, 2410 NW Zinfandel Loop, Letter received April 18, 2019 (on file with the Planning Department)
- xv. Friends of Baker Creek, PowerPoint slides received April 18, 2019 (on file with the Planning Department)
- xvi. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received April 18, 2019 (on file with the Planning Department)
- xvii. Gail Norby, 2840 NW Pinot Noir Drive, Letter received April 18, 2019 (on file with the Planning Department)
- xxiii. Scott Wellman, 2756 NW Pinot Noir Drive, Letter received April 18, 2019 (on file with the Planning Department)
- xix. Bill Kabeiseman, Bateman Seidel, Letter received April 18, 2019 (on file with the Planning Department)
- xx. Valerie Kelly, McMinnville, Email received April 22, 2019 (on file with the Planning Department)
- xxi. Helen Bitar, 30500 SW Moriah Lane, Sheridan, Email received May 6, 2019 (on file with the Planning Department)
- xxii. Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive, Letter received May 6, 2019 (on file with the Planning Department)
- xxiii. Michael and Sherill Roberts, 2812 NW Pinot Noir Drive, Letter received on May 7, 2019 (on file with the Planning Department)
- xxiv. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received May 8, 2019 (on file with the Planning Department)
- xxv. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received May 8, 2019 (on file with the Planning Department)
- xxvi. Steve and Catherine Olson, 2650 NW Pinot Noir Drive, Letter received May 8, 2019 (on file with the Planning Department)
- xxvii. Rob Stephenson, 1081 NW Baker Crest Court, Letter received May 8, 2019 (on file with the Planning Department)
- xxviii. Baker Creek Hydrologic Analysis, PBS Engineering (prepared for Friends of Baker Creek), received May 8, 2019 (on file with the Planning Department)
- xxix. Les Toth, 2700 NW Pinehurst Drive, Letter received May 13, 2019 (on file with the Planning Department)
- xxx. Stephanie Rudolph, 2849 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxi. Rodney Pedersen, 2664 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxii. Melba Smith, 2780 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxiii. Mike Colvin, 2718 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)

- xxxiv. Terry and Beth Uhrinak, 2731 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxv. Anniedear Chappell, 1334 NW Zinfandel Court, Email received on May 13, 2019 (on file with the Planning Department)
- xxxvi. Erin Stanton & Sarah Hadfield, 2687 NW Pinot Noir Drive, Email received on May 14, 2019 (on file with the Planning Department)
- xxxvii. Anniedear Chappell, 1334 NW Zinfandel Court, Email received on May 14, 2019 (on file with the Planning Department)
- xxxviii. Carmen Mendenhall, 2410 NW Zinfandel Loop, Letter received May 16, 2019 (on file with the Planning Department)
- xxxix. Scott Wellman, 2756 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
 - xl. Steve and Sarah Fox, 2687 NW Oak Ridge Drive, PowerPoint slides received May 16, 2019 (on file with the Planning Department)
 - xli. Catherine Olsen, 2650 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
 - xl.ii. Ray and Nina Clevidence, 1493 NW Riesling Way, Letter received May 16, 2019 (on file with the Planning Department)
 - xl.iii. Bill Kabeiseman, Bateman Seidel, Letter received May 16, 2019 (on file with the Planning Department)
 - xl. iv. Friends of Baker Creek, PowerPoint slides received April 18, 2019 (on file with the Planning Department)
 - xl. v. Sandi Colvin, 2718 NW Pinot Noir Drive, PowerPoint slides received May 16, 2019 (on file with the Planning Department)
 - xl. vi. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
 - xl. vii. Michael and Sherill Roberts, 2812 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
 - xl. viii. Unattributed, Letter received May 16, 2019 (on file with the Planning Department)
 - xl. ix. Justin Maynard, PBS (submitted by Catherine Olsen), 415 W 6th Street, Vancouver, WA, Letter received May 16, 2019 (on file with the Planning Department)
 - I. Melba Smith, 2780 NW Pinot Noir Drive, Photograph received May 16, 2019 (on file with the Planning Department)
 - li. Unattributed, Letter received May 18, 2019 (on file with the Planning Department)
- b. Applicant Rebuttal Testimony
 - i. Premier Development, 1312 NE Highway 99W, Frequently Asked Questions received May 3, 2019 (on file with the Planning Department)
 - ii. Lacy Brown, DKS Associates (representing Premier Development), 117 Commercial Street NE, Suite 310, Salem, Supplemental Traffic Evaluation Memo received May 9, 2019 (on file with the Planning Department)
 - iii. Wendie Kellington, Kellington Law Group (representing Premier Development), PO Box 159, Lake Oswego, OR, Letter received May 15, 2019 (on file with the Planning Department)
 - iv. Ron Pomeroy, Navigation Land Use Consulting (representing Premier Development), PO Box 1514, McMinnville, Memorandum received May 15, 2019 (on file with the Planning Department)
 - v. Wendie Kellington, Kellington Law Group (representing Premier Development), PO Box 159, Lake Oswego, OR, Thalweg Comparison Chart received May 16, 2019 (on file with the Planning Department)

- vi. Wendie Kellington, Kellington Law Group (representing Premier Development), PO Box 159, Lake Oswego, OR, Precipitation Chart received May 16, 2019 (on file with the Planning Department)
- c. Staff Memorandums
 - i. Planning Department Staff, Memorandum in response to News-Register articles, April 17, 2019 (on file with the Planning Department)
 - ii. Planning Department Staff, Memorandum in response to written testimony, April 17, 2019 (on file with the Planning Department)
 - iii. Planning Department Staff, Memorandum in response to written testimony, May 15, 2019 (on file with the Planning Department)
- 6. PDA 3-18, PDA 4-18, S 3-18 Staff Memorandum, April 17, 2019 and Staff Report, April 18, 2019 (on file with the Planning Department)
- 7. PDA 3-18, PDA 4-18, S 3-18 Staff Report, May 16, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

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

- McMinnville Engineering Department

Staff Comment: Comments provided by the Engineering Department are not relevant to this Planned Development Amendment application, and can be found in the Decision Document for Tentative Subdivision S 3-18, to which they are applicable.

- McMinnville Fire Department

We have no comments on these amendments.

- McMinnville Parks and Recreation Department

Staff Comment: Comments provided by the Parks and Recreation Department are not relevant to this Planned Development Amendment application, and can be found in the Decision Documents for Planned Development PDA 4-18 and Tentative Subdivision S 3-18, to which they are applicable.

- McMinnville Public Works Department

Staff Comment: Comments provided by the Public Works Department are not relevant to this Planned Development Amendment application, and can be found in the Decision Document for Planned Development Amendment PDA 4-18 and Tentative Subdivision S 3-18, to which they are applicable.

- McMinnville Water and Light

MW&L has no issues with these submittals.

Please note that the submitted preliminary water plan is not approved and will need to follow MW&L approval process. Please contact MW&L for a Design Application and fees for this project.

- Oregon Department of State Lands

The Department had a permit for the earlier construction along Pinot Noir, which required mitigation. The mitigation failed. The permittee submitted a wetland delineation in 1999. Because of the number of years and changes to the landscape since the delineation, the Department would require a new delineation to review before an application is submitted.

During the removal-fill application review, the Department looks for an applicant to have avoided or minimized the impacts to wetlands and waters, which may result in changes to the layout.

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, April 9, 2019. As of the date Planning Commission public hearing on May 16, 2019, fifty one (51) written public testimonies had been received by the Planning Department from twenty nine (29) entities.

- Mike Colvin, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on increased risk of downstream flooding.
 2. Letter - April 18, 2019 - expressing opposition to the application based on potential downstream flooding impact, loss of unique natural habitats that could be preserved as recreation/park space.
 3. Letter - April 18, 2019 - expressing opposition to the application based on impact of proposed public improvements on the wetlands.
 4. Letter - May 8, 2019 - expressing opposition to the application based on impact of proposed development of traffic on Baker Creek Road.
 5. Letter - May 8, 2019 - expressing opposition to the application based on Comprehensive Plan policies that do not support development on the 11.47 acre parcel and instead support it being left in a natural state for drainage and recreation.
 6. Letter - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and calling on neighbors to submit testimony.
 7. Letter - May 16, 2019 - expressing opposition to the applications based on a comparison of Comprehensive Plan policies as they relate to individual parcels of the overall proposed development.
- Sandi Colvin, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application stating that removal of the 11.47 acre parcel from the Oak Ridge Planned would circumvent Oak Ridge CC&Rs, and that the proposed development is held to lesser standards than the current PDs.
 2. PowerPoint slides - May 16, 2019 - expressing opposition to the applications based on extension of Pinehurst Drive to eastern property line, and potential impacts on downstream flooding.
- Friends of Baker Creek, 501c3 Non-Profit, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on lack of two access points to proposed development.
 2. Letter - April 10, 2019 - expressing opposition of the application based on development in the wetland, emergency access to the development, retention of an isolated

- preservable tree, impact of park maintenance on HOA fees, development of the private active neighborhood park, Federal and State agency permitting, and FEMA floodplain mapping.
 - 3. PowerPoint slides - April 18, 2019 - used as imagery and talking points for several oppositional testimonies at the April 18, 2019 public hearing.
 - 4. Baker Creek Hydrologic Analysis (prepared by PBS Engineering for FoBC) – May 9, 2009 – providing analysis indicated that FEMA floodplain maps are in need of revision, proposed development could occur in areas of flood risk but with FEMA designation, and that proposed development would not significantly increase downstream flow.
 - 5. Power Point slides - May 16, 2019 - used as imagery and talking points for several oppositional testimonies at the May 16, 2019 public hearing.
- Steve and Catherine Olsen, 2650 NW Pinot Noir Drive
 - 1. Letter - April 10, 2019 - expressing opposition of the application based on concerns of development in the wetland, increased traffic in the Oak Ridge developments, Great Neighborhood Principles, and Federal and State agency permitting, and FEMA floodplain mapping.
 - 2. Letter - May 8, 2019 - expressing opposition to the application because of impact of the proposed development on traffic, public safety, and existing Oak Ridge CC&Rs, and the desire to preserve the 11.47 acre parcel as a nature preserve.
 - 3. Letter - May 16, 2019 - expressing opposition to the applications and support for preserving 11.47 acre parcel as a nature preserve.
- Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive
 - 1. Letter - April 10, 2019 - expressing opposition of the application based on concerns of development in the wetland, steep slopes, construction access, potential loss of trees, and loss of lifestyle on Pinot Noir Drive.
 - 2. Letter - May 6, 2019 - expressing opposition to the application based on traffic impact to the surrounding neighborhoods, and the impact of development on the lifestyle of the surrounding neighborhoods.
 - 3. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
- Tim and Margaret Roberts, 1069 NW Baker Crest Court
 - 1. Letter - April 15, 2019 - expressing opposition of the application based on concern for potential downstream flooding impact.
- Friends of Yamhill County, 501c3 Non-Profit, PO Box 1083, McMinnville
 - 1. Letter - April 15, 2019 - expressing opposition of the application based on impact to wetlands.
- Yamhill Soil & Water Conservation District, 2200 SW 2nd Street
 - 1. Email - April 16, 2019 - expressing concern over the proposed development based on potential impacts to wetlands, and removal of vegetation along Baker Creek.
- Jan and Randy Hartzell, 1093 NW Baker Crest Court
 - 1. Email - April 17, 2019 - expressing opposition to the application based on potential downstream flooding impact and inaccurate FEMA maps.
- Housing Land Advocates and Fair Housing Council of Oregon, 501c3 Non-Profit, 1221 SW Yamhill Street #305, Portland

1. Letter - April 17, 2019 - expressing concern that Statewide Goal 10 findings had not been made, and the proposal not evaluated under the HNA and BLI.
- Glen Westlund (no address provided)
 1. Email - April 18, 2019 - expressing concern over the proposed development based on potential impacts to wetlands and wildlife habitat.
 - Carmen Mendenhall, 2410 NW Zinfandel Loop
 1. Letter - April 18, 2019 - expressing opposition to the applications based on the impact of the proposed development on neighborhood livability.
 2. Email - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, development impact to the Baker Creek riparian corridor, and loss of wetlands.
 - Gail Norby, 2840 NW Pinot Noir Drive
 1. Letter - April 18, 2019 - expressing opposition to the application based on potential impact of traffic on neighborhood livability.
 - Scott Wellman, 2756 NW Pinot Noir Drive
 1. Letter - April 18, 2019 - expressing opposition to the application based on potential impact on wildlife habitat.
 2. Letter - May 16, 2019 - expressing opposition to the applications based on loss of wetlands.
 - Bill Kabeiseman, Bateman Seidel (representing Friends of Baker Creek), 888 SW 5th Avenue, Suite 1250, Portland
 1. Letter - April 18, 2019 - expressing opposition to the application based on impact on the wetlands that would be inconsistent with the Comprehensive Plan, that Ordinance 4845 limits Oak Ridge Meadows to 76 lots, and that there is no approved wetland delineation or mitigation plan.
 2. Letter - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, extension of Pinehurst Drive to eastern property line, potential impacts on downstream flooding, and loss of wetlands.
 - Valerie Kelly, McMinnville
 1. Email – April 22, 2019 - expressing opposition to the application based on potential downstream flooding impact and inaccurate FEMA maps.
 - Helen Bitar, 30500 SW Moriah Lane, Sheridan
 1. Email - May 6, 2019 - expressing opposition to the application based on loss of wetlands.
 - Michael and Sherill Roberts, 2812 NW Pinot Noir Drive
 1. Letter – May 7, 2019 - expressing concern for public safety and livability during construction of proposed development. The testimony suggests requiring the improvement of Shadden Drive for construction access, and expediting the restriping project for Baker Creek Road.
 2. Letter - May 16, 2019 - expressing concern for public safety and livability during construction of proposed development. The testimony suggests requiring the improvement of Shadden Drive for construction access, and expediting the restriping project for Baker Creek Road.

- Rob Stephenson, 1081 NW Baker Crest Court
 1. Letter – May 8, 2019 - expressing opposition to the application based on potential downstream flooding impact, and impact of the development on wetlands.
- Les Toth, 2700 NW Pinehurst Drive
 1. Letter – May 13, 2019 - expressing opposition to the applications based on impact of proposed Pinehurst Drive on wetlands and adjacent property.
- Stephanie Rudolph, 2849 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing concern about traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
- Melba Smith, 2780 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and impact on existing streets.
 2. Photograph - May 16, 2019 - indicating extent development impact on existing wetlands.
- Terry and Beth Uhrinak, 2731 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
- Anniedear Chappell, 1334 NW Zinfandel Court
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood.
 2. Email - May 14, 2019 - expressing concern over existing traffic systems and pedestrian safety in Oak Ridge neighborhood that would be compounded by new traffic.
- Erin Stanton & Sarah Hadfield, 2687 NW Pinot Noir Drive
 1. Email - May 14, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and calling on neighbors to submit testimony.
- Steve and Sarah Fox, 2687 NW Oak Ridge Drive
 1. PowerPoint slides - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and concern over previous land fill activity.
- Ray and Nina Clevidence, 1493 NW Riesling Way,
 1. Letter - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and loss of wetlands.
- Justin Maynard (submitted by Catherine Olsen), PBS Engineering, 415 W 6th Street, Vancouver, WA
 1. Letter - May 16, 2019 - summarizing the analysis and findings of the Baker Creek Hydrologic Analysis. The analysis indicated that FEMA floodplain maps are in need of revision, and proposed development could occur in areas of flood risk but with FEMA designation.
- Unattributed (no name provided)

1. Letter - May 16, 2019 – provided at the public hearing - listing several Comprehensive Plan policies related to natural features, transportation and traffic systems, and provision of open space and natural areas.
2. Letter – May 18, 2019 – posted to several public buildings – expressing opposition to proposed development based on lack of affordable housing and loss of wetlands.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS:

1. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on July 26, 2018.
2. The property owner, Premier Development, LLC, submitted the Planned Development Amendment application (PDA 3-18) on October 24, 2018.
3. The application was deemed complete on January 24, 2019.
4. After planning staff requested clarification on a couple of items, the applicant submitted a revised application on March 28, 2019.
5. The applicant provided written notice requesting a 60 day extension of the 120 day land use decision time limit on March 1, 2019 to July 23, 2019.
6. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of State Lands.

Comments received from agencies are addressed in the Decision Document.

7. Notice of the application and the April 18, 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.
8. Notice of the application and the April 18, 2019 Planning Commission public hearing was published in the News Register on Tuesday, April 9, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
9. On April 18, 2019, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission continued the public hearing to May 16, 2019.
10. Notice of the May 16, 2019 Planning Commission continued public hearing was published in the News Register on Tuesday, May 7, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
11. On May 16, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

12. On June 5, 2019, the applicant provided written notice requesting a 21 day extension of the land use decision time limit on March 1, 2019. The land use decision time limit now expires on August 13, 2019.

VI. FINDINGS OF FACT - GENERAL FINDINGS:

1. **Location:** Generally north and east of NW Pinot Noir Drive, south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M.)
2. **Size:** 11.47 acres.
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 PD (Single Family Residential Planned Development)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** Wetlands
8. **Other Features:** The site is level at the existing terminus of Pinot Noir Drive, then slopes steeply downhill to the northeast, towards Baker Creek. Mature native oak trees are found on the uphill portion of the site, and wetlands are found on the lower portion of the site.
9. **Utilities:**
 - a. **Water:** Water service is available to the property.
 - b. **Electric:** Power service is available to the property.
 - c. **Sewer:** Sanitary sewer service is available to the property.
 - d. **Stormwater:** A storm water facility serving the Oak Ridge development is in the northeast corner the subject site. A storm drain easement provides storm sewer access for that facility.
 - e. **Other Services:** Other utility services are available to the property. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** No streets or public rights-of-way exist within the subject site. NW Pinot Noir Drive is classified as a Local Residential Street in the Transportation System Plan (TSP). The street terminates at the property line of the subject property. At its termination, NW Pinot Noir Drive has a curb-to-curb dimension of 21 feet.

VII. CONCLUSIONARY FINDINGS:

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

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of

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

Comprehensive Plan Volume II:

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

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

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

GOAL 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.

Planned Development Policies

Policy 72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.

Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

APPLICANT'S RESPONSE: The seven Planned Development policies listed immediately above have already been met by this proposal in that these policies having already been determined to be met by evidence of the City Council's previous adoption of Ordinance 4722 and Ordinance 4822 for what is now the subject site. This current proposal also seeks to amend Ordinance 4722 by making its boundary smaller by removing its undeveloped portion of land for placement within the boundary of the adjacent Planned Development area currently represented by Ordinance 4822, but not compromise Ordinance 4722's compliance with these policies. This

proposal also seeks to amend Ordinance 4822 to include this referenced land area, and in other specific ways stated within this proposal, that will continue compliance with these policies. The additional findings provided below further support and demonstrate compliance with McMinnville Planned Development policies listed above in addition to the findings relied on by the City in the adoption of Ordinances 4722 and 4822.

In discussion with the McMinnville Planning Department, it has been made clear that the intent of Policies 72.00 and 74.00 is essentially to address the potential impact of the proposal on future residents of the development and the city relative to Oregon Planning Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources). In addressing these policies it is helpful to observe that the larger lots in this phased development plan are generally proposed to be located around much of the perimeter of the site to allow for reasonably sized building envelopes to be located on the upper portions of those lots and thereby preserve and retain the natural slope and existing tree cover that will make up the extended backyard areas of many of these lots. This intentional design to achieve slope preservation complements the proposed adjacent public dedication of the approximately 5.6 acres of open greenspace located beyond the toe of the slope that exists around the perimeter of much of this planned development. Additionally, the creation of the approximately 0.85-acre active private neighborhood park to be created by Premier Development and maintained by a Homeowners Association will preserve an additional number of the mature Oak trees that exist on the site. Of great environmental, neighborhood and community importance is the afore mentioned approximately 5.6 acres of public open space located along the southern edge of Baker Creek to be dedicated to the City by Premier Development, LLC. This large greenway open-space will be improved with a bark chip pedestrian walking trail, as recommended by the McMinnville Parks and Recreation Department, and will be accessed by three additional public pedestrian trail heads beginning at the edge of their adjacent public rights-of-way. Both of these different types of open space areas (the active private neighborhood park and the public greenway) are new to this development proposal and were not part of either of the two Planned Development/Subdivision proposals that were previously reviewed by and approved by the McMinnville City Council for this site. These open spaces will provide a unique natural environmental resource and a recreational benefit to the residents of this development. Creation of a Homeowner's Association to administer neighborhood covenants, codes and restrictions (CC&Rs) are recommended to be a condition of approval of this proposal.

In addition to the findings of the ordinances referenced above, Policy 73.00 is also satisfied by this proposal in that a wide range of lot sizes (4,950 square feet to 14,315 square feet in size) and configurations have been designed to provide a much greater choice of lot size and price point, and therefore a wider variation of housing size, design and cost, than found in most other approved neighborhoods in McMinnville. The chosen arrangement of these varying lot sizes in this proposal is intentional, partially based on topography and our desire to preserve natural site habitat features. Another driving reason for the proposed lot variation and arrangement of lots is our goal of arranging housing opportunities in a cohesive manner throughout the development that is both internally harmonious within the development site and is equally sensitive to and respectful of the sizes of nearby existing lots of the adjacent neighborhood. Exhibit 9 (Preliminary Subdivision Plat) is provided to assist with viewing the description of this lot arrangement in a spatial form. We have also prepared and provided Exhibit 10 (Oak Ridge Meadows Lot Sizes and Averages) to assist in identifying the square footage areas of individual lots to further demonstrate the proposal's sensitivity to existing adjacent lot sizes found within the abutting neighborhood as well as the topography and environmental features of the site. So while the more moderately sized and smaller lots tend to be more centrally located within the development, this arrangement is far from exclusive and results in a complementary blending of similarly sized lots with nearby lots presently located in the adjacent Oak Ridge development.

Policies 75.00 and 76.00 are satisfied for reasons provided in Conclusionary Finding for Approval Number 4 above relative to the previously described range and location of both private and common open spaces.

Policies 77.00 and 78.00 are satisfied by this proposal in that the proposed street network complies with current adopted City public street standards and the requirements of the adopted McMinnville Transportation System Plan and will be constructed according to all applicable standards and requirements as amended by approval of this request in order to promote safe and efficient traffic flow for vehicles, pedestrians and bicyclists compatible with adjacent development as required by the City.

FINDING: SATISFIED WITH CONDITION 1. The proposed Planned Development Amendment would result in the removal of the subject site from the Oak Ridge Planned Development Overlay District, which was previously found to be consistent with applicable Comprehensive Plan goals and policies. The Planned Development Amendment, as it is solely the removal of the undeveloped subject site from a larger Overlay District, does not result in any change to the previously developed phases of the Planned Development. Previous phases of the Oak Ridge development were built in compliance to the requirements established by Ordinance 4722, and removal of the undeveloped fourth phase does not change that. A condition of approval is included to ensure that all other standards and conditions of approval adopted by Ordinance 4722 in the approval of the original Planned Development Overlay District would remain in effect.

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: Goals X 1, X 2, and Policy 188.00 are satisfied in that the City of McMinnville has adopted a Neighborhood Meeting program that requires applicants of most types of land use applications to hold at least one public Neighborhood Meeting prior to submittal of a land use application; this is further addressed under findings relative to McMinnville Zoning Ordinance Section 17.72.095, below. Additionally, the City of McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request at an advertised public hearing. All members of the public with standing are afforded the opportunity to provide testimony and ask questions as part of the public review and hearing process.

FINDING: SATISFIED. The process for a planned development amendment provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

17.74.070. Planned Development Amendment – Review Criteria.

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

17.74.070(A). There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;

APPLICANT’S RESPONSE: While much of this information was previously described and discussed in the Findings provided above, it is important to also discuss here in order to help satisfy this criterion for approval of a Planned Development Amendment request. The last approved subdivision design that existed to implement Ordinance 4822 showed that the intersection of NW Pinot Noir Drive and NW Pinehurst Drive (which was needed to enable the construction of the southerly portion of Pinehurst Drive and “A” Court (Exhibit 4) as part of the fourth phase of the Oak Ridge subdivision) was last approved by the City Council as being located within the Oak Ridge Meadows tentative subdivision plan and within the Oak Ridge Meadows Planned Development boundary (ZC 12-04/S 14-04). Following this approval, Premier Development filed an appeal with the Oregon Land Use Board of Appeals (LUBA) on the decision. At issue was Condition of Approval number five (5) of Ordinance 4822 related to a limitation on the number of lots allowed within the Oak Ridge Meadows subdivision until such time that NW Pinehurst Drive was extended southward to connect to Baker Creek Road. LUBA remanded the decision back to the City Council. The Council held a public hearing as directed by the remand and concluded to adopt additional findings in support of their April decision to adopt Ordinance 4822. This action was then memorialized by the adoption of such additional findings as referenced in Ordinance 4845 (Exhibit 5) which the Council approved on March 14, 2006. The Council’s approval of the S 14-04 tentative subdivision plan, including the locating of this intersection within the Oak Ridge Meadows Planned Development site, remained unchanged through the subsequent Land Use Board of Appeals (LUBA) remand (LUBA 2005-065) of the City’s approval of ZC 12-04/ S 14-04.

Apart from the Council’s approvals of ZC 12-04 and S 14-04, the connecting roadway segment of Pinot Noir Drive necessary to enable access to the Oak Ridge Meadows site, and the location of the afore mentioned Pinot Noir Drive and Pinehurst Drive intersection, yet remained as part of the earlier Oak Ridge tentative subdivision plan and Planned Development boundary approvals. This resulted in a situation where, essentially, neither of the two adjacent subdivisions could be constructed without the prior completion of a portion of the other. Had the economy not convulsed as it did for a number of years, this would not have been a concern as the adjacent subdivision phases, although located within different Planned Development

boundaries, could have been developed simultaneously and the noted street improvements effectively constructed concurrently and seamlessly.

This current proposal seeks to achieve that intended development pacing by bringing the two adjacent undeveloped parcels of land together under one Planned Development Amendment approval and construct both of the afore mentioned street improvements as part of Phase 1 of the proposed tentative residential subdivision plan.

While Premier Development is requesting specific modifications to the existing Oak Ridge Meadows Planned Development ordinance (Ordinance 4822) conditions of approval, it is instructive and relevant to note the change in total number of lots within the combined Oak Ridge and Oak Ridge Meadows Planned Development sites. Oak Ridge was originally approved to allow the platting of a maximum of 107 lots in three phases. Through subdivision amendments to that plan, including subdivision phasing, that were approved by the McMinnville Planning Director a total of 82 lots were ultimately platted in three phases leaving an additional new fourth unplatted phase with the theoretical opportunity to realize the platting of up to the remaining maximum of 25 additional lots. Subsequently, the Oak Ridge Meadows Planned Development was approved supporting a two-phased subdivision proposing the platting of a maximum of 99 lots. Together, these two Planned Developments, if fully realized, would have resulted in the platting of 206 total lots. The current proposal is for approval of a Planned Development supporting a tentative subdivision plan for the platting of 108 lots. Adding the 82 currently platted lots to the 108 proposed lots yields a new combined total of 190 residential lots which is 16 lots less than the 206 lots which were once envisioned and conceptually approved for this area. When reviewing the original approved Oak Ridge Meadows subdivision plan and comparing it to the current proposal it is clear that the overall reduction of lots that were once envisioned and tentatively approved has in large part been the result of a number of factors. In particular, shifting of NW Pinehurst Drive a bit westward to attain additional tree retention, the currently proposed creation of a 0.85-acre active private neighborhood park within Phase 1 of the subdivision, the proposed dedication of 5.6-acres of public greenspace around the site perimeter; this larger proposed public open space dedication has resulted in the loss of the “double-row” of lots that were once to be located along the western-most edge of the subdivision and to be accessed by a series of private easements.

In order for this current development proposal to move forward, it is necessary that the area representing the 11.47-acre unplatted fourth phase of the Oak Ridge subdivision be removed from Planned Development area of Ordinance 4722 and added to the existing 24-acre Oak Ridge Meadows Planned Development area. This action and approval of the requested modifications Ordinance 4822 as articulated above will help Premier Development achieve the special objectives of the proposed subdivision and which warrant departure from standard regulation requirements.

Part of Premier Development’s vision and proposal for this site is achieved by the “trade-offs” attainable through the Planned Development and Planned Development Amendment processes. Primary to the enabling of the proposed development plan is the ability to receive approval of available flexibility in the City’s standards regarding lots with side lot lines that do not all run perpendicularly to the right-of-way and also regarding instances where the lot depth to width ratio exceeds the desired 2:1 ratio of 17.53:105. In addition to setback adjustments noted above, Premier Development requests these allowances due to the unique shape, topography and other previously noted challenges of the site in addition to their desire to design a residential subdivision proposal that provides a wide range of residential lot sizes to enhance residential market choice and also provides significant recreation amenities (both passive and active) to the neighborhood and the broader community. Further responses to be incorporated here as part of this Finding are found in Finding of Fact 5 relative to Policies 72.00-78.00.

FINDING: SATISFIED. Special physical conditions exist that warrant the departure from the regulation requirements of the Planned Development Overlay District adopted by Ordinance 4722 for the Oak Ridge development. This is due to the fact that 1999 and 2005 approvals of the proposed Oak Ridge and Oak Ridge Meadows subdivision street networks contemplated concurrent or simultaneous construction of the two adjacent subdivisions, neither of which could be constructed without completion of a portion of the other. Both tentative subdivision plans were made a part of the zone and made binding on the property owner and developer. The concurrent or simultaneous construction of the two approved subdivisions did not occur due to economic recession, and the tentative subdivision approvals for Oak Ridge Phase 4 and Oak Ridge Meadows have since expired. The plans, though, remain a part of the zone. Any development plan of the subject site is therefore necessarily dependent on the development of the adjacent Oak Ridge Meadows property. The removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development Overlay District would help alleviate this special physical condition for any future development plan by removing it from a binding site plan, thereby reducing its co-dependence on construction of an adjacent development under different planned development overlay requirements.

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

APPLICANT'S RESPONSE: When the Planning Commission received an application from Premier Development in October of 1999 (CPA 10-99/ZC 19-99/S 6-99), a thorough review of applicable Comprehensive Plan policies followed in order for the Planning Commission to reach a recommendation for approval to the City Council of these comprehensive plan and zone change amendment requests. The City Council's approval of those requests was memorialized through their adoption of Ordinance 4722 in February 2000. The development resulting from these approved requests now exists as three platted and fully developed residential subdivisions; Oak Ridge, Oak Ridge First Addition and Oak Ridge Second Addition. The currently requested removal of the subject 11.47 undeveloped acres from the boundary of this approved Planned Development (ZC 19-99) will not cause any inconsistency between those existing subdivisions and the conditions of approval of Ordinance 4722 or the Comprehensive Plan objectives for this area. Additionally, there is found no Comprehensive Plan Policy inconsistency by including the subject acreage within the boundary of the adjacent Planned Development (Ordinance 4822). Removal of the subject 11.47 acres from the Oak Ridge Planned Development area does not place any of the three existing phases of the Oak Ridge development in conflict with any of the requirements of Ordinance 4722 or other such development related permits subsequently approved.

Further responses to this criterion relative to the proposal's compliance with the Comprehensive Plan objectives for the area, and to be incorporated here as part of this Finding, are as articulated in Section V - Conclusionary Findings for Approval, Finding 5, above.

FINDING: SATISFIED WITH CONDITION 1. No development is proposed to accommodate the removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development overlay, established by Ordinance 4722. Any future development of the subject site would be subject to review under all applicable Comprehensive Plan objectives of the area at that time. Removal of the subject site from the Planned Development Overlay District would not cause any inconsistency between the existing Oak Ridge subdivision phases and Comprehensive Plan goals and objectives or Ordinance 4722. A condition of approval is included to ensure that all other standards and conditions of approval adopted by Ordinance 4722 in the approval of the original Oak Ridge Planned Development Overlay District would remain in effect.

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

APPLICANT'S RESPONSE: The existing developed portion of the Oak Ridge Planned Development was designed and constructed to meet all applicable municipal requirements and to provide for adequate access and service provision to and through the planned neighborhoods. The current temporary terminus of NW Pinot Noir Drive, located at the northern end of the Oak Ridge Second Addition subdivision, is proposed to continue northward to serve what was once approved to be the fourth phase of Oak Ridge and the first phase of Oak Ridge Meadows further to the north. Approval of this requested Planned Development Amendment to allow the removal of the remaining undeveloped 11.47 acres of the Oak Ridge Planned Development site from this Planned Development boundary and, concurrently, approving its inclusion in the Oak Ridge Meadows Planned Development site will allow this northerly extension of NW Pinot Noir Drive as was previously envisioned and planned. The existing adjacent developed residential neighborhoods will not be negatively affected by allowing this undeveloped land to be located within the boundary of an amended boundary of an adjacent Planned Development as adequate access to and the provision of sufficient services to adjoining parcels will continue.

As noted above in these Findings, the proposed street pattern provides a safe, interconnected and efficient network of residential accessibility to serve the proposed and adjacent existing residential neighborhoods. The one cul-de-sac street in this plan is proposed in response to the noted existence of an adjacent wetland and the unique shape this portion of the site where provision of a through-street is not possible. There are no arterial or collector streets within or adjacent to this development site. The proposed street system is designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the McMinnville TSP and is augmented for pedestrians through the provision of additional walking paths within and surrounding the proposed development. Vehicular access to the adjacent street system promotes safe street connectivity to the surrounding transportation network.

A Transportation Impact Study for this Oak Ridge Meadows proposal has been completed by the transportation planning and transportation engineering firm DKS and is attached to this proposal (Exhibit 28). In sum, this Study concludes that an evaluation of the livability of neighborhood streets, as defined by the volume of traffic the streets were designed to handle (1,200 vehicles per day), confirmed that the Oak Ridge Meadows development is not expected to have an adverse impact on the existing neighborhood streets inclusive of the intersections of Baker Creek Road and NW Pinot Noir Drive, NW Oak Ridge Drive and NW Merlot Drive. Further, that both the Interim Build and Full Build of Oak Ridge Meadows, as proposed, will continue to operate well under-capacity and will meet City of McMinnville safe operating standards. Please refer to Exhibit 28 for additional detail.

The need for a temporary emergency-only access to support this proposal was addressed above relative to Policy 132.32.00 and Policy 155.00. This temporary emergency only access roadway will also aid in reducing emergency vehicle response times as it can provide a more direct route to some portions of Phase I until such time that it is replaced with a dedicated fully improved local public street across adjacent land. Additionally, travel speeds within this site are based on an adopted street classification scheme identified in the adopted McMinnville TSP. All streets in the proposed development are designed as local streets and, as such, are limited to a legal vehicular travel speed of 25 miles per hour as are the local streets in the adjacent residential neighborhoods. This residential vehicle speed limitation and the adopted local street design standards have been successful in McMinnville in mitigating neighborhood issues related to noise, pedestrian and bicycle movement, and aesthetics as evidenced in the adjacent residential neighborhoods; the closest being the adjacent multi-phased Oak Ridge neighborhood.

Further responses relative to the specific street design standards are found in Section V - Conclusionary Findings for Approval, Findings of Fact 6, above.

FINDING: SATISFIED. No development is proposed to accommodate the removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development overlay, established by Ordinance 4722. Any future development of the subject site would be subject to review under all applicable review criteria at that time.

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

APPLICANT'S RESPONSE: Premier Development intends to begin work on the proposed Oak Ridge Meadows residential subdivision as soon as permitting is issued and reasonable weather allows, and plans to continue work through platting as an estimated five-year plan; targeted platting of Phase 1 is approximately two years and the targeted platting of Phase 2 would occur in approximately three subsequent years for a total of an estimated five years afforded to achieve the platting of both phases. This criterion is satisfied.

FINDING: SATISFIED WITH CONDITION 2. No development plan is proposed to accommodate the removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development overlay, established by Ordinance 4722. The timeliness of future development of the subject site would be subject to review under all applicable review criteria at that time.

Furthermore, completion of the Oak Ridge Planned Development has not happened within a reasonable amount of time. Again, this is due to the fact that 1999 and 2005 approvals of the proposed Oak Ridge and Oak Ridge Meadows subdivision street networks created a situation where neither of the two adjacent subdivisions could be constructed without the concurrent or simultaneous completion of a portion of the other. Both tentative subdivision plans were made a part of the zone and made binding on the property owner and developer. The concurrent or simultaneous construction of the two approved subdivisions did not occur due to economic recession, and the tentative subdivision approvals for Oak Ridge Phase 4 and Oak Ridge Meadows have since expired. The plans, though, remain a part of the zone. Any development plan of the subject site is therefore necessarily dependent on the development of the adjacent Oak Ridge Meadows property. The removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development Overlay District would help facilitate timely completion of any future development plan by removing it from a binding site plan.

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

APPLICANT'S RESPONSE: Premier Development plans to continue the local street network through the proposed Oak Ridge Meadows Planned Development area as a natural and logical extension of that developed to serve the three existing phases of the adjacent Oak Ridge Planned Development area. This proposed street design is very similar to the street design of the previous subdivision approvals supported by the adoptions of Ordinances 4722 and 4822. In this current application, all proposed streets will be public and will be developed to public standards. It is also pertinent to note that during the time that the existing phases of the adjacent Oak Ridge development were constructed and platted, public local street design required a 26-foot wide paved section. This standard has since been modified by Council action to require a 28-foot wide paved section for local public residential streets which is the standard that Premier Development proposes for all such streets within this two-phase residential subdivision.

Regarding anticipated traffic, the McMinnville City Council adopted the City of McMinnville Transportation System Plan (TSP) in 2010. As part of the TSPs modeling analysis, the site of

this application was assumed to build out to the residential density of its underlying R-2 zone. The TSP notes no traffic volume capacity issues or unsafe road or intersection conditions resulting from that assumption and modeling. As Ordinance 4822 limits the average minimum lot size in the original Oak Ridge Meadows site to no less than 7,500 square feet, and Premier Development proposes to comply with this requirement (Ordinance 4822, Condition of Approval 2) for the requested expanded Oak Ridge Meadows Planned Development area, the resulting density, and associated vehicle trip generation, is less than was anticipated and modeled in the McMinnville TSP adopted by the City Council. Additionally, as the tentative subdivision plan described above proposes 16 lots less than was once envisioned and conceptually approved for this area, the currently proposed single-family residential development plan will also generate fewer vehicle trips than anticipated by the earlier approvals.

As addressed in the Findings for Circulation Policies in Finding of Fact 5 above, a Transportation Impact Study for this Oak Ridge Meadows proposal has been completed by the transportation planning and transportation engineering firm DKS and is attached to this proposal (Exhibit 28). In sum, this Study concludes that the proposed development is anticipated to result in the following impacts:

- The development will consist of 108-unit single family homes. The ultimate buildout of the site includes a connection to NW Baker Creek Road via an extension of NW Shadden Drive. In the interim, the development will be accessed via NW Pinot Noir Drive, NW Oak Ridge Drive, and Merlot Drive.
- The development is expected to generate 80 (20 in, 60 out) AM peak hour trips, 107 (67 in, 40 out) PM peak hour trips, and 1,020 daily trips.
- Intersection operations during the Interim Build and Full Build of Oak Ridge Meadows will continue to operate well under-capacity and will meet City of McMinnville operating standards. The addition of Oak Ridge Meadows traffic will not have a significant impact on the operations or delay experienced at the intersections of NW Baker Creek Road/NW Oak Ridge Drive and NW Baker Creek Road/Merlot Drive.
- An evaluation of the livability of neighborhood streets, as defined by the volume of traffic the streets were designed to handle (1,200 vpd), confirmed that the Oak Ridge Meadows development is not expected to have an adverse impact on the existing neighborhood streets.

Please refer to the Oak Ridge Meadows Transportation Impact Study (Exhibit 28) for additional detail.

The following component of this Finding is found at the Finding provided at 132.32.00 and is also relevant here. As there is only one public street connection currently in place to serve the two-phased Oak Ridge Meadows subdivision, a temporary emergency-only access will be required in order to exceed the 30 unsprinkled home limitation described above. This emergency access, which will be placed in an easement, will be graded and finished with compacted rock to applicable standards and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road, across land currently owned by Stafford Land Company, to the southern edge of the Oak Ridge Meadows site at a point between proposed Lots 55 and 56 (Exhibit 26). [It is possible that this temporary emergency-only access may be shorter in length under a potential scenario described by Gordon Root of Stafford Land Company in an email where Stafford Land Company agrees to the granting of this temporary easement (Exhibit 27).] This temporary emergency-only accessway would then proceed northward on Premier

Development's site along the proposed Phase 2 alignment of NW Pinehurst Drive to its intersection with "A" Street and then proceed generally eastward along the proposed "A" Street alignment to an alignment even with the proposed western edge of Lot 25 which is to be the westernmost lot along "A" Street in Phase I of the Oak Ridge Meadows subdivision. Fire Department approved gates would be located at both ends of this compacted gravel emergency-only accessway as directed by the McMinnville Fire Department. The McMinnville Fire Department has stated that, if such gates needed to be locked, they would be so with Fire Department approved locks. At such time that this adjacent land is to develop, this easement would then be revoked and public right-of-way be dedicated and improved to City standards providing a permanent second public street connection to the Oak Ridge Meadows development. This criterion is satisfied.

FINDING: SATISFIED. The subject site is undeveloped and no streets or public rights-of-way are located on the site. Therefore, the removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development overlay would not impact the streets in the Oak Ridge planned development, or elsewhere. Any streets proposed to support future development of the subject site would be subject to review under all applicable review criteria at that time.

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

APPLICANT'S RESPONSE: Responses to the criteria relative to the proposed utility and drainage facilities to serve this proposed development, and relevant associated modifications to Ordinance 4822, are found under the Section V - Conclusionary Findings for Approval, Finding 6, above. This criterion is satisfied.

FINDING: SATISFIED. No utility or drainage facilities are proposed to accommodate the removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development overlay, established by Ordinance 4722. Any future utility or drainage facilities proposed to support future development of the subject site would be subject to review under all applicable review criteria at that time.

17.74.070(G). *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

APPLICANT'S RESPONSE: The effects on noise, air and water pollutants anticipated to be caused by this development have already been addressed through the prior review of more impactful development proposals (e.g., a greater number of proposed residential lots) for this site and the Council's related supportive approval of Ordinances 4722 and 4822. This current proposal impacts the site and adjacent neighborhoods to a lesser degree than the combined effect of the earlier subdivision approvals due to the current proposal to plat 16 fewer single-family residential lots than was originally proposed and approved for the Oak Ridge and Oak Ridge Meadows sites. The anticipated pollutant impact of this current plan is also lessened by Premier Development's proposal to provide both an approximately 0.85-acre active private neighborhood park and dedicate approximately 5.6-acres of open space to the public for use as preserved greenway along the south side of Baker Creek. Additionally, the majority of the existing wetlands on the site will be preserved and these wetlands and their supported wildlife can be viewed and enjoyed for extended lengths of time by residents' use of the benches proposed to be installed by Premier Development along the lower, eastern portion NW Pinehurst Drive as previously described. Further discussion of noise, air, and water pollutants potentially caused by the proposed development is found in findings presented above. This criterion is satisfied.

FINDING: SATISFIED. The removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development overlay, established by Ordinance 4722, would not create any noise, air, or water pollutants that would have an adverse effect on the surrounding areas, public utilities, or the city as a whole. Any future development of the site would be subject to review under all applicable land use criteria at that time.

JF

ORDINANCE NO. 5069

AN ORDINANCE AMENDING THE OAK RIDGE MEADOWS PLANNED DEVELOPMENT ADOPTED BY ORDINANCE 4822 TO ADD PROPERTY TO THE BOUNDARY OF THE EXISTING OAK RIDGE MEADOWS PLANNED DEVELOPMENT OVERLAY DISTRICT; ALLOW FOR LOT SIZE AVERAGING; ALLOW FOR MODIFIED SETBACKS; ALLOW FOR SOME LOTS WITH SIDE LOT LINES ORIENTED OTHER THAN AT RIGHT ANGLES TO THE STREET UPON WHICH THE LOTS FACE; ALLOW FOR SOME LOTS TO EXCEED THE RECOMMENDED LOT DEPTH TO WIDTH RATIO; ALLOW SOME BLOCK LENGTHS TO EXCEED THE RECOMMENDED MAXIMUM BLOCK LENGTH STANDARD; ALLOW FOR THE DESIGNATION OF AN APPROXIMATELY 0.85-ACRE ACTIVE PRIVATE NEIGHBORHOOD PARK; AND, ALLOW FOR DEDICATION OF AN APPROXIMATELY 5.6-ACRE PUBLIC OPEN-SPACE GREENWAY DEDICATION ALONG BAKER CREEK.

RECITALS:

The Planning Department received an application (PDA 4-18) from Premier Development, LLC, property owner, requesting approval of a Planned Development Amendment to add property to the boundary of the existing Oak Ridge Meadows Planned Development Overlay District, adopted by Ordinance 4822; allow for lot size averaging; allow for modified setbacks; allow for some lots with side lot lines oriented other than at right angles to the street upon which the lots face; allow for some lots to exceed the recommended lot depth to width ratio; allow some block lengths to exceed the recommended maximum block length standard; allow for the designation of an approximately 0.85-acre active private neighborhood park; and, allow for dedication of an approximately 5.6-acre public open-space greenway dedication along Baker Creek; and

The subject site is located generally north of Baker Creek Road and NW Pinot Noir Drive, south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R. 4 W., W.M.); and

A public hearing before the McMinnville Planning Commission was held on April 18, 2019, after due notice had been provided in the local newspaper on April 9, 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. The Planning Commission voted to continue the public hearing; and

The public hearing before the McMinnville Planning Commission was continued on May 16, 2019, after due notice had been provided in the local newspaper on May 7, 2019; 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 request, found that the requested amendment conformed to the applicable Comprehensive Plan goals and policies, as well as the Planned Development Amendment review criteria listed in Section 17.74.070 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, by a vote of 8-1, recommended approval of said Planned

Development Amendment to the Council; and

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

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, Decision and Conditions of Approval as documented in Exhibit A approving PDA 4-18; and
2. That the Oak Ridge Meadows Planned Development is amended as follows:
 1. *That the decision for approval of Planned Development Amendment (PDA 4-18) is not rendered, and does not take effect, until and unless the Planned Development Amendment (PDA 3-18) is approved by the City Council.*
 2. *That the Oak Ridge Meadows Tentative Subdivision plan shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the developer. The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.*
 3. *That the average lot size within the Oak Ridge Meadow subdivision shall be approximately 7,770 square feet.*
 4. *That setbacks for the Oak Ridge Meadows subdivision shall be as follows:*
Front Yard: 20 feet
Side Yard: 5 feet
Exterior Side Yard: 10 feet
Rear Yard: 20 feet
Open side of garage: 20 feet

The Planning Director is authorized to permit reductions to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the rear yard setback be reduced to less than five (5) feet, or the exterior side yard setback to less than ten (10) feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.74 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.
 5. *That lot side lines that do not run at right angles to the street upon which the lots face shall be allowed where necessary to respond to physical conditions of the site.*

6. *That a maximum lot depth to width ratio of 2.75 to 1 shall be allowed where necessary to respond to physical conditions of the site.*
7. *That a maximum block length of approximately 2,305 feet shall be allowed. In no case shall the length between a street corner intersection and a pedestrian way, or between two consecutive pedestrian ways, on the same side of the street exceed 800 feet.*
8. *That an active private neighborhood park, a minimum of 0.85 acres in area, be provided in the first phase of development. The active private neighborhood park shall provide active and passive recreation opportunities, and a pedestrian path providing through-block connectivity.*
9. *That a public open-space greenway along the length of Baker Creek, a minimum of 5.6 acres in area, be dedicated to the City. The public greenway shall generally follow Baker Creek and its drainages along the perimeter of the site so the greenway can connect to any future public open space along the Baker Creek greenway to the east and west of the site. A minimum of three (3) publically dedicated pedestrian/bicycle access ways from the public street network to the greenway and a bark chip bicycle/pedestrian trail throughout the greenway shall be provided, constructed to City specifications. Public pedestrian/bicycle access ways, from the public right-of-way to the rear lot line of adjacent lots, shall be 20 feet in width, with a 10 foot wide multi-use path built to City specifications to be provided by the City to the developer/property owner with a five foot buffer on each side, and minimum of (1) public pedestrian/bicycle access way shall be improved to accommodate maintenance vehicles. The public pedestrian/bicycle access ways will be designed to accommodate two-way bicycle and pedestrian traffic, and constructed for sustainability, durability, low-cost maintenance and easy access to the greenway trail. A development plan for the greenway with the trail system and the access ways shall be submitted to the City for review and approval of design and engineering prior to construction. The greenway, all pedestrian/bicycle access ways, and trails shall be maintained by a Homeowner's Association (HOA) until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City.*
10. *That the majority of delineated wetland be preserved, and a minimum of two (2) wetland viewing areas that are accessible with seating be provided adjacent to the wetlands outside the common open space Tract 1. The developer and the Homeowner's Association shall enter into a Revocable License Agreement with the City to establish and maintain wetland viewing areas in the right-of-way that are accessible, meet city specifications and are maintained by the developer and Homeowner's Association.*
11. *That the final wetland delineation and report from Pacific Habitat Services, Inc. be provided to the Division of State Lands (DSL) for review and approval. Additionally, that a wetland mitigation plan be approved by DSL prior to issuance of construction permits. The City of McMinnville shall require evidence of compliance with all applicable local, state, and federal standards and regulations for wetland mitigation.*
12. *That a tree inventory and arborist's report be provided to the Planning Director*

for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of streets, utilities, future residences, public and private park improvements, or other improvements. The inventory and report shall be provided prior to the prior to the release of construction or building permits within the planned area.

- 13. That existing trees with trunks wholly or partially within the planned area and greater than nine (9) inches DBH (Diameter at Breast Height) shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance. Trees greater than nine inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved subdivision. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site.*
- 14. That a temporary emergency-only access be provided to serve the Oak Ridge Meadows development. The temporary emergency-only access shall be placed in an easement and will be graded and finished with compacted rock to applicable standards, and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road. At such time that the adjacent land is developed, the city intends to require the owner/developer of the adjacent land to dedicate sufficient public right-of-way and to establish a public city street on the owner/developer's property that provides an adequate vehicular connection to and between the southwesterly temporary terminus of NW Pinehurst Drive on the subject property and NW Baker Creek Road that adjoins such adjacent property. When such street is constructed by the adjacent property owner/developer and dedicated to the city as a public street, then the City shall require the developer of this adjacent property to dissolve this easement in favor of the subject property having unrestricted rights to access and use such public street connection on, to, and through the adjacent property.*
- 15. That the proposed subdivision be limited to 108 dwelling units, in any combination of dwelling units allowed in the underlying zone, until such time that a second permanent improved street connection provides access to the proposed subdivision.*
- 16. That lots with less than 40 feet of street frontage shall be alley loaded.*
- 17. That, prior to issuance of residential building permits, the applicant shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in the Oak Ridge Meadows development. This book will contain architectural elevations, details, materials and colors of each building type. In order to protect property values, front entries will need to be clearly defined, at least two material types will need to be used on the front*

elevations, driveways should be adjacent to each other to enhance opportunities for front yards and landscaping, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

At a minimum, the Architectural Pattern Book shall contain sections addressing:

- a) Style and Massing*
- b) Quality and Type of Exterior Materials*
- c) Front Porches / Entry Areas*
- d) Roof Design and Materials*
- e) Exterior Doors and Windows*
- f) Garage Door Types*
- g) Exterior Lighting*
- h) Sample Exterior Colors*

18. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street.

3. That Ordinance 4822 is repealed in its entirety, including repealing Ordinance 4845 that provided amended findings for Ordinance 4822.
4. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 25th day of June 2019, by the following votes:

Ayes: _____

Nays: _____

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

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT TO ADD PROPERTY TO THE BOUNDARY OF AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT; ALLOW FOR LOT SIZE AVERAGING; ALLOW FOR MODIFIED SETBACKS; ALLOW FOR SOME LOTS WITH SIDE LOT LINES ORIENTED OTHER THAN AT RIGHT ANGLES TO THE STREET UPON WHICH THE LOTS FACE; ALLOW FOR SOME LOTS TO EXCEED THE RECOMMENDED LOT DEPTH TO WIDTH RATIO; ALLOW SOME BLOCK LENGTHS TO EXCEED THE RECOMMENDED MAXIMUM BLOCK LENGTH STANDARD; ALLOW FOR THE DESIGNATION OF AN APPROXIMATELY 0.85-ACRE ACTIVE PRIVATE NEIGHBORHOOD PARK; AND, ALLOW FOR DEDICATION OF AN APPROXIMATELY 5.6-ACRE PUBLIC OPEN-SPACE GREENWAY DEDICATION ALONG BAKER CREEK.

DOCKET: PDA 4-18 (Planned Development Amendment)

REQUEST: Approval to amend the existing Oak Ridge Meadows Planned Development (Ordinance 4822) to add the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned Development; allow for lot size averaging; allow for modified setbacks; allow for some lots with side lot lines oriented other than at right angles to the street upon which the lots face; allow for some lots to exceed the recommended lot depth to width ratio; allow some block lengths to exceed the recommended maximum block length standard; allow for the designation of an approximately 0.85-acre active private neighborhood park; and, allow for dedication of an approximately 5.6-acre public open-space greenway dedication along Baker Creek.

LOCATION: Generally north of Baker Creek Road and NW Pinot Noir Drive, south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R. 4 W., W.M.)

ZONING: R-2 PD (Single Family Residential Planned Development)

APPLICANT: Premier Development, LLC (property owner)

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: January 24, 2019

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

**HEARING DATE
& LOCATION:**

April 18, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon, continued to
May 16, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon

PROCEDURE:

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

CRITERIA:

The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL:

The Planning Commission makes a recommendation to the City Council, and the City Council makes the final decision. The City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code. Per the applicant's requests on March 1, 2019 to extend the 120 day decision timeframe for an additional 60 days and on June 5, 2019 for an additional 21 day extension, the City's final decision is subject to a 201 day processing timeline, and a decision will need to be rendered by August 13, 2019.

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of State Lands. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the City Council **APPROVES** the Planned Development Amendment (PDA 4-18) **subject to the conditions of approval provided in Section II of this document.**

DECISION: APPROVAL WITH CONDITIONS

City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

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

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

I. APPLICATION SUMMARY:

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

Subject Property & Request

The application (PDA 4-18) is a request for a Planned Development Amendment to add the unplatted fourth phase of the Oak Ridge phased subdivision (Tax Lot R441701300), approximately 11.47 acres, to the boundary of the Oak Ridge Meadows Planned Development Overlay District adopted in 2005 by Ordinance 4822. Additionally, other zoning allowances are requested, including requests to allow for lot size averaging; allow for modified setbacks; allow for some lots with side lot lines oriented other than at right angles to the street upon which the lots face; allow for some lots to exceed the recommended lot depth to width ratio; and allow some block lengths to exceed the recommended maximum block length standard. The requested Planned Development Amendment would also allow for the designation of an approximately 0.85-acre active private neighborhood park; and, allow for dedication of an approximately 5.6-acre public open-space greenway dedication along Baker Creek.

A concurrent application for a Planned Development Amendment (PDA 3-18) requests to amend the existing Oak Ridge Planned Development adopted by Ordinance 4722 to remove the unplatted fourth phase of the Oak Ridge phased subdivision (Tax Lot R441701300) from the boundary of the Oak Ridge Planned Development Overlay District. Planned Development Amendment (PDA 3-18) is a separate land-use decision and will be processed in a separate decision document.

Also requested in conjunction with the two (2) Planned Development Amendments described above is approval of a Tentative Subdivision for the construction of a 108 lot single family residential subdivision, referred to as Oak Ridge Meadows. Approval of the Tentative Subdivision request (S 3-18) would be conditioned upon the approval of the two (2) Planned Development Amendments being approved as requested. The Tentative Subdivision Plan is a separate land-use decision and will be processed in a separate decision document.

Excerpts from Land Use Application Narrative and Findings:

The subject site is approximately 35.47 acres in size and is comprised of two adjacent parcels of land, both of which are located within the city limits of McMinnville; R4417 01300 (approximately 11.47 acres in size) and R4407 00602 (approximately 24 acres in size). Both of these parcels are identified as Residential on the McMinnville Comprehensive Plan Map. These two parcels are each zoned R-2 PD (Single-Family Residential, Planned Development). The site is generally located north of Baker Creek Road and the multi-phased Oak Ridge residential development, and south of Baker Creek.

Baker Creek and its associated floodplain lie adjacent to the northern and a portion of the eastern edges of the site; other land to the east is identified as wetlands. The southernmost edge of the site lies adjacent to the Oak Ridge 1st Addition and Oak Ridge 2nd Addition residential subdivisions. Land to the west is currently undeveloped and is owned by Stafford Land Company; future development of that land is anticipated to include additional residential, commercial and recreational uses.

The site exhibits two main topographic characteristics. The central portion of the site, north of the existing temporary terminus of NW Pinot Noir Drive, is relatively flat. Wrapping around this central area of the site to the west, north and east is a band of steeply sloping land beyond which

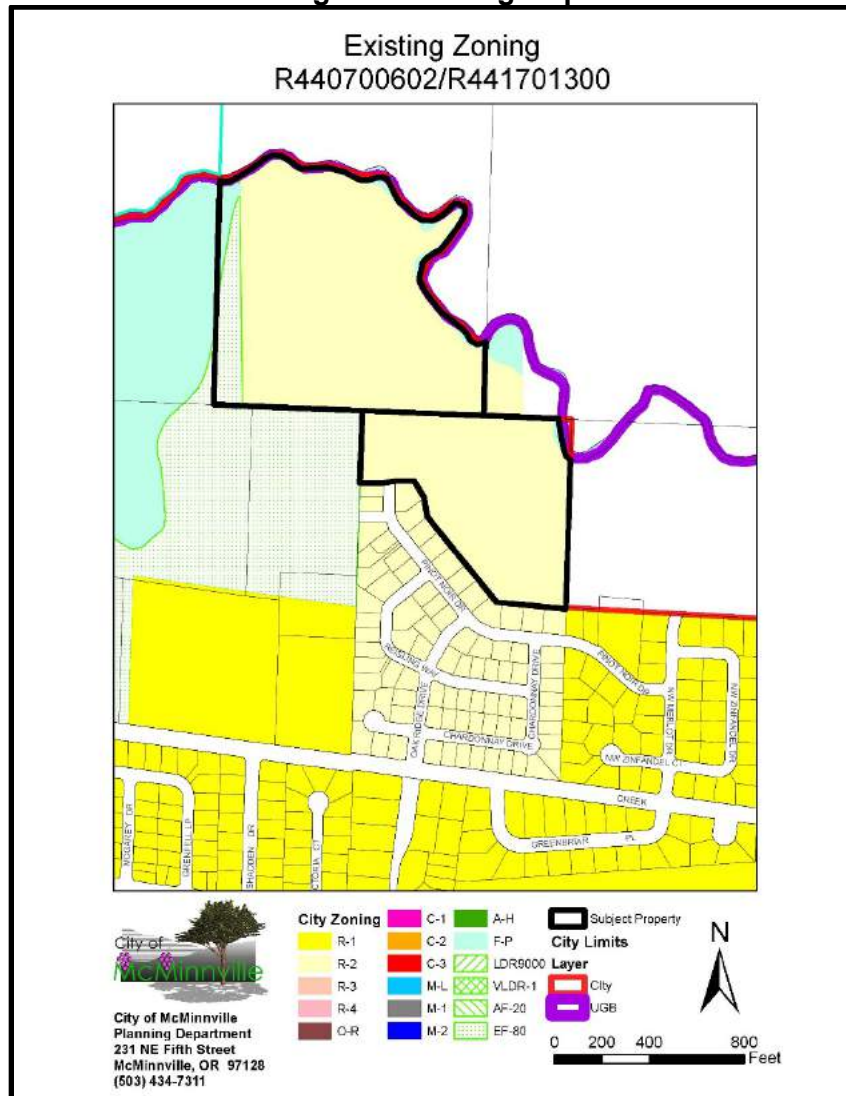
can be found generally level ground at many locations near the site's edge. Slopes within the site vary from near one percent in the central interior, to a 15 percent slope along the west boundary, and slopes ranging from between approximately 20 to 40 percent along the north and east edges. The southern portion of the site, generally north and east of Oak Ridge 1st Addition and Oak Ridge 2nd Addition, exhibits slopes also reaching up to approximately 40 percent in some locations. There are no structures or other improvements on this site. While Oak trees are the most prevalent tree type found on the site, Fir, Cottonwood and Ash trees are also present. Most of the tree cover exists along the steeper banks of the site's perimeter in addition to a fairly defined smaller area located directly north of Oak Ridge 2nd Addition subdivision.

See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.

Figure 1. Vicinity Map



Figure 2. Zoning Map



Background

Excerpts from Land Use Application Narrative and Findings:

The Oak Ridge and Oak Ridge Meadows Planned Developments (PDs) were approved by the McMinnville City Council on February 8, 2000 (Ordinance 4722) and April 12, 2005 (Ordinance 4822), respectively, and remain in place and in force as no expiration dates of the Planned Development approvals were identified in either of the enacting ordinances.

The R-2 PD zoned Oak Ridge tentative subdivision plan (S 6-99) was approved by the McMinnville Planning Commission as a three phase plan for a total of 107 residential lots with an average minimum lot size requirement of 7,000 square feet. Through subsequent amendments to the approved tentative subdivision layout and phasing plan that were determined to be Minor Amendments and approved by the McMinnville Planning Director, three phases of the residential subdivision, totaling 82 lots averaging 7,387 square feet in size were eventually platted leaving a new fourth and final 11.47-acre phase unplatted. North of Oak Ridge, the R-2 PD zoned Oak Ridge Meadows tentative subdivision plan (S 14-04), which did not include the unbuilt fourth phase of the adjacent Oak Ridge subdivision, was approved by the

McMinnville City Council as a two-phase subdivision with a total of 99 residential lots with an average minimum lot size requirement of 7,500 square feet.

The last approved subdivision design that existed to implement Ordinance 4822 showed that the intersection of Pinot Noir Drive and Pinehurst Drive (which was needed to enable the construction of the southerly portion of Pinehurst Drive and "A" Court (Exhibit 4) as part of the fourth phase of the Oak Ridge subdivision) was last approved by the City Council as being located within the Oak Ridge Meadows tentative subdivision plan and within the Oak Ridge Meadows Planned Development boundary (ZC 12-04/S 14-04). Following this approval, Premier Development filed an appeal with the Oregon Land Use Board of Appeals (LUBA) on the decision. At issue was Condition of Approval number five (5) of Ordinance 4822 related to a limitation on the number of lots allowed within the Oak Ridge Meadows subdivision until such time that NW Pinehurst Drive was extended southward to connect to Baker Creek Road. LUBA acted to remand the decision back to the City Council. The Council held a public hearing as directed by the remand and concluded to adopt additional findings in support of their April decision to adopt Ordinance 4822. This action was then memorialized by the adoption of such additional findings as referenced in Ordinance 4845 (Exhibit 5) which the Council approved on March 14, 2006. The Council's approval of the S 14-04 tentative subdivision plan, including the locating of the intersection of Pinot Noir Drive and Pinehurst Drive within the Oak Ridge Meadows Planned Development site, remained unchanged through the subsequent Land Use Board of Appeals (LUBA) remand (LUBA 2005-065) of the City's approval of ZC 12-04/S 14-04.

Apart from the Council's approvals of ZC 12-04 and S 14-04, the connecting roadway segment of Pinot Noir Drive necessary to enable access to the Oak Ridge Meadows site, and the location of the afore mentioned Pinot Noir Drive and Pinehurst Drive intersection, yet remained a part of the earlier Oak Ridge tentative subdivision plan and Planned Development boundary approvals. This resulted in a situation where neither of the two adjacent subdivisions could be constructed without the prior completion of a portion of the other. Had the economy not convulsed as it did for a number of years, this situation would not have been a concern as the adjacent subdivision phases, although located within different Planned Development boundaries, could have been developed simultaneously and the noted street improvements effectively constructed concurrently and seamlessly. This current proposal seeks to achieve that intended development pacing by bringing the two adjacent undeveloped parcels of land together under one Planned Development Amendment approval and construct both of the afore mentioned improvements as part of Phase 1 of the currently proposed tentative residential subdivision plan.

The existing Oak Ridge Meadows Planned Development adopted by Ordinance 4822 in 2005, the subject of the requested Planned Development Amendment, contains the following conditions:

1. That the Oak Ridge Meadow subdivision tentative plan (or such plan as it may be revised by conditions for approval of this development) be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer.

That the developer is responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

2. That the average lot size within the Oak Ridge Meadow subdivision shall be 7,500 square feet.

3. That setbacks for the Oak Ridge Meadows subdivision are as follows:
 - a. Front Yard: 20 feet
 - b. Side Yard: (Lots less than 6,000 square feet in area): 6 feet
 - c. Side Yard (all other lots): 7.5 feet
 - d. Exterior Side Yard (Lots 40, 45, 46, 52, 54, and 55): 15 feet
 - e. Exterior Side Yard (all other lots): 20 feet
 - f. Rear Yard: 20 feet
 - g. Open side of garage: 20 feet

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the rear yard setback or the side yard setback be reduced to less than five feet, or the exterior side yard setback to 15 feet, or the distance from the property line to the front opening of a garage to less than 18 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.

4. That existing trees greater than nine inches DBH (Diameter at breast height) shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to the release of construction or building permits within the subject site.
5. That the number of lots allowed within the Oak Ridge Meadow subdivision shall be limited to a maximum of 76 lots. Additional lots may be permitted consistent with the submitted tentative plan upon the completion and acceptance of public street improvements to City standards that extend south from Pinehurst Drive (as labeled on the applicant's submitted tentative subdivision plan) and connect to Baker Creek Road.

Summary of Criteria & Issues

The application (PDA 4-18) is subject to Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

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

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;

- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

The applicant has provided extensive narrative and findings to support the request for a Planned Development Amendment based on their proposed additional benefits to the community that would be provided through the amendment. These will be discussed in detail in Section VII (Conclusionary Findings) below.

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

Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard subdivision application against the zoning departures requested. It should be noted that the McMinnville Zoning Ordinance does not contain mechanisms to achieve the many of the additional benefits possible through Planned Development outside of that process. Each of the applicant's requested amendments to Ordinance 4822 is directly related to a stated purpose of a planned development, and demonstrate special physical conditions or objectives of a development which the proposal would satisfy to warrant a departure from the standard regulation requirements:

1. The addition of the unplatted fourth phase of the Oak Ridge subdivision to the Oak Ridge Meadows Planned Development Overlay boundary will allow efficient use of open space, greater freedom in the development of the land, and allow for the preservation of significant natural features (wetlands) on the property. Additionally, a portion the property would be established as a private neighborhood park for the benefit of the community.
2. Requested lot size averaging would allow flexibility and variety in the development pattern of the community. A wider variety of lot sizes would increase the type of housing products and price points to be made available.
3. The request to modify setbacks would support the flexibility and variety in the development provided by varied lot sizes. A provision would allow for the adjustment of setbacks on a lot by lot basis to preserve significant trees.
4. A request to allow side lot lines at non-90 degree angles would allow flexibility to employ a creative design and development approach in response to unique geographic features of the subject site.

5. A request to allow lots with larger than standard depth to width ratio would allow preservation of natural features (significant trees and slopes) by allowing uniquely shaped lots in ecologically sensitive areas with buildable area away from sensitive natural features.
6. Allowing longer than standard block lengths would allow flexibility in the design and development of the land by letting the design respond to unique geographic features of the subject site.
7. Establishment of a private park in the development would encourage mixed use in the planned area and create a private common open space.
8. Dedication of a public greenway park would encourage mixed use in the planned area and create a public common open space.

Overall, the proposed planned development amendment would provide additional benefits to the community and the City as a whole that are above and beyond what would be provided through a traditional subdivision application and strict interpretation of the zoning ordinance. The proposal would provide greater flexibility and greater freedom of design in the development of land; encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces.

It should be noted that if this planned development amendment is not approved, the provisions of Ordinance 4822 are still binding on the site. A development proposal could be made that meets the conditions of the existing planned development overlay. Ordinance 4822, as it currently exists, does not include parcel R441701300, or provisions to require private and/or public open space.

II. CONDITIONS:

1. That the decision for approval of Planned Development Amendment (PDA 4-18) is not rendered, and does not take effect, until and unless the Planned Development Amendment (PDA 3-18) is approved by the City Council.
2. That the Oak Ridge Meadows Tentative Subdivision plan shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the developer. The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
3. That the average lot size within the Oak Ridge Meadow subdivision shall be approximately 7,770 square feet.
4. That setbacks for the Oak Ridge Meadows subdivision shall be as follows:

Front Yard: 20 feet
Side Yard: 5 feet

Exterior Side Yard: 10 feet
Rear Yard: 20 feet
Open side of garage: 20 feet

The Planning Director is authorized to permit reductions to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the rear yard setback be reduced to less than five (5) feet, or the exterior side yard setback to less than ten (10) feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.74 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.

5. That lot side lines that do not run at right angles to the street upon which the lots face shall be allowed where necessary to respond to physical conditions of the site.
6. That a maximum lot depth to width ratio of 2.75 to 1 shall be allowed where necessary to respond to physical conditions of the site.
7. That a maximum block length of approximately 2,305 feet shall be allowed. In no case shall the length between a street corner intersection and a pedestrian way, or between two consecutive pedestrian ways, on the same side of the street exceed 800 feet.
8. That an active private neighborhood park, a minimum of 0.85 acres in area, be provided in the first phase of development. The active private neighborhood park shall provide active and passive recreation opportunities, and a pedestrian path providing through-block connectivity.
9. That a public open-space greenway along the length of Baker Creek, a minimum of 5.6 acres in area, be dedicated to the City. The public greenway shall generally follow Baker Creek and its drainages along the perimeter of the site so the greenway can connect to any future public open space along the Baker Creek greenway to the east and west of the site. A minimum of three (3) publically dedicated pedestrian/bicycle access ways from the public street network to the greenway and a bark chip bicycle/pedestrian trail throughout the greenway shall be provided, constructed to City specifications. Public pedestrian/bicycle access ways, from the public right-of-way to the rear lot line of adjacent lots, shall be 20 feet in width, with a 10 foot wide multi-use path built to City specifications to be provided by the City to the developer/property owner with a five foot buffer on each side, and minimum of (1) public pedestrian/bicycle access way shall be improved to accommodate maintenance vehicles. The public pedestrian/bicycle access ways will be designed to accommodate two-way bicycle and pedestrian traffic, and constructed for sustainability, durability, low-cost maintenance and easy access to the greenway trail. A development plan for the greenway with the trail system and the access ways shall be submitted to the City for review and approval of design and engineering prior to construction. The greenway, all pedestrian/bicycle access ways, and trails shall be maintained by a Homeowner's Association (HOA) until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City.
10. That the majority of delineated wetland be preserved, and a minimum of two (2) wetland viewing areas that are accessible with seating be provided adjacent to the wetlands outside the common open space Tract 1. The developer and the Homeowner's Association shall enter into a Revocable License Agreement with the City to establish and maintain wetland viewing areas in the right-of-way that are accessible, meet city specifications and are maintained by the developer and Homeowner's Association.

11. That the final wetland delineation and report from Pacific Habitat Services, Inc. be provided to the Division of State Lands (DSL) for review and approval. Additionally, that a wetland mitigation plan be approved by DSL prior to issuance of construction permits. The City of McMinnville shall require evidence of compliance with all applicable local, state, and federal standards and regulations for wetland mitigation.
12. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of streets, utilities, future residences, public and private park improvements, or other improvements. The inventory and report shall be provided prior to the release of construction or building permits within the planned area.
13. That existing trees with trunks wholly or partially within the planned area and greater than nine (9) inches DBH (Diameter at Breast Height) shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance. Trees greater than nine inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved subdivision. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site.
14. That a temporary emergency-only access be provided to serve the Oak Ridge Meadows development. The temporary emergency-only access shall be placed in an easement and will be graded and finished with compacted rock to applicable standards, and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road. At such time that the adjacent land is developed, the city intends to require the owner/developer of the adjacent land to dedicate sufficient public right-of-way and to establish a public city street on the owner/developer's property that provides an adequate vehicular connection to and between the southwesterly temporary terminus of NW Pinehurst Drive on the subject property and NW Baker Creek Road that adjoins such adjacent property. When such street is constructed by the adjacent property owner/developer and dedicated to the city as a public street, then the City shall require the developer of this adjacent property to dissolve this easement in favor of the subject property having unrestricted rights to access and use such public street connection on, to, and through the adjacent property.
15. That the proposed subdivision be limited to 108 dwelling units, in any combination of dwelling units allowed in the underlying zone, until such time that a second permanent improved street connection provides access to the proposed subdivision.
16. That lots with less than 40 feet of street frontage shall be alley loaded.
17. That, prior to issuance of residential building permits, the applicant shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in the Oak Ridge Meadows development. This book will contain architectural elevations, details, materials and colors of each building type. In order to protect property values, front entries will need to

be clearly defined, at least two material types will need to be used on the front elevations, driveways should be adjacent to each other to enhance opportunities for front yards and landscaping, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

At a minimum, the Architectural Pattern Book shall contain sections addressing:

- i) Style and Massing
- j) Quality and Type of Exterior Materials
- k) Front Porches / Entry Areas
- l) Roof Design and Materials
- m) Exterior Doors and Windows
- n) Garage Door Types
- o) Exterior Lighting
- p) Sample Exterior Colors

18. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street.

19. That Planned Development Ordinance No. 4822 is repealed in its entirety.

III. ATTACHMENTS:

1. PDA 4-18 Application and Attachments (on file with the Planning Department)
2. PDA 4-18 Application – Supplemental Materials
 - a. Errata Memorandum, April 17, 2019, Ron Pomeroy, Navigation Land Use Consulting (representing Premier Development) (on file with the Planning Department)
 - b. Wetland Delineation Report, Pacific Habitat Services (on file with the Planning Department)
3. Public Notices (on file with the Planning Department)
4. Agency Comments (on file with the Planning Department)
5. Testimony Received (on file with the Planning Department)
 - a. Public Testimony
 - i. Steve and Catherine Olsen, 2650 NW Pinot Noir Drive, Letter received April 10, 2019 (on file with the Planning Department)
 - ii. Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive, Letter received April 10, 2019 (on file with the Planning Department)
 - iii. Sandi Colvin, 2718 NW Pinot Noir Drive, Letter received April 10, 2019 (on file with the Planning Department)
 - iv. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received April 10, 2019 (on file with the Planning Department)
 - v. Friends of Baker Creek, 501-3C (submitted by Mike Colvin), Letter received April 10, 2019 (on file with the Planning Department)
 - vi. Friends of Baker Creek, 501-3C, Letter received April 10, 2019 (on file with the Planning Department)
 - vii. Tim and Margaret Roberts, 1069 NW Baker Crest Court, Letter received April 15, 2019 (on file with the Planning Department)
 - viii. Friends of Yamhill County, Email received April 15, 2019 (on file with the Planning Department)
 - ix. Yamhill Soil & Water Conservation District, Email received April 16, 2019 (on file with the Planning Department)

- x. Jan and Randy Hartzell, 1093 NW Baker Crest Court, Email received April 17, 2019 (on file with the Planning Department)
- xi. Housing Land Advocates and Fair Housing Council of Oregon, Letter received April 17, 2019 (on file with the Planning Department)
- xii. Glen Westlund, Email received April 18, 2019 (on file with the Planning Department)
- xiii. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received April 18, 2019 (on file with the Planning Department)
- xiv. Carmen Mendenhall, 2410 NW Zinfandel Loop, Letter received April 18, 2019 (on file with the Planning Department)
- xv. Friends of Baker Creek, PowerPoint slides received April 18, 2019 (on file with the Planning Department)
- xvi. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received April 18, 2019 (on file with the Planning Department)
- xvii. Gail Norby, 2840 NW Pinot Noir Drive, Letter received April 18, 2019 (on file with the Planning Department)
- xviii. Scott Wellman, 2756 NW Pinot Noir Drive, Letter received April 18, 2019 (on file with the Planning Department)
- xix. Bill Kabeiseman, Bateman Seidel, Letter received April 18, 2019 (on file with the Planning Department)
- xx. Valerie Kelly, McMinnville, Email received April 22, 2019 (on file with the Planning Department)
- xxi. Helen Bitar, 30500 SW Moriah Lane, Sheridan, Email received May 6, 2019 (on file with the Planning Department)
- xxii. Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive, Letter received May 6, 2019 (on file with the Planning Department)
- xxiii. Michael and Sherill Roberts, 2812 NW Pinot Noir Drive, Letter received on May 7, 2019 (on file with the Planning Department)
- xxiv. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received May 8, 2019 (on file with the Planning Department)
- xxv. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received May 8, 2019 (on file with the Planning Department)
- xxvi. Steve and Catherine Olson, 2650 NW Pinot Noir Drive, Letter received May 8, 2019 (on file with the Planning Department)
- xxvii. Rob Stephenson, 1081 NW Baker Crest Court, Letter received May 8, 2019 (on file with the Planning Department)
- xxviii. Baker Creek Hydrologic Analysis, PBS Engineering (prepared for Friends of Baker Creek), received May 8, 2019 (on file with the Planning Department)
- xxix. Les Toth, 2700 NW Pinehurst Drive, Letter received May 13, 2019 (on file with the Planning Department)
- xxx. Stephanie Rudolph, 2849 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxi. Rodney Pedersen, 2664 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxii. Melba Smith, 2780 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxiii. Mike Colvin, 2718 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxiv. Terry and Beth Uhrinak, 2731 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxv. Anniedear Chappell, 1334 NW Zinfandel Court, Email received on May 13, 2019 (on file with the Planning Department)

- xxxvi. Erin Stanton & Sarah Hadfield, 2687 NW Pinot Noir Drive, Email received on May 14, 2019 (on file with the Planning Department)
- xxxvii. Anniedear Chappell, 1334 NW Zinfandel Court, Email received on May 14, 2019 (on file with the Planning Department)
- xxxviii. Carmen Mendenhall, 2410 NW Zinfandel Loop, Letter received May 16, 2019 (on file with the Planning Department)
- xxxix. Scott Wellman, 2756 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
 - xl. Steve and Sarah Fox, 2687 NW Oak Ridge Drive, PowerPoint slides received May 16, 2019 (on file with the Planning Department)
 - xli. Catherine Olsen, 2650 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
 - xl.ii. Ray and Nina Clevidence, 1493 NW Riesling Way, Letter received May 16, 2019 (on file with the Planning Department)
 - xl.iii. Bill Kabeiseman, Bateman Seidel, Letter received May 16, 2019 (on file with the Planning Department)
 - xl.iv. Friends of Baker Creek, PowerPoint slides received April 18, 2019 (on file with the Planning Department)
 - xl.v. Sandi Colvin, 2718 NW Pinot Noir Drive, PowerPoint slides received May 16, 2019 (on file with the Planning Department)
 - xl.vi. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
 - xl.vii. Michael and Sherill Roberts, 2812 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
 - xl.viii. Unattributed, Letter received May 16, 2019 (on file with the Planning Department)
 - xl.ix. Justin Maynard, PBS (submitted by Catherine Olsen), 415 W 6th Street, Vancouver, WA, Letter received May 16, 2019 (on file with the Planning Department)
 - I. Melba Smith, 2780 NW Pinot Noir Drive, Photograph received May 16, 2019 (on file with the Planning Department)
 - ii. Unattributed, Letter received May 18, 2019 (on file with the Planning Department)
- b. Applicant Rebuttal Testimony
 - i. Premier Development, 1312 NE Highway 99W, Frequently Asked Questions received May 3, 2019 (on file with the Planning Department)
 - ii. Lacy Brown, DKS Associates (representing Premier Development), 117 Commercial Street NE, Suite 310, Salem, Supplemental Traffic Evaluation Memo received May 9, 2019 (on file with the Planning Department)
 - iii. Wendie Kellington, Kellington Law Group (representing Premier Development), PO Box 159, Lake Oswego, OR, Letter received May 15, 2019 (on file with the Planning Department)
 - iv. Ron Pomeroy, Navigation Land Use Consulting (representing Premier Development), PO Box 1514, McMinnville, Memorandum received May 15, 2019 (on file with the Planning Department)
 - v. Wendie Kellington, Kellington Law Group (representing Premier Development), PO Box 159, Lake Oswego, OR, Thalweg Comparison Chart received May 16, 2019 (on file with the Planning Department)
 - vi. Wendie Kellington, Kellington Law Group (representing Premier Development), PO Box 159, Lake Oswego, OR, Precipitation Chart received May 16, 2019 (on file with the Planning Department)
- c. Staff Memorandums

- i. Planning Department Staff, Memorandum in response to News-Register articles, April 17, 2019 (on file with the Planning Department)
 - ii. Planning Department Staff, Memorandum in response to written testimony, April 17, 2019 (on file with the Planning Department)
 - iii. Planning Department Staff, Memorandum in response to written testimony, May 15, 2019 (on file with the Planning Department)
- 6. PDA 3-18, PDA 4-18, S 3-18 Staff Memorandum, April 17, 2019 and Staff Report, April 18, 2019 (on file with the Planning Department)
- 7. PDA 3-18, PDA 4-18, S 3-18 Staff Report, May 16, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

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

- McMinnville Engineering Department

Staff Comment: Comments provided by the Engineering Department are not relevant to this Planned Development Amendment application, and can be found in the Decision Document for Tentative Subdivision 3-18, to which they are applicable.

- McMinnville Fire Department

We have no comments on these amendments.

- McMinnville Parks and Recreation Department

The comments below are in response to the request for comments for the Planned Development Amendment application to amend the existing Oak Ridge Planned Development.

The McMinnville Comprehensive Plan includes the following provisions:

159.00 The City of McMinnville's Parks, Recreation, and Open Space Master Plan shall serve to identify future needs of the community, available resources, funding alternatives, and priority projects. (Ord. 4796, October 14, 2003)

163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)

Comment: Per the McMinnville Comprehensive Plan Policy #163.05 the City should locate greenways and trails in the floodplain to connect community and other park types to each other. The proposed dedication of a trail that connects Tice Park to a potential future park and/or the BPA trail appears to satisfy this criterion.

164.00 The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.

Comment: Per the McMinnville Comprehensive Plan Policy #164.00, the City shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks. The proposed floodplain land to be dedicated to the city for a natural trail and greenway system along Baker Creek appears to satisfy this criterion.

166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.

168.00 Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

Comment: Per the McMinnville Comprehensive Plan Policy #166.00 and #168.00, the city should recognize and retain distinctive natural features and areas in future urban developments. Baker Creek and its associated riparian environment is a natural feature in the proposed Oak Ridge Meadows Subdivision and the proposed dedication of this land to the city for a trail appears to satisfy this criterion.

170.05 For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used. (Ord. 4796, October 14, 2003)

Comment: Per the McMinnville Comprehensive Plan Policy #170.05, the City should use the standards in the McMinnville Parks, Recreation, and Open Space Master Plan, which are as follows:

The McMinnville 1999 Parks Master Plan contains the following relevant recommendations:

- Develop special use parks to protect and highlight unique natural areas and to respond to the particular recreation needs of McMinnville residents;
- Protect natural areas and stream corridors by acquiring greenways along creeks and the Yamhill river;
- Provide public access to natural areas and trail-related recreation by developing trails through greenways and in natural areas. (p. 38)

Comment: Table 10 of the Parks Master Plan outlines underserved areas in our City related to parks, this property can be found in planning area 3 and specifically recommends acquiring a greenway "along Baker Creek connecting Tice/BPA Easement" as a first tier priority for the action plan. The Master Plan Map shows a multi-purposed trail along Baker Creek in this general area which is reflected in the development proposal, therefore this element of the Parks Master Plan appears to be met by the application as proposed.

Thank you for the opportunity to comment. Please let me know if you have any further questions or need anything additional from the Parks and Recreation Department.

- McMinnville Public Works Department

Parks:

1. It is my understanding that this application seeks to add a private .85 acre “nature park”, and a 5.6 acre public greenway space. The narrative and included maps indicate that the public open space would essentially follow Baker Creek around the perimeter of the subdivision. The narrative notes that the concept includes pedestrian trails with chipped material proposed for surfacing. It appears the proposed public park lies in the floodplain area.
 - a. While we recognize the value of such open space, and the opportunity for future connections along Baker Creek, our position remains that the Public Works Division is not in a position to take on additional public parkland and the associated maintenance costs and responsibilities at this time. The recent “add-back” funding proposal for parks maintenance was intended to allow the Division to begin to restore service levels to pre-2013 levels, begin to address maintenance backlogs and to include maintenance costs for the planned NW Neighborhood park. The addition of new lands at this point, especially in light of the fact we are adding the NW park, will result in negative service level impacts at existing facilities. **Based on those concerns, our recommendation would be that the proposed greenway remain privately owned until such time that resources are available to maintain and operate it as public open space.**
 - b. The site as proposed would present significant challenges to get equipment and or vehicles in to perform maintenance.
 - c. The proposal notes that chipped trails would be provided for both the private and public parks. Such a surface would not be accessible, and I don’t believe it would meet either PROWAG or ADAAG requirements.
 - d. The proposal shows only two access points to the proposed greenway. Whether the greenway is public or private, we might suggest considering additional entry points to improve access.

- McMinnville Water and Light

MW&L has no issues with these submittals.

Please note that the submitted preliminary water plan is not approved and will need to follow MW&L approval process. Please contact MW&L for a Design Application and fees for this project.

- Oregon Department of State Lands

The Department had a permit for the earlier construction along Pinot Noir, which required mitigation. The mitigation failed. The permittee submitted a wetland delineation in 1999. Because of the number of years and changes to the landscape since the delineation, the Department would require a new delineation to review before an application is submitted.

During the removal-fill application review, the Department looks for an applicant to have avoided or minimized the impacts to wetlands and waters, which may result in changes to the layout.

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, April 9, 2019. As of the date

Planning Commission public hearing on May 16, 2019, fifty one (51) written public testimonies had been received by the Planning Department from twenty nine (29) entities.

- Mike Colvin, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on increased risk of downstream flooding.
 2. Letter - April 18, 2019 - expressing opposition to the application based on potential downstream flooding impact, loss of unique natural habitats that could be preserved as recreation/park space.
 3. Letter - April 18, 2019 - expressing opposition to the application based on impact of proposed public improvements on the wetlands.
 4. Letter - May 8, 2019 - expressing opposition to the application based on impact of proposed development of traffic on Baker Creek Road.
 5. Letter - May 8, 2019 - expressing opposition to the application based on Comprehensive Plan policies that do not support development on the 11.47 acre parcel and instead support it being left in a natural state for drainage and recreation.
 6. Letter - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and calling on neighbors to submit testimony.
 7. Letter - May 16, 2019 - expressing opposition to the applications based on a comparison of Comprehensive Plan policies as they relate to individual parcels of the overall proposed development.
- Sandi Colvin, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application stating that removal of the 11.47 acre parcel from the Oak Ridge Planned would circumvent Oak Ridge CC&Rs, and that the proposed development is held to lesser standards than the current PDs.
 2. PowerPoint slides - May 16, 2019 - expressing opposition to the applications based on extension of Pinehurst Drive to eastern property line, and potential impacts on downstream flooding.
- Friends of Baker Creek, 501c3 Non-Profit, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on lack of two access points to proposed development.
 2. Letter - April 10, 2019 - expressing opposition of the application based on development in the wetland, emergency access to the development, retention of an isolated preservable tree, impact of park maintenance on HOA fees, development of the private active neighborhood park, Federal and State agency permitting, and FEMA floodplain mapping.
 3. PowerPoint slides - April 18, 2019 - used as imagery and talking points for several oppositional testimonies at the April 18, 2019 public hearing.
 4. Baker Creek Hydrologic Analysis (prepared by PBS Engineering for FoBC) – May 9, 2009 – providing analysis indicated that FEMA floodplain maps are in need of revision, proposed development could occur in areas of flood risk but with FEMA designation, and that proposed development would not significantly increase downstream flow.
 5. Power Point slides - May 16, 2019 - used as imagery and talking points for several oppositional testimonies at the May 16, 2019 public hearing.
- Steve and Catherine Olsen, 2650 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on concerns of development in the wetland, increased traffic in the Oak Ridge developments, Great Neighborhood Principles, and Federal and State agency permitting, and FEMA floodplain mapping.

2. Letter - May 8, 2019 - expressing opposition to the application because of impact of the proposed development on traffic, public safety, and existing Oak Ridge CC&Rs, and the desire to preserve the 11.47 acre parcel as a nature preserve.
 3. Letter - May 16, 2019 - expressing opposition to the applications and support for preserving 11.47 acre parcel as a nature preserve.
- Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on concerns of development in the wetland, steep slopes, construction access, potential loss of trees, and loss of lifestyle on Pinot Noir Drive.
 2. Letter - May 6, 2019 - expressing opposition to the application based on traffic impact to the surrounding neighborhoods, and the impact of development on the lifestyle of the surrounding neighborhoods.
 3. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
 - Tim and Margaret Roberts, 1069 NW Baker Crest Court
 1. Letter - April 15, 2019 - expressing opposition of the application based on concern for potential downstream flooding impact.
 - Friends of Yamhill County, 501c3 Non-Profit, PO Box 1083, McMinnville
 1. Letter - April 15, 2019 - expressing opposition of the application based on impact to wetlands.
 - Yamhill Soil & Water Conservation District, 2200 SW 2nd Street
 1. Email - April 16, 2019 - expressing concern over the proposed development based on potential impacts to wetlands, and removal of vegetation along Baker Creek.
 - Jan and Randy Hartzell, 1093 NW Baker Crest Court
 1. Email - April 17, 2019 - expressing opposition to the application based on potential downstream flooding impact and inaccurate FEMA maps.
 - Housing Land Advocates and Fair Housing Council of Oregon, 501c3 Non-Profit, 1221 SW Yamhill Street #305, Portland
 1. Letter - April 17, 2019 - expressing concern that Statewide Goal 10 findings had not been made, and the proposal not evaluated under the HNA and BLI.
 - Glen Westlund (no address provided)
 1. Email - April 18, 2019 - expressing concern over the proposed development based on potential impacts to wetlands and wildlife habitat.
 - Carmen Mendenhall, 2410 NW Zinfandel Loop
 1. Letter - April 18, 2019 - expressing opposition to the applications based on the impact of the proposed development on neighborhood livability.
 2. Email - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, development impact to the Baker Creek riparian corridor, and loss of wetlands.
 - Gail Norby, 2840 NW Pinot Noir Drive
 1. Letter - April 18, 2019 - expressing opposition to the application based on potential impact of traffic on neighborhood livability.

- Scott Wellman, 2756 NW Pinot Noir Drive
 1. Letter - April 18, 2019 - expressing opposition to the application based on potential impact on wildlife habitat.
 2. Letter - May 16, 2019 - expressing opposition to the applications based on loss of wetlands.
- Bill Kabeiseman, Bateman Seidel (representing Friends of Baker Creek), 888 SW 5th Avenue, Suite 1250, Portland
 1. Letter - April 18, 2019 - expressing opposition to the application based on impact on the wetlands that would be inconsistent with the Comprehensive Plan, that Ordinance 4845 limits Oak Ridge Meadows to 76 lots, and that there is no approved wetland delineation or mitigation plan.
 2. Letter - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, extension of Pinehurst Drive to eastern property line, potential impacts on downstream flooding, and loss of wetlands.
- Valerie Kelly, McMinnville
 1. Email – April 22, 2019 - expressing opposition to the application based on potential downstream flooding impact and inaccurate FEMA maps.
- Helen Bitar, 30500 SW Moriah Lane, Sheridan
 1. Email - May 6, 2019 - expressing opposition to the application based on loss of wetlands.
- Michael and Sherill Roberts, 2812 NW Pinot Noir Drive
 1. Letter – May 7, 2019 - expressing concern for public safety and livability during construction of proposed development. The testimony suggests requiring the improvement of Shadden Drive for construction access, and expediting the restriping project for Baker Creek Road.
 2. Letter - May 16, 2019 - expressing concern for public safety and livability during construction of proposed development. The testimony suggests requiring the improvement of Shadden Drive for construction access, and expediting the restriping project for Baker Creek Road.
- Rob Stephenson, 1081 NW Baker Crest Court
 1. Letter – May 8, 2019 - expressing opposition to the application based on potential downstream flooding impact, and impact of the development on wetlands.
- Les Toth, 2700 NW Pinehurst Drive
 1. Letter – May 13, 2019 - expressing opposition to the applications based on impact of proposed Pinehurst Drive on wetlands and adjacent property.
- Stephanie Rudolph, 2849 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing concern about traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
- Melba Smith, 2780 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and impact on existing streets.
 2. Photograph - May 16, 2019 - indicating extent development impact on existing wetlands.

- Terry and Beth Uhrinak, 2731 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
- Anniedear Chappell, 1334 NW Zinfandel Court
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood.
 2. Email - May 14, 2019 - expressing concern over existing traffic systems and pedestrian safety in Oak Ridge neighborhood that would be compounded by new traffic.
- Erin Stanton & Sarah Hadfield, 2687 NW Pinot Noir Drive
 1. Email - May 14, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and calling on neighbors to submit testimony.
- Steve and Sarah Fox, 2687 NW Oak Ridge Drive
 1. PowerPoint slides - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and concern over previous land fill activity.
- Ray and Nina Clevidence, 1493 NW Riesling Way,
 1. Letter - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and loss of wetlands.
- Justin Maynard (submitted by Catherine Olsen), PBS Engineering, 415 W 6th Street, Vancouver, WA
 1. Letter - May 16, 2019 - summarizing the analysis and findings of the Baker Creek Hydrologic Analysis. The analysis indicated that FEMA floodplain maps are in need of revision, and proposed development could occur in areas of flood risk but with FEMA designation.
- Unattributed (no name provided)
 1. Letter - May 16, 2019 – provided at the public hearing - listing several Comprehensive Plan policies related to natural features, transportation and traffic systems, and provision of open space and natural areas.
 2. Letter – May 18, 2019 – posted to several public buildings – expressing opposition to proposed development based on lack of affordable housing and loss of wetlands.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS:

1. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on July 26, 2018.
2. The property owner, Premier Development, LLC, submitted the Planned Development Amendment application (PDA 4-18) on October 24, 2018.
3. The application was deemed complete on January 24, 2019.
4. After planning staff requested clarification on a couple of items, the applicant submitted a revised application on March 28, 2019.

5. The applicant provided written notice requesting a 60 day extension of the 120 day land use decision time limit on March 1, 2019 to July 23, 2019.
6. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of State Lands.

Comments received from agencies are addressed in the Decision Document.

7. Notice of the application and the April 18, 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 Friday, March 29, 2019.
8. Notice of the application and the April 18, 2019 Planning Commission public hearing was published in the News Register on Tuesday, April 9, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
9. On April 18, 2019, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission continued the public hearing to May 16, 2019.
10. Notice of the May 16, 2019 Planning Commission continued public hearing was published in the News Register on Tuesday, May 7, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
11. On May 16, 2019, the Planning Commission held a duly noticed public hearing to consider the request.
12. On June 5, 2019, the applicant provided written notice requesting a 21 day extension of the land use decision time limit on March 1, 2019. The land use decision time limit now expires on August 13, 2019.

VI. FINDINGS OF FACT - GENERAL FINDINGS:

1. **Location:** Generally north of Baker Creek Road and NW Pinot Noir Drive, south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R. 4 W., W.M.)
2. **Size:** Approximately 35.47 acres.
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 PD (Single Family Residential Planned Development)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Undeveloped

7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** Wetlands
8. **Other Features:** The site is level at the existing terminus of Pinot Noir Drive, then slopes steeply downhill to the west, north, and east, towards Baker Creek. Mature native oak trees are found on the uphill portion of the site and sloped, and wetlands are found on the lower southeast portion of the site.
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:** A storm water facility serving the Oak Ridge development is in the northeast corner R441701300. A storm drain easement provides storm sewer access for that facility.
 - 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:** No streets or public rights-of-way exist within the subject site. NW Pinot Noir Drive is classified as a Local Residential Street in the Transportation System Plan (TSP) and terminates at the property line of the subject site. At its termination, NW Pinot Noir Drive has a curb-to-curb dimension of 21 feet.

VII. CONCLUSIONARY FINDINGS:

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

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

Volume I Background Element is the main body or text of the McMinnville Comprehensive Plan. Included in this volume are all the inventories and research documentation on which the goals and policies were based. The requirements of the statewide goals for inventory information and land use related projections (e.g. population and housing) are also contained in this volume.

Comprehensive Plan Volume I:

The following citation from Volume I Background Element of the McMinnville Comprehensive Plan is applicable to the request:

Chapter V. Housing and Residential Development—Land Use Controls—Planned Developments:

The planned development (PD) is a method by which creative, large-scale development of land is encouraged for the collective benefit of the area's future residents. [...] As written, the planned development provisions are intended to provide specific benefits to a development (e.g., developed parks, retention of unique natural areas, etc.). [...] It is important that the City continue to scrutinize planned development designs to insure that amenities are being provided in excess of what is normally required."

4. Future planned developments should be carefully scrutinized to insure that there are trade-offs favorable to the community when zoning ordinance requirements are varied. Those trade-offs should not just include a mixture of housing types.

ADDITIONAL DESIGN CONSIDERATIONS

Two specific areas of concern were examined by the Citizens' Advisory Committee's subcommittees in relation to residential development designs.

Pedestrian paths (sidewalks) are required by ordinance to be constructed in all new residential developments. Bike paths, however, have only been constructed in a few selected areas. The City should encourage the development of bike paths and foot paths to activity areas, such as parks, schools, and recreation facilities, in all development designs.

The incorporation of solar access review into the land division ordinance received favorable reaction. Such review could require that all subdivision designs seek to maximize access to the sun through orientation of both streets and lots. This requirement has been used in other cities without causing major development problems. By orienting streets and lots towards the optimal access to the sun, the City would not be requiring the installation of active solar energy systems, but would instead encourage and allow the use of both passive and active solar systems. The large size of future areas proposed for residential development further enhances the applicability of this design requirement in McMinnville.

Based on the information presented on residential development design considerations, the City finds that:

1. A minimum level of public facilities and services including, but not limited to, sanitary sewer, storm drainage systems, water services, and improved streets should continue to be required for all residential developments. The standards for these facilities and services should be periodically examined to insure the services are commensurate with, but do not exceed, the density of development projected.
2. Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. [..]
3. Parkland requirements in the land division ordinance provide for either the dedication of parkland to the public or payment of money in lieu of land to develop the city park system. The requirements of the ordinance need to be examined to see that all future residential developments, including mobile home parks and newly created parcels through partitioning, contribute equitably to the park program.
4. The incorporation of solar access review into the land division ordinance should be undertaken. Such review would require the orientation of streets and lots towards the sun in a manner which would best utilize access to solar energy. The requirement should not be designed to lessen the density of development available on any parcel of land.
5. The City should encourage the provision of bike and foot paths within residential developments to connect to public and/or private parks, or recreation facilities and to connect to any paths which currently abut the land.

APPLICANT'S RESPONSE: This proposal meets the intent of this portion of Volume I of the Comprehensive Plan. This is evident, in part, by the prior City Council approvals of Ordinances 4722 and 4822 which were based on observations and findings of fact that are reflected in their respective public records. Since the Council's approval of Ordinance 4722, all but 11.47 acres

of that Planned Development area has residentially developed through three separate phases (Oak Ridge, Oak Ridge First Addition and Oak Ridge Second Addition residential subdivisions). Approving this proposal to remove the undeveloped 11.47 acres from this Planned Development boundary and add it to the boundary of the adjacent approved Planned Development area represented by Ordinance 4822 will not affect the three existing developed phases of the Oak Ridge subdivisions' continued compliance with this portion of Volume I of the Comprehensive Plan or the existing applicable conditions of approval of Ordinance 4722. Additionally, approval of this proposal will allow Premier Development the ability to continue moving forward toward developing a phased residential neighborhood offering a mix of residential lot sizes which will result in a range of housing options being made available at varying market price points which was the original intent embodied by the City's prior approvals of both Ordinances 4722 and 4822 and their associated phased subdivision approvals.

Further, this proposal meets the intent of criterion 1 of this portion of Volume I of the Comprehensive Plan in that all requisite public facilities and services shall be sufficiently provided to adequately serve this site and the proposed development as articulated further in additional Findings provided below. The standards for these facilities and services are periodically examined and amended by the City.

As described by criteria 2 and 3 above, the open space provided by this proposed tentative subdivision plan is comprised of the "traditional zoning setbacks" which "reserve a large portion of each individual lot for potential open space." as stated in this criterion. Additionally, for the collective benefit of area residents, open space is proposed in three forms by this proposal in addition to that provided by zoning setbacks as described by the Comprehensive Plan Volume I Section cited above: 1) a protected wetland area along the eastern edge of the site; 2) an approximately 0.85 acre active private neighborhood park internal to the development site; and, 3) an approximately 5.6-acre open space greenway located around the majority of the site's perimeter which is proposed to be publicly dedicated along with two of the three connecting pedestrian access paths; the pathway located along the south edge of Lot 56 is intended to be temporary as described further below in these Findings. Premier Development proposes that the forthcoming Homeowner's Association for this development will be responsible for full maintenance responsibilities of the entirety of the publicly dedicated greenway path and its access paths until the year 2032 at which time all such maintenance responsibilities shall become the full responsibility of the City in perpetuity; the pedestrian pathway to be created by easement along the southern portion of Lot 56 is to be temporary, the maintenance of which will not be transferred to the City, and will be eliminated at such time as described in more detail in Findings provided above. The protected wetland mentioned above is located along the eastern edge of the site and, except for mitigation areas which shall be addressed further below in these findings, will remain in their natural state.

Relative to Ordinance 4822, wetlands affected by the pending construction of the affecting portion of NW Pinehurst Drive were sufficiently mitigated as required by the Declaration of Covenants and Restrictions for the Oak Ridge Wetland Mitigation Site (Exhibit 8). Since that time, a new wetland analysis has been commissioned with the results of an updated wetland delineation depicted on the Overall Subdivision Layout (Exhibit 6) as well as on numerous other Exhibits included with this submittal. Additional wetland discussion is provided in the findings below and is also herein incorporated at this point.

Regarding parks and greenways, based on Table 1 of McMinnville's adopted McMinnville Parks, Recreation, and Open Space Master Plan, Mini Parks/ Playlots range from 2,500 square feet to one acre in size and are provided at a ratio of one such park per 1,000 anticipated residents based on Table 2 of that same Plan. Premier development proposes the construction of 108 single-family residential homes on this site which results in far fewer than the 1,000 resident

threshold established in Table 2 of that Plan. At approximately 0.85 acres in size, the active private neighborhood park is size-appropriate for this anticipated population while, for example, neighborhoods located adjacent to and near this site to the south and east have provided no such park of any size to serve their neighborhood populations. Premier Development supports the installation of picnic tables, a trash can and active permanent child-appropriate play equipment for the enjoyment of residents on a portion of the upland area of the active private neighborhood park. Additionally, the proposed Oak Ridge Meadows development is located within one-half mile from the specialty park to be proposed as part of the adjacent Stafford Land Planned Development to the west. The McMinnville Planning Department has already clearly communicated to Premier Development that this forthcoming specialty park will provide the necessary level of service benchmark of every residence within this Oak Ridge Meadows proposal being within one-half mile of a neighborhood park as identified in the McMinnville Parks, Recreation, and Open Space Master Plan.

Both of the park/open spaces proposed by Premier Development will be developed with pedestrian trails. The pedestrian pathway planned to extend through the private active neighborhood park connecting NW Pinot Noir Drive and NW Pinehurst Drive will further enhance pedestrian mobility throughout this development beyond the standard, and required, network of public sidewalks found in most other residential developments. This proposal, through the proposed arrangement of park spaces, will afford pedestrians the ability to enjoy continuous access from the active private neighborhood park entrance on NW Pinot Noir Drive through to NW Pinehurst Drive and, then by walking northward along the public sidewalk for approximately 300 feet, be able to move along the access walkway leading from NW Pinehurst Drive and enjoy the walking trail winding its way through the entire greenway that will wrap the neighborhood all the way to its southwestern-most corner. Two additional public access points to the greenway path to be located along the south side of Lot 56 and between Lots 75 and 76 will afford the public multiple access points to this greenway and allow this greenway to be experienced through pathway segments of different lengths. Additionally, the southwestern edge of this public pedestrian greenway path along the edge of the Oak Ridge Meadows development will have the opportunity of being extended as a pedestrian access feature as part of the future development of adjacent land to the south and west which is currently owned by Stafford Land Company. Additional commensurate park fees-in-lieu-of dedication shall also be assessed to the developer by the City if still deemed necessary following the public greenway park dedication.

Regarding criterion 4 above, while the City does not currently have a specific, adopted solar access code, Section 17.53.101(A)(3) (Streets – General) of the McMinnville Zoning Ordinance speaks to maximizing the “potential for unobstructed solar access to all lots or parcels.” Also that “streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features.” Additionally, that “the east-west orientation of streets shall be integrated into the design.” The proposed phased tentative subdivision plan complies with this Comprehensive Plan Volume I criterion and Section 17.53.101(A)(3) of the McMinnville Zoning Ordinance in that this plan proposes to align the site’s new internal local public streets in an east-west orientation to the maximum extent feasible given the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features noted in this criterion (Exhibit 11 – Subdivision Layout With Contours). Opportunities for an alternative street layout would lead to less efficient use of the site and likely result in compromised street connectivity opportunities and lessening of solar access to future homesites. The proposed street layout promotes compliant street intersection alignments and increased local street connectivity. To the extent physically possible, given the site size, shape

and street connection design standards, the proposed lots are provided the potential for unobstructed solar access to the maximum extent feasible. Therefore, these criteria have been satisfied.

Relative to criterion 5 and in addition to the construction of public sidewalks within this phased Planned Development subdivision proposal as required by City standards, pedestrian mobility is further enhanced by the provision of both private and public pathways to be provided through the two separate park spaces to be provided as part of this residential development to enhance pedestrian mobility within this neighborhood and provide pedestrian accesses at multiple points to the first piece of the McMinnville Baker Creek Greenway System to be dedicated to the public by a land owner. This criterion has also been met.

FINDING: SATISFIED. Relative to Planned Developments Criterion 4, the requested planned development amendment would provide trade-offs favorable to the community in return for variance from zoning ordinance requirements. The previously approved Planned Development Ordinance No. 4822 had provisions for the protection and retention of significant trees found on the site. In addition to strengthening the tree protections in the planned development amendment, the applicant is offering to provide approximately 6.45 acres of public and private open space to benefit the community and City as a whole, as well as other community amenities such as preservation of on-site wetlands, and proposed public wetland viewing areas. Park maintenance for the public open space would be the initial responsibility of the Homeowner's Association, addressing City park maintenance shortfall concerns and allowing the first phase of a larger Baker Creek greenway envisioned in the Parks and Open Space Master Plan to come online and benefit the community. The applicant is also proposing that an Architectural Pattern Book be approved to guide the design and development of homes in Oak Ridge Meadows. This would help provide variety in a cohesive manner to the housing types that would be proposed. In exchange, the applicant is requesting several departures from the underlying zoning, including modifications to the average lot size, setbacks, lot layout, and block length. It should be noted that each of these requests does not only benefit the applicant. Findings have been provided that show how the zoning departures are in response to physical conditions of the site, and the departures would allow development of the site to better accommodate the unique physical conditions and natural features found on the site. In sum, these trade-offs would provide additional benefit favorable to the community.

The City concurs with the applicant's findings relative to Additional Design Considerations Criteria 1 through 5, but notes that while wetland mitigation was completed based on prior development plans, the Department of State Lands provided comments indicating the previously completed wetland mitigation has failed. The City of McMinnville would require evidence of compliance with all applicable local, state, and federal standards and regulations for wetland mitigation.

Comprehensive Plan Volume II:

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

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

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

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

Policy 2.00 The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristic, and natural hazards.

Policy 5.00 The quality of the air resources in McMinnville shall be measured by the standards established by the Oregon Environmental Quality Commission and the Federal Environmental Protection Agency.

Policy 9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate limits as “floodplain” to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.

Policy 12.00 The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.

APPLICANT’S RESPONSE: Goal II 1 and Policies 2.00, 5.00, 9.00 and 12.00 are satisfied by this proposal in that no development is proposed on lands with identified building constraints such as excessive slope, limiting soil characteristic(s) and/or natural hazards; wetlands and wetland mitigation shall be discussed further in findings provided below. Any and all infrastructure and right-of-way improvements shall be designed, proposed, reviewed and permitted as per standards and requirements administered and supported by the City of McMinnville. While there are no residential development requirements or standards addressing the quality of air resources in McMinnville, the City is cognizant of standards established by the Oregon Environmental Quality Commission and the Federal EPA as they relate to impactful commercial or industrial uses within the city.

Additionally, there are no lands being proposed for development that are identified as Floodplain on the McMinnville Comprehensive Plan Map or as being located within zone AE of the associated Federal Emergency Management Association (FEMA) Flood Insurance Rate Maps (FIRM); any storm drainage outfall as described further in the application shall only occur as reviewed and permitted by the City of McMinnville Engineering Department inclusive of any additional review or permitting as directed by the City. Noise compatibility between adjacent single-family residential developments is established in that there are no adopted policies that address adjacent same-type development as being potentially noise incompatible. The intent of this proposal is to allow the creation of single-family residential development to be located adjacent to existing single-family residential development and is therefore not an incompatible proposed use.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the City of McMinnville would require evidence of compliance with all applicable local, state, and federal standards and regulations relating to development controls on lands with identified building constraints, including but not limited to, excessive slope, limiting soil characteristics, natural hazards, and wetlands.

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

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

APPLICANT’S RESPONSE: Goal V 1 and Policy 58.00 are met by this proposal in that a range of residential lot sizes are proposed that will provide opportunity for development of a variety of housing sizes and densities. The existing Planned Development (Ordinance 4822) requires a minimum average minimum lot size of 7,500 square feet which Premier Development is not proposing to amend. While this currently required average minimum lot size is 500 square feet larger than that required of the adjacent multi-phased Oak Ridge Planned Development (Ordinance 4722), and by the base standards of the R-2 zone, Premier Development is supportive of the City Council’s prior decision for the Oak Ridge Meadows site and has incorporated that minimum average lot size requirement into this current proposal; and also within each individual phase of this proposed two phase subdivision (a spreadsheet has been prepared showing the proposed sizes of each lot in each subdivision phase (Exhibit 10). The existing Planned Development condition establishing an average minimum lot size allows for the provision of a range of lot sizes within the development area which adds to the variety of housing opportunities to be made available within the community.

FINDING: SATISFIED. The City concurs with the applicant’s findings. The proposed planned development amendment would allow an average minimum lot size of approximately 7,770 square feet. Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and localized densities within the overall planned area. The overall density of the planned development would meet the requirements of the underlying R-2 zone.

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

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

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

Westside Density Policy

Policy 71.01 The City shall plan for development of the property located on the west side of the city that is outside of planned or existing transit corridors (1/4 mile either side of the route) to be limited to a density of six units per acre. It is recognized that it is an objective of the City to disperse multiple family units throughout the community. In order to provide higher density housing on the west side, sewer density allowances or trade-offs shall be allowed and encouraged. (Ord. 4961, January 8, 2013; Ord.4796, October 14, 2003)

Policy 71.06 Low Density Residential Development (R-1 and R-2) Low-density residential development should be limited to the following:

- 1. Areas which are committed to low density development and shown on the buildable lands inventory as “developed” land;*
- 2. Areas where street facilities are limited to collector and local streets;*

3. *Areas with mapped development limitations such as steep slopes, floodplains, stream corridors, natural drainageways, and wetlands; and*
4. *Areas with limited capacity for development identified in approved facility master plans, including sanitary sewer, water, drainage, and transportation facilities. (Ord. 4796, October 14, 2003)*

Policy 71.08 Slightly higher densities (R-2) should be permitted on lands that exhibit the above-listed characteristics (Policy 71.06), and following factors or areas:

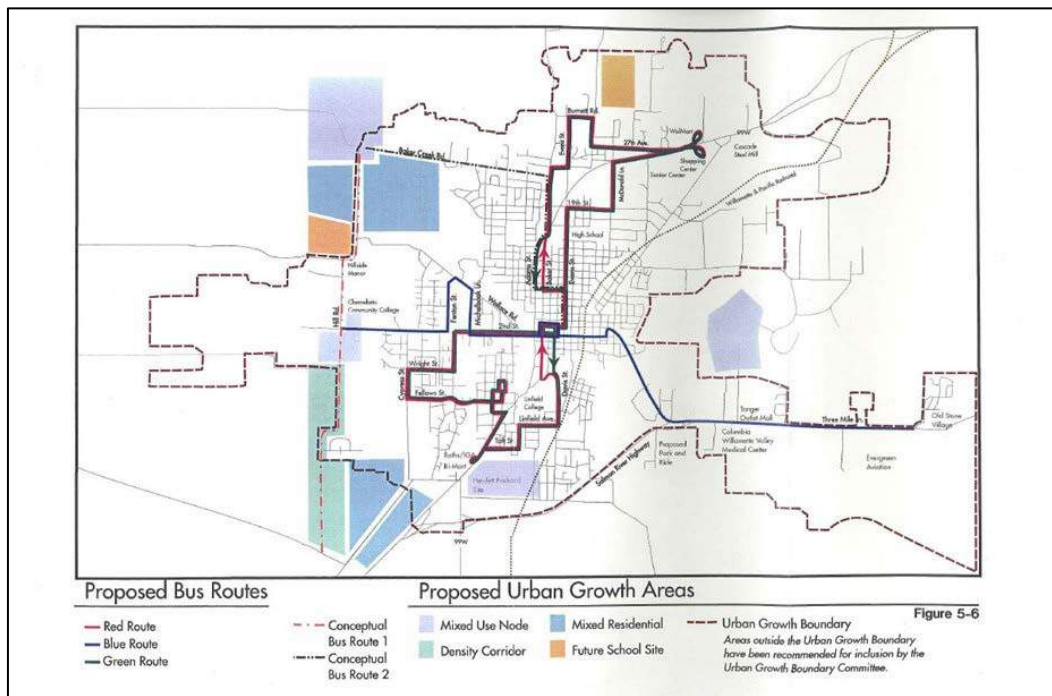
1. *The capacity of facilities and services;*
2. *Within one mile of existing or planned transit;*
3. *Lower sloped areas within the West Hills;*
4. *Riverside South area (lands more than 500 feet from planned and existing heavy industrial lands);*
5. *Proximity to jobs, commercial areas, and public facilities and services, should be zoned for smaller lots; and*
6. *Proximity to and having potential impact upon identified floodplains and other environmentally sensitive areas (the higher the potential impact, the lower the allowed density). (Ord. 4796, October 14, 2003)*

APPLICANT'S RESPONSE: Goal V 2 and Policies 68.00, 71.00, 71.01, 71.05, 71.06 (1-4), and 71.08 (1-6) are met by this proposal in that the two requested Planned Development Amendment requests are processed as zone changes in McMinnville and are binding on the sites. The subject site is identified as Residential on the McMinnville Comprehensive Plan Map and carries zoning designations R-2 PD set by the previous approvals of Ordinances 4722 and 4822. Approval of these proposed Planned Development Amendment requests and phased subdivision plan will result in this site retaining an R-2 PD zoning designation and a new, binding, development plan memorialized by adoption of a new ordinance. The resulting R-2 PD designation of this site is a zoning designation allowed and supported by the Residential designation of the site on the McMinnville Comprehensive Plan Map.

This proposal provides a range of residential single-family lot sizes thereby promoting an energy-efficient and land intensive development pattern. This proposal encourages both social and environmental benefits by planning for residential lots of various sizes in a cohesive arrangement of opportunities throughout the development. While the more moderate and smaller lots tend to be more centrally located within the development, this arrangement is far from exclusive and results in a complementary blending of similarly sized lots with the lots nearby in the adjacent Oak Ridge development (please refer to the more detailed description of this lot arrangement found in Section IV above as additional support in satisfying these policies). The resultant lot sizes and dimensions that are proposed to be located around the perimeter of the site allow for reasonable sized building envelopes to be located on the upper portions of each lot and thereby preserve the natural slope and tree cover that will make up the extended backyard areas of some of these lots. Retention of the existing natural downslope surface drainage capacity is preserved by the proposed public dedication of the approximately 5.6 acres of open greenspace located at the toe of the slope that exists around the perimeter of much of this planned development site. The site contains a wetland on its eastern side which eliminates that land from being developed. Premier Development also proposes the creation of an

approximately 0.85-acre active private neighborhood park, to be maintained by a Homeowner's Association to be created by Premier Development, which will preserve a number of the mature Oak trees that exist on that site. Both of these open space areas are new to this development proposal and were not part of that which was previously supported and approved by the McMinnville City Council. These open spaces are unique and innovative to McMinnville prior residential planning approvals and will be a unique natural environmental resource and a recreational benefit to the residents of this development and other neighborhoods.

While not close to McMinnville's urban center, the subject site is located in an area already committed to low density residential development and served by access to an adjacent local street network. City services can be extended from adjacent development sufficient to adequately accommodate and serve this proposal. Planned public transit is shown well within the one-mile requirement of the site and is identified as Conceptual Bus Route 2 on Figure 5-6 of the adopted McMinnville Transit Feasibility Study shown below.



In addition, land comprising the entirety of the subject site is currently zoned R-2 PD. This proposal does not exceed a residential density of 6 dwelling units per acre and so does not exceed maximum allowable density of the underlying R-2 zone of this site. This proposed subdivision, and each of the two individual phases of the proposed subdivision, also complies with Condition of Approval 2 of Ordinance 4822 (Exhibit 2) which states "That the average lot size within the Oak Ridge Meadows subdivision shall be 7,500 square feet." - While this Condition uses common McMinnville Planning Department, Planning Commission and City Council parlance of the time stating that the average lot size *shall* be 7,500 square feet, it is established as understood to mean an *average minimum* lot size of the stated figure. This intent and understanding is evident by the legal platting and subsequent build-out of numerous residential Planned Development approvals over the decades relying on such conditions to mean an *average minimum* lot size. If, however, the McMinnville Planning Department, Planning Commission and/or City Council determines that it is uncomfortable with this practice of the adopted language meaning an *average minimum* lot size of 7,500 square feet, then Premier Development requests that Condition of Approval 2 of Ordinance 4822 be modified to refer to an average minimum lot size of 7,500 square feet in place of the current language referring to an average lot size of 7,500 square feet.

FINDING: SATISFIED. The subject site of the Planned Development Amendment request is designated Residential on the Comprehensive Plan map and is in an area where urban services are already available. The proposed Planned Development Amendment would allow development of the land to provide a variety of housing types through the lot size averaging provision of the planned development. The proposed planned development density of 108 dwelling units on 35.47 acres is below the six unit per acre limit established by the Westside Density Policy. Because the site has mapped development limitations such as steep slopes, floodplains, and wetlands, and street facilities limited to local streets, the low-density residential development supported by the Planned Development Amendment is appropriate. The proposed Planned Development Amendment would help achieve buildable land planned and zoned for residential housing, helping to meet McMinnville's housing needs.

Planned Development Policies

- Policy 72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.*
- Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*
- Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.*
- Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.*
- Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.*
- Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.*
- Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.*

APPLICANT'S RESPONSE: The seven Planned Development policies listed immediately above have already been met by this proposal in that these policies having already been determined to be met by evidence of the City Council's previous adoption of Ordinance 4722 and Ordinance 4822 for what is now the subject site. This current proposal also seeks to amend Ordinance 4722 by making its boundary smaller by removing its undeveloped portion of land for placement within the boundary of the adjacent Planned Development area currently represented by Ordinance 4822, but not compromise Ordinance 4722's compliance with these policies. This proposal also seeks to amend Ordinance 4822 to include this referenced land area, and in other specific ways stated within this proposal, that will continue compliance with these policies. The additional findings provided below further support and demonstrate compliance with McMinnville Planned Development policies listed above in addition to the findings relied on by the City in the adoption of Ordinances 4722 and 4822.

In discussion with the McMinnville Planning Department, it has been made clear that the intent of Policies 72.00 and 74.00 is essentially to address the potential impact of the proposal on future residents of the development and the city relative to Oregon Planning Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources). In addressing these policies it is helpful to observe that the larger lots in this phased development plan are generally proposed to be located around much of the perimeter of the site to allow for reasonably sized building envelopes to be located on the upper portions of those lots and thereby preserve and retain the natural slope and existing tree cover that will make up the extended backyard areas of many of these lots. This intentional design to achieve slope preservation complements the proposed adjacent public dedication of the approximately 5.6 acres of open greenspace located beyond the toe of the slope that exists around the perimeter of much of this planned development. Additionally, the creation of the approximately 0.85-acre active private neighborhood park to be created by Premier Development and maintained by a Homeowners Association will preserve an additional number of the mature Oak trees that exist on the site. Of great environmental, neighborhood and community importance is the afore mentioned approximately 5.6 acres of public open space located along the southern edge of Baker Creek to be dedicated to the City by Premier Development, LLC. This large greenway open-space will be improved with a bark chip pedestrian walking trail, as recommended by the McMinnville Parks and Recreation Department, and will be accessed by three additional public pedestrian trail heads beginning at the edge of their adjacent public rights-of-way. Both of these different types of open space areas (the active private neighborhood park and the public greenway) are new to this development proposal and were not part of either of the two Planned Development/Subdivision proposals that were previously reviewed by and approved by the McMinnville City Council for this site. These open spaces will provide a unique natural environmental resource and a recreational benefit to the residents of this development. Creation of a Homeowner's Association to administer neighborhood covenants, codes and restrictions (CC&Rs) are recommended to be a condition of approval of this proposal.

In addition to the findings of the ordinances referenced above, Policy 73.00 is also satisfied by this proposal in that a wide range of lot sizes (4,950 square feet to 14,315 square feet in size) and configurations have been designed to provide a much greater choice of lot size and price point, and therefore a wider variation of housing size, design and cost, than found in most other approved neighborhoods in McMinnville. The chosen arrangement of these varying lot sizes in this proposal is intentional, partially based on topography and our desire to preserve natural site habitat features. Another driving reason for the proposed lot variation and arrangement of lots is our goal of arranging housing opportunities in a cohesive manner throughout the development that is both internally harmonious within the development site and is equally sensitive to and respectful of the sizes of nearby existing lots of the adjacent neighborhood. Exhibit 9 (Preliminary Subdivision Plat) is provided to assist with viewing the description of this lot arrangement in a spatial form. We have also prepared and provided Exhibit 10 (Oak Ridge Meadows Lot Sizes and Averages) to assist in identifying the square footage areas of individual lots to further demonstrate the proposal's sensitivity to existing adjacent lot sizes found within the abutting neighborhood as well as the topography and environmental features of the site. So while the more moderately sized and smaller lots tend to be more centrally located within the development, this arrangement is far from exclusive and results in a complementary blending of similarly sized lots with nearby lots presently located in the adjacent Oak Ridge development.

Policies 75.00 and 76.00 are satisfied for reasons provided in Conclusionary Finding for Approval Number 4 above relative to the previously described range and location of both private and common open spaces.

Policies 77.00 and 78.00 are satisfied by this proposal in that the proposed street network complies with current adopted City public street standards and the requirements of the adopted McMinnville Transportation System Plan and will be constructed according to all applicable standards and requirements as amended by approval of this request in order to promote safe

and efficient traffic flow for vehicles, pedestrians and bicyclists compatible with adjacent development as required by the City.

FINDING: SATISFIED WITH CONDITIONS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13. The proposed Planned Development Amendment is consistent with the Planned Development policies of the Comprehensive Plan. Policy 72.00 echoes language found in Oregon Planning Goal 5 regarding the analysis of economic, social, and environmental consequences that could result from a decision to allow a use conflicting with natural resources, scenic and historic areas, and open spaces. The policy encourages the use of Planned Developments when economic, social, and environmental savings accrue to the City. The proposed provision of improved open spaces (public and private) and the protection of natural resources on the site would meet the intention of this policy. Public and private parks within the planned development would provide social and recreation opportunities that would not otherwise exist but for the planned development process. Economic savings for the City would be realized through the arrangement for private maintenance of public open space until 2032. Environmental savings would be accrued through a number of elements of the Planned Development Amendment, including protection of a large area of delineated wetland, strengthened protections on significant trees, and requested zoning departures that would reduce development on areas of steep slopes. The use of lot size averaging would allow lot sizes ranging from 4,950 to 14,315 square feet and a variety of housing types appropriate to the varied lot sizes. The subject site contains many natural, topographic, and aesthetic features that the proposed planned development amendment would retain and protect. Requested zoning departures are designed to encourage development of the site that would be sensitive to existing slopes, significant trees, and wetlands that are found on the site. As discussed above, parks and recreation facilities are proposed in the Planned Development Amendment. A public open space greenway would be dedicated, yet maintained by the Homeowner's Association until 2032, when maintenance responsibilities would be transferred to the City. The private active neighborhood park and other common open space amenities, such as wetland viewing areas, that are proposed would be maintained by the Homeowner's Association in perpetuity. All the parks and recreation facilities are located to be readily accessible to all occupants of the planned area and community. Internal traffic systems would be built to City standards. The Department of Public Works provided commentary regarding challenges in providing universal access and maintenance access into the public open-space greenway. It appears that the slope of the public access between Lots 42 and 43 may be of a grade low enough to allow an accessible surface into the greenway for public accessibility and maintenance vehicles. The street network would be compatible with existing and anticipated circulation patterns of adjoining properties with the condition of approval limiting the number of dwelling units allowed in the planned development until a second street connection provides access to the development and reduces traffic volume on NW Pinot Noir Drive.

Residential Design Policies

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. (Ord. 4796, October 14, 2003)

- 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.*
- 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.*
- Policy 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.*
- Policy 83.00 The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.*

APPLICANT'S RESPONSE: Policies 79.00, 80.00, 81.00, 82.00 and 83.00 are met by this proposal in that the overall residential density, while compliant with the underlying R-2 zoning requirements, is set by the existing Planned Development which governs the minimum density of the majority of this site (Ordinance 4822, Condition 2). Premier Development is not proposing to modify that condition of approval and has designed this current development to respect and implement that condition. Similarly, Condition 3 of Ordinance 4722 also sets the density minimum for the currently unbuilt, 4th phase of the Oak Ridge development. This proposed Oak Ridge Meadows phased development plan has been designed to comply with each of these area-related density minimums relative to both Ordinance 4722 and 4822 in addition to complying with the R-2 density minimum of the McMinnville Zoning Ordinance for the entire site. As part of this proposed development, the natural drainage and most of the wetland features are proposed to be preserved as previously described in this application and as shown on the attached exhibits; for additional graphic and design information related to site topography, natural features, site drainage, and related street profiles, please refer to Exhibits 7, 11, and 29 – 45 (Exhibit 32 is a Streets Sheet Key for the related Street Plan & Profile Exhibits that follow). In addition to preservation of natural drainage and other site and project elements addressed above, Policy 80.00 speaks of the preservation of isolated preservable trees. This is particularly relevant to this development proposal in that there is an Oak tree with an approximately 66-inch diameter trunk located along the south edge of Lot 54 in Phase II of the proposed subdivision. The center of the trunk of this large Oak tree sits approximately 1.15 feet south of the southernmost edge of Premier Development's property and some 364-feet east of the subject site's southwestern corner. Premier Development endeavors and proposes to protect and maintain the health of this Oak tree during all phases of development including during the construction of this lot's future home. However, as the majority of this tree is not located on Premier Development's property, Premier Development does not maintain complete control of this situation. Regarding tree protection on the Oak Ridge Meadows site, Condition of Approval 4 of Ordinance 4822 addresses existing trees greater than 9 inches DBH. Specifically:

"That existing trees greater than nine inches DBH (diameter at breast height) shall not be removed without prior review and written approval by the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site."

To address the desire to protect this above referenced large Oak tree, Premier Development proposes that Condition of Approval 4 of Ordinance 4822 be modified by the City in such a way

to provide for the sufficient protection of this “shared” tree throughout the infrastructure and platting phase of this development and through initial home construction on this lot as far as practicable.

Additionally, Premier Development requests that approval of the two-phased subdivision proposal be conditioned to require that an arborist’s inventory and report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine inches DBH located in those areas of the site which may be impacted by the construction of streets, utilities, and future residences. It is proposed that such inventory and report be provided prior to the issuance of permits for the construction of the Oak Ridge Meadows subdivision. -- A copy of the 1999 arborist’s report for Oak Ridge is attached to this proposal for reference (Exhibit 46) as it provides a tree inventory for the portion of the subject site generally characterized as the fourth phase of the Oak Ridge development. However, as this report is now 20 years old, Premier is recommending that this area representing the fourth phase of the Oak Ridge subdivision be included as part of the new arborist’s analysis area.

In addition to findings provided supportive of the adoption of Ordinances 4722 and 4822, the following additional findings are also provided relative to Policies 81.00 and 82.00. The submitted street layout proposes to connect with the existing surrounding street network and provide for the ability to access other adjacent undeveloped land to serve future potential development proposals (Exhibit 6). This is accomplished by the proposed street layout in two ways.

First, by the construction of NW Pinehurst Drive to the eastern extent of the site and then to be temporarily terminated with a street barricade and appropriate signage as directed and required by the McMinnville Engineering Department. This temporary terminus would then allow for the future extension of SW Pinehurst Drive to serve and connect to property to the east. Second, by the construction of NW Pinehurst Drive to the southwestern-most extent of the site (between proposed lots 55 and 56 of Phase 2). This temporary terminus would then allow for the future extension of SW Pinehurst Drive to serve and connect to property to the south. Additionally, a temporary emergency-only compacted gravel access easement is being proposed on adjacent land to meet Fire Department requirements as an interim measure to provide secondary emergency-only access to this site until such time that a full public street improvement across that adjacent land replaces this access’s temporary construction. This easement is relevant to the Findings presented here for these policies and is further addressed below at Findings 132.32.00 and 155.00 and such is also herein incorporated in this current Finding.

Dedication and construction of this local street network will provide required mobility opportunities for automobiles, as well as for pedestrians and bicyclists (particularly through the provision of public sidewalks built to public standards and through the provision of both private and public pathways leading to and through the open spaces provided as part of this development proposal) in addition to providing public connection opportunities to undeveloped areas to the west and to the east.

The City’s transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies addressed in these findings, and to preserve and enhance livability in McMinnville. Through this proposal’s compliance and implementation of these applicable policies, standards and requirements and those applicable portions of the City’s adopted Transportation System Plan as addressed by this proposal and these findings of fact, this Policy is satisfied.

FINDING: SATISFIED WITH CONDITIONS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13. The City concurs with the applicant’s findings, but notes that a condition of approval would establish the average

lot size to be approximately 7,770 square feet, instead of the current planned development requirement of an average lot size of 7,500 square feet, which has been interpreted to mean an average lot size that is a minimum of 7,500 square feet. The proposed development responds to density requirements of the underlying R-2 zone and existing planned development, as well as topographical features of the property with lots that average approximately 7,770 square feet in area.

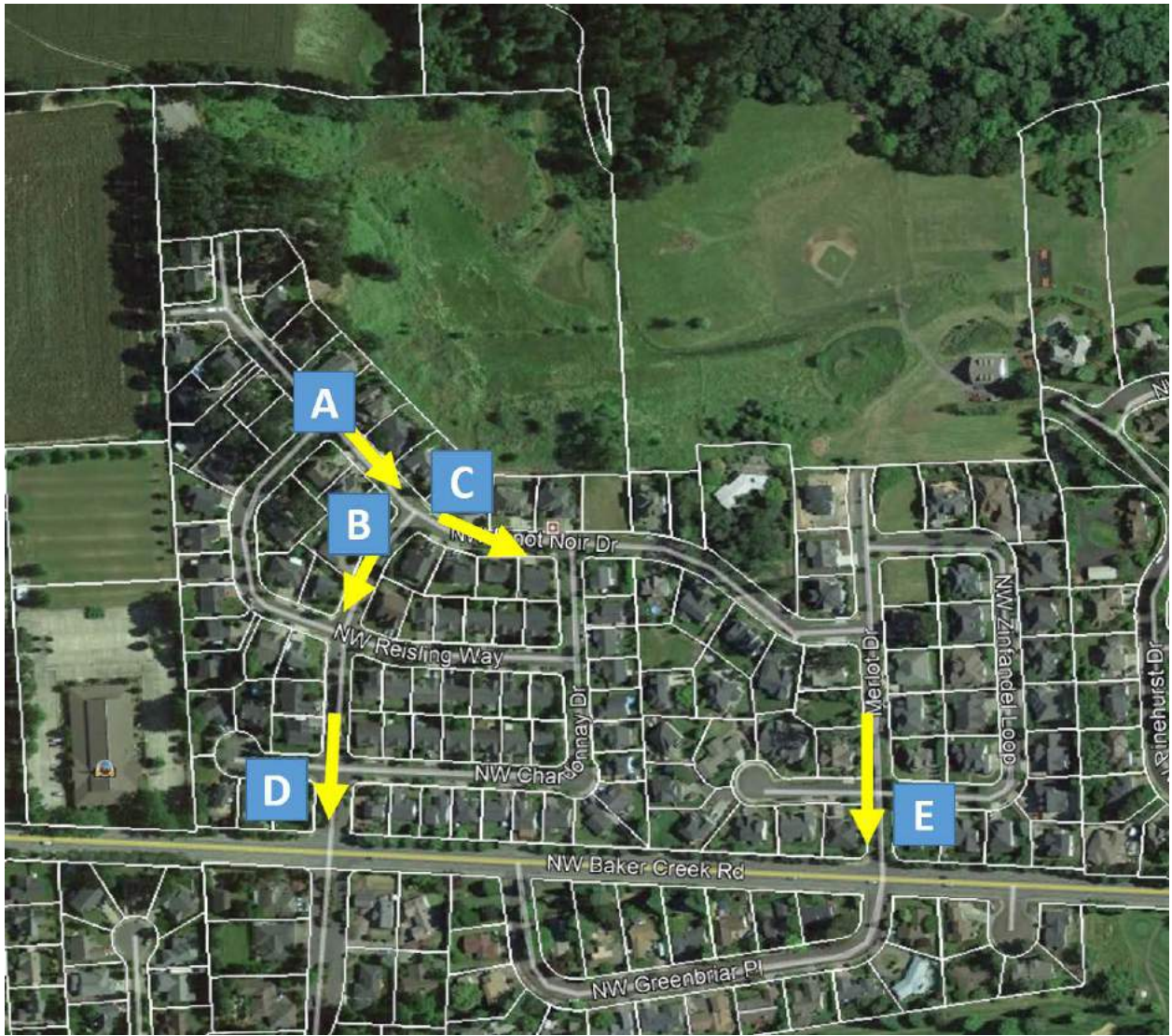
Urban Policies

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 provided on the submitted Overall Utility Plan (Exhibit 7), the Detention Pond Grading Plan (Exhibit 29) and as represented in the Toth Sanitary Sewer Easement (Exhibit 25), Policy 99.00 (1-5) is met by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and proposed street systems (additional street system detail provided elsewhere within these collective findings) within the development either presently serve or can be made available to adequately serve the site. Additional overall site grading information is also provided on Exhibits 30 and 31. The Water Reclamation Facility has the capacity to sufficiently accommodate flow resulting from development of this site.

FINDING: SATISFIED WITH CONDITION #15. The City concurs with the applicant's findings, and adds that the proposed street access for the proposed development is adequate based on the Traffic Impact Analysis provided. The Traffic Impact Analysis (TIA) provides analysis, and includes a project impact summary with conclusions on page 12, which demonstrate this criterion is satisfied with conditions. With a condition to limit the total number of dwelling units to 108 before the opening of Shadden Drive, this criterion is satisfied. The intersection diagram and tables below show the traffic volumes at the different intersections. The findings from the TIA are summarized below.



Average Daily Weekday Traffic - Before Opening Shadden Connection

Location	ADT (inbound and outbound)			PM Peak Estimate		
	Existing	New	Combined	Existing	New	Combined (in/out)
A (Existing + 100% of new)	180	1,020	1,200	18	107	125 (76/44)
B (70% of exist., and 70% of new)	126	714	840	13	75	88 (55/33)
C (30% of exist., and 30% of new)	54	306	360	5	32	37 (23/14)
D	440	714	1,154	44	75	119 (75/44)
E	320	306	626	32	32	64 (40/24)
F (Shadden)	0	0	0	0	0	0

Average Daily Weekday Traffic - After Opening Shadden Connection

Location	ADT (inbound and outbound)			PM Peak Estimate		
	Existing	New	Combined	Existing	New	Combined (in/out)
A (existing, and 20% of new)	180	204	384	18	21	38 (24/14)
B (70% of exist., and 14% of new)	126	143	269	13	14	27 (17/10)
C (30% of exist., and 6% of new)	54	61	115	5	6	12 (8/4)
D	440	143	583	44	14	58 (37/21)
E	320	61	381	32	6	38 (24/14)
F (Shadden - 80% of new)	0	816	816	0	81	81 (51/30)

Chapter 3 of the Traffic Impact Analysis evaluates traffic impacts using the following measures.

- Volume to Capacity Ratio (v/C ratio)
- Level of Service (LOS)
- Neighborhood Livability Evaluation

The analysis evaluates traffic impacts before and after the opening of Shadden Drive.

Volume to Capacity Ratio (V/C Ratio) and Level of Service (LOS)

- For v/c ratio, the City's operating standard is a v/c ratio of <0.9.
- For LOS, the City does not have an operating standard. The LOS categories A through F are described in Chapter 2 of the TIA. LOS A through C indicate conditions where traffic moves without significant delay over periods of peak hour travel demand.
- Table 5 addresses v/c ratio and LOS before the opening of Shadden Drive. The v/c ratios are substantially below the 0.9 v/c ratio for the two study intersections for both am and pm peak hour. Neither exceeds a v/c ratio of 0.31. The LOS is "C" for the two study intersections for both am and pm peak hour.
- Table 6 addresses v/c ratio and LOS after the opening of Shadden Drive. The v/c ratios are substantially below the 0.9 v/c ratio for the two study intersections for both am and pm peak hour. Neither exceeds a v/c ratio of 0.17. The LOS at NW Oak Ridge Dr/NW Baker Creek Rd is "C" for both am and pm peak hour. The LOS at Merlot Drive/NW Baker Creek Rd is "C" for the am peak hour and "B" for the PM peak hour.

Neighborhood Livability Evaluation

The evaluation was based on the City's design capacity of 1,200 vehicles per day for local residential streets. During the interim condition, there would be one location that would experience 1,200 ADT during the interim condition upon full build-out of the subdivision prior to the opening of Shadden Drive. The 1,200 trips are distributed to two streets immediately south of that intersection.

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

Streets

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

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

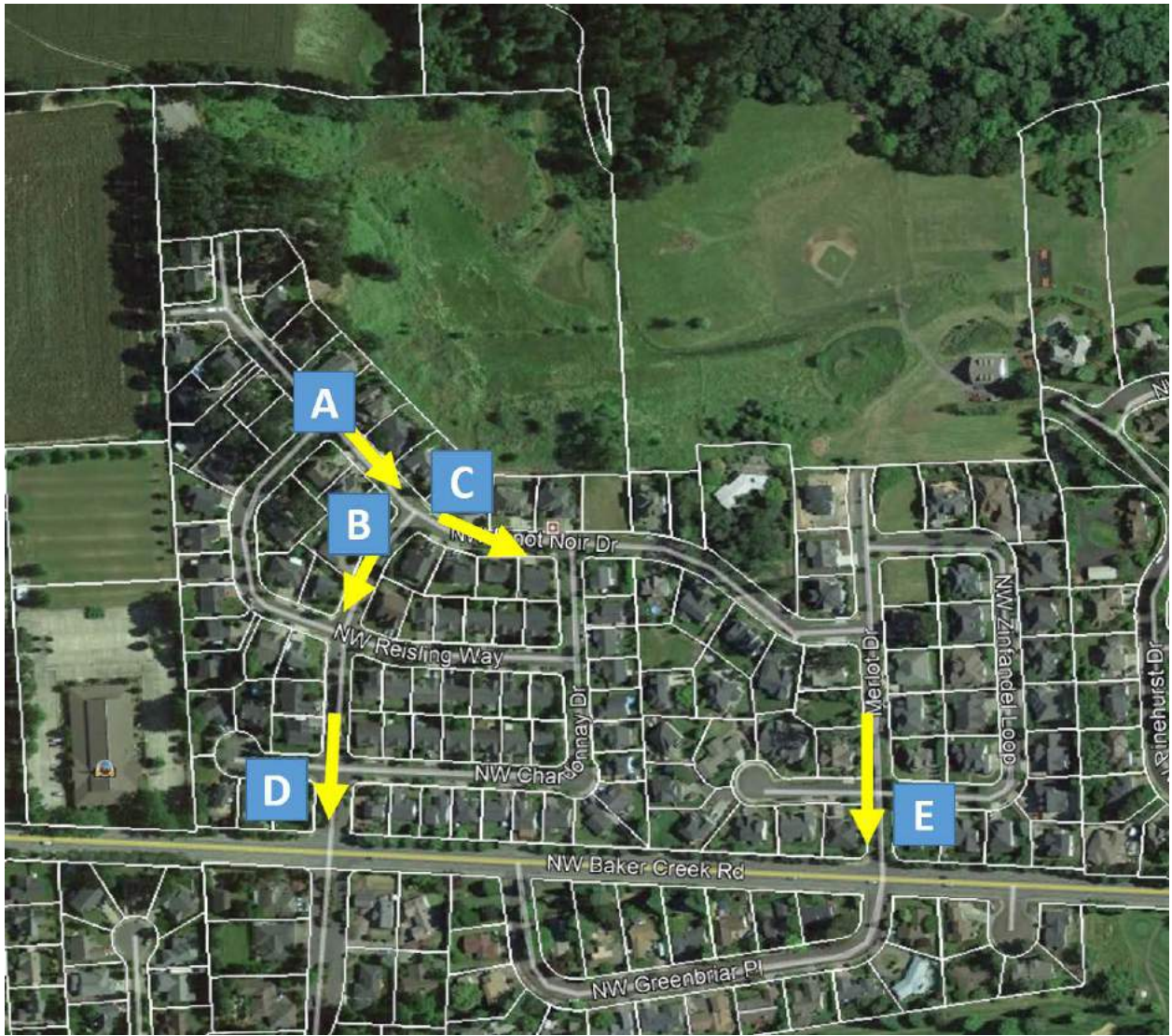
- 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
- 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
- 8. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*

9. *Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*

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

APPLICANT'S RESPONSE: Goal VI 1 and Policies 117.00, 118.00 (1-5) and 119.00 are satisfied by this proposal in that each of the proposed lots will abut public streets developed to City standards with adequate capacity to safely accommodate the expected trip generation resulting from this development. Local residential streets proposed within the development will connect at intersections and provide street stubs to adjacent land where appropriate. One cul-de-sac street is proposed due to the presence of adjacent wetlands and the configuration of the site in that location. The proposed street design will have minimal adverse effects on, and promotes advantageous utilization of, natural features of the land. In particular, the site's steep slopes are being avoided for purposes of right-of-way dedication and development, a large area of the site is identified as wetland and protected as depicted in Exhibits 6 and 8, and other lowlands are being utilized to create a public open space along the Baker Creek greenway. Much of the natural tree cover on the site will be retained and will generally exist as downslope backyard areas for some of the future residences. While wetland mitigation is anticipated to account for the construction of certain lower elevation portions of NW Pinehurst Drive, the proposed Fire Truck turn-around near the eastern end of NW Pinehurst Drive, and encroachment on some of the lower-lying proposed residential lots, this mitigation is the minimal amount possible in order to preserve the wetland features of the land as much as possible while still allowing economic use of the land to help meet McMinnville's identified housing needs.

FINDING: SATISFIED WITH CONDITION #15. The City concurs with the applicant's findings, and adds that the proposed street access for the proposed development is adequate based on the Traffic Impact Analysis provided. The Traffic Impact Analysis (TIA) provides analysis, and includes a project impact summary with conclusions on page 12, which demonstrate this criterion is satisfied with conditions. With a condition to limit the total number of dwelling units to 108 before the opening of Shadden Drive, this criterion is satisfied. The intersection diagram and tables below show the traffic volumes at the different intersections. The findings from the TIA are summarized below.



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Neighborhood Livability Evaluation

The evaluation was based on the City's design capacity of 1,200 vehicles per day for local residential streets. During the interim condition, there would be one location that would experience 1,200 ADT during the interim condition upon full build-out of the subdivision prior to the opening of Shadden Drive. The 1,200 trips are distributed to two streets immediately south of that intersection.

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

3. Local Streets

- Designs should minimize through-traffic and serve local areas only.*
- Street widths should be appropriate for the existing and future needs of the area.*
- Off-street parking should be encouraged wherever possible.*
- Landscaping should be encouraged along public rights-of-way.*

APPLICANT'S RESPONSE: Policy 122.00 is satisfied by this proposal in that the proposed street design is comprised of local residential streets that will serve the local area only. The street widths (a 28-foot wide paved section within a 50-foot wide right-of-way) is appropriate for both the existing and future needs of this development site and adjacent residential development. Off-street parking shall be provided at 200% the requirement found in the McMinnville Zoning Ordinance as described further below in these findings. Landscaping shall also be provided as approved by the Landscape Review Committee's forthcoming approval of a tree planting plan along both sides of all proposed rights-of-way.

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

Parking

Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

APPLICANT'S RESPONSE: Policies 126.00 and 127.00 are satisfied by this proposal in that offstreet parking will be required for all single-family residences as specified by the McMinnville Zoning Ordinance. Such off-street parking (a minimum of two onsite parking spaces for each residence as per 17.60.060(A)(5) of the McMinnville zoning ordinance) shall be required of each single-family residence as a condition of building permit approval. It is also Premier Development's intent to provide four paved off-street parking spaces for each residence which is at a level that is 200% of what is required by the McMinnville Zoning Ordinance.

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

Bike Paths

Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. (Ord.4922, February 23, 2010)

Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.

Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)

Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

APPLICANT'S RESPONSE: Policies 130.00, 131.00, 132.00 and 132.15 are satisfied by this proposal in that the public sidewalks that will be constructed as part of the required street improvements will provide pedestrian connections within and beyond this subdivision.

A meandering pedestrian pathway will also provide pedestrian access traversing the proposed active private neighborhood park that will connect NW Pinot Noir Drive with the lower elevation of NW Pinehurst Drive for the enjoyment of residents and enhanced pedestrian mobility within the neighborhood. This pathway will also provide an alternative opportunity to gain access to the NW Pinehurst Drive entry point of the open space greenway trail that will encircle most of the perimeter of the Oak Ridge Meadows development. Two other additional public access pathways to this greenway will also be provided; one to be provided along the south side of Lot 56 and the other to be located between Lots 75 and 76. This greenway path will also provide a future opportunity to extend and continue through adjacent residential land to the west when that land develops.

Public streets designed to implement the requirements of the Bicycle System Plan (Chapter 6) of the McMinnville Transportation System Plan (TSP) provide for enhanced bicycle connection

of residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. These design elements of the Bicycle System Plan are specifically applicable to collector and arterial streets and, as identified in Exhibit 2-4 of the TSP (Complete Street Design Standards) not part of the street design standards of either Neighborhood Connectors or Local Residential streets. Exhibit 2-4 (provided below and also available on the City of McMinnville website) of the McMinnville TSP also states that bike facilities are noted as being Shared Lanes for Neighborhood Connector and Local Residential streets; all of the streets designed and proposed as part of this development plan are identified as Local Residential streets and will accommodate bike facilities in the form of Shared Lanes. By designing and constructing the proposed local residential streets to the applicable requirements of the TSP's Complete Streets Design Standards, and as evidenced by the Findings presented above, these Policies have been met.

Exhibit 2-4 Complete Streets Design Guideline

Complete Street Design Standards

		Arterial		Collector		Neighborhood Connector	Local Residential	Alley	
		Major	Minor	Major	Minor				
Streetscape	Street Profile	Auto/Truck Amenities (lane widths) ¹	2-4 lanes (12 ft.)	2 lanes (11 ft.)	2 lanes (11 ft.)	2 lanes (10 ft.)	See Street Width	See Street Width	20 ft.
		Median / Center Turn Lane	14 ft.	12 ft.	12 ft.	10 ft.	None	None	None
		Bike Facility ²	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (5 ft.)	2 Lanes (5 ft.) or Shared Lane	Shared Lane	Shared Lane	None
	Traffic Management	Curb-to-curb Street Width ³							
		On-Street Parking							
		Two Sides	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
		None	74 ft.	46 ft.	44 ft.	30 or 40 ft.			
		Pedestrian Amenities ⁴							
		Sidewalks (both sides)	8 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft.	5 ft.	None
		Planter Strips		6 ft. Res na Com	6 ft. Res na Com	6 ft. Res na Com	5 ft. Res	5 ft. Res	None
Preferred Adjacent Land Use - Intensity	High	Medium to High	Medium	Medium	Medium to Low	Low	Low		
Maximum Average Daily Traffic	32,000	20,000	16,000	10,000	1,200 - 3,000	1,200	500		
Traffic Calming	Not Typical	Not Typical	Not Typical	Permissible/ Not Typical	Permissible/ Not Typical	Typical	Not Typical		
Managed Speed ⁵	35 mph	30-35 mph	25-30 mph	25 mph	25 mph	15-25 mph	10 mph		
Through-traffic Connectivity	Primary	Typical	Typical	Typical	Not Typical	Not Permissible	Not Permissible		
Access Control	Yes	Yes	Some	Some	No	No	No		
Maximum Grade	6%	6%	10%	10%	12%	12%	12%		
	Right-of-Way:	104 ft.	96 ft.	74 ft.	56 ft. (no bike lane) 66 ft. (bike lane)	50 ft.	50 ft.	20 ft.	

General Design Notes:

- Lane widths shown are the preferred construction standards that apply to existing streets adjacent to areas of new development, and to newly constructed streets. For arterial and collector streets within industrial zones, lane widths shall be 12 feet.
- An absolute maximum value for lane width for safety reasons is 12 ft. on arterial and 10 ft. on collector streets, which is expected to occur only in locations where existing development along an established route or other severe physical constraints preclude construction of the preferred facility width.
- Street design for each development shall provide for emergency and fire vehicle access.
- Sidewalks 10-12 feet in width are required in commercial areas to accommodate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and business accesses are to meet ADA requirements for pedestrian access.
- Speeds in the central business district may be 20-25 mph. Traffic calming techniques, signed routing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an additional degree of safety for the managed speed.
- Streets with no on-street parking.

Street Design Standard Notes:

- Inclusive of side slope on easements which may be required in addition for curb and 5 ft. in rough terrain.
- The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land developments already present or proposed in the area.
- The right-of-way, street width, improvement standards, and functional radius of commercial/industrial/cul-de-sac and streets shall be dependent upon the types of vehicle traffic to be served.
- On-street parking spaces shall be provided in accordance with the standards of the International City/County Management Association (ICMA) Manual of Streets and Highways, 2003 edition, or its successor. On-street parking spaces shall be provided in accordance with the standards of the International City/County Management Association (ICMA) Manual of Streets and Highways, 2003 edition, or its successor. On-street parking spaces shall be provided in accordance with the standards of the International City/County Management Association (ICMA) Manual of Streets and Highways, 2003 edition, or its successor.
- Sidewalks and planting strips shall not be required along easements.
- For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the bulb and appropriately spaced along the flange of the cul-de-sac as determined by the McMinnville Fire Department.

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

Connectivity and Circulation

Policy 132.26.05 *New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map. (Ord. 4922, February 23, 2010)*

APPLICANT'S RESPONSE: Policy 132.26.05 is satisfied by this proposal in that the new street connections and associated pedestrian and bicycle features provided in this proposal and its exhibits are consistent with the applicable local street connectivity elements outlined in the McMinnville Transportation System Plan (TSP) and administered by the City.

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

Supportive of General Land Use Plan Designations and Development Patterns

Policy 132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: Policy 132.27.00 is satisfied by this proposal in that the proposed street design reflects and supports the Residential land use designation of the site as identified on the McMinnville Comprehensive Plan Map and urban development patterns within the surrounding area identified by elements of the Comprehensive Plan identified and addressed within this application. The proposed transportation facilities and services are appropriate to serve the needs of the proposed development and are supportive of adjacent neighborhoods as determined by the City's adopted standards identified in this application, findings and exhibits.

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

Public Safety

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

APPLICANT'S RESPONSE: Policy 132.32.00 is satisfied by this proposal in two ways as addressed above in these findings. First, by the construction of NW Pinehurst Drive to the eastern extent of the site and then temporarily terminated with a street barricade and appropriate signage as directed and required by the McMinnville Engineering Department. A temporary turn-around found to be acceptable to the McMinnville Engineering and Planning Departments and the McMinnville Fire Department, would be provided near this terminus and along the north side of NW Pinehurst Drive (Exhibits 6, 9 and 47 in particular). This temporary terminus would then allow for the future extension of SW Pinehurst Drive to serve and connect to property to the east. Second, by the construction of NW Pinehurst Drive to the southwestern-most extent of the site (between proposed lots 55 and 56 of Phase 2). This temporary terminus would then allow for the future extension of SW Pinehurst Drive to serve and connect to property to the south.

Due to this site currently being served by only one public street, an additional access is required by Fire Department standards to support the development process as described below. The McMinnville Fire Code Applications Guide states, in part:

Multiple Access Roads: Developments of one and two family dwellings where the number of dwelling units exceeds 30, [...] shall be provided with not less than two approved means of access. Exceptions may be allowed for approved automatic sprinkler systems.

Premier Development proposes to comply with the McMinnville Fire Department's application of this standard and provide approved automatic sprinkler systems in residences in Phase 1 sufficient to remain in compliance with this standard.

Additionally, as there is only one public street connection currently in place to serve the two-phased Oak Ridge Meadows subdivision, a temporary emergency only access will be required in order to exceed the 30 unsprinkled home limitation described above. This emergency access, which will be placed in an easement, will be graded and finished with compacted rock to applicable standards and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road, across land currently owned by Stafford Land Company, to the southern

edge of the Oak Ridge Meadows site at a point between proposed Lots 55 and 56 (Exhibit 26). [It is possible that this temporary emergency-only access may be shorter in length under a scenario described by Gordon Root of Stafford Land Company in an email where Stafford Land Company agrees to the granting of this temporary easement (Exhibit 27).] This temporary emergency-only accessway would then proceed northward on Premier Development's site along the proposed Phase 2 alignment of NW Pinehurst Drive to its intersection with "A" Street and then proceed generally eastward along the proposed "A" Street alignment to an alignment even with the proposed western edge of Lot 25 which is to be the westernmost lot along "A" Street in Phase I of the Oak Ridge Meadows subdivision. Fire Department approved gates would be located at both ends of this compacted gravel emergency-only accessway as directed by the McMinnville Fire Department. The McMinnville Fire Department has stated that, if such gates needed to be locked, they would be so with Fire Department approved locks. At such time that this adjacent land is to develop, this easement would then be revoked and public right-of-way be dedicated and improved to City standards providing a permanent second public street connection to the Oak Ridge Meadows development. This easement is relevant to the Findings presented here for this policy and its description and relevance is also hereby, with this reference, incorporated in the Finding for Policy 155.00.

FINDING: SATISFIED WITH CONDITION 14. The City concurs with the applicant's findings, and a condition of approval is included to require a temporary, emergency only access as proposed.

Livability

Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: Policy 132.35.00 is satisfied by this proposal in that the City's transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies and to preserve and enhance livability in McMinnville. Through this proposal's compliance and implementation of these standards and requirements and those applicable portions of the City's adopted Transportation System Plan as addressed by this proposal and these findings of fact, this Policy is satisfied.

FINDING: SATISFIED WITH CONDITION 15. A Traffic Impact Analysis (TIA) for the proposed development provided a Neighborhood Livability Evaluation. The TIA states:

"The livability of a street is generally determined by key factors such as vehicle speeds and volumes as related to pedestrian safety, bicycle safety and other vehicle movements along a neighborhood street. The City of McMinnville has not adopted or proposed a livability standard to measure the livability of local streets through neighborhoods, but the City has adopted a design capacity of 1,200 vehicles per day (vpd) on local neighborhood streets. In addition, other cities around the country have used Neighborhood Traffic Management Plans that trigger mitigation efforts when the average daily traffic (ADT) exceeds 1,000 vpd. While there is no specific volume threshold to indicate when the livability of the neighborhood has been reduced, these design standards provide a reasonable threshold."

The analysis indicates the addition of 108 proposed single-family lots in a subdivision with initially only one improved street access would push the volume of traffic on the immediately

adjacent local residential street (NW Pinot Noir Drive, northwest of Oak Ridge Drive) to its maximum threshold (1,200 vpd) it was designed to carry. The TIA shows that until a second, permanent improved street connection provides access to the proposed subdivision, the traffic generated by 108 single-family dwelling units would increase the vpd on the northwest portion of NW Pinot Noir Drive to its 1,200 vehicle limit. The TIA uses 108 single-family dwelling units (one dwelling unit per lot) as a basis for its average daily trip generation. However, two-family dwellings and accessory dwelling units are also permitted uses in the underlying R-2 zone. Should a lot(s) be developed with a two-family dwelling or an ADU, the increased daily trips from that additional dwelling units would push the volume of traffic carried by NW Pinot Noir Drive over its design limit of 1,200 vpd. Therefore, a condition of approval is included to limit development of the proposed subdivision to 108 dwelling units, in any combination of dwelling units allowed in the underlying zone, until such time that a second permanent improved street connection provides access to the proposed subdivision.

Circulation

Policy 132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:

- 1. Pedestrian circulation;*
- 2. Enhancement of emergency vehicle access;*
- 3. Reduction of emergency vehicle response times;*
- 4. Reduction of speeds in neighborhoods;; and*
- 5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.
(Ord. 4922, February 23, 2010)*

Policy 132.41.05 Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints. (Ord. 4922, February 23, 2010)

Policy 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)

Policy 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)

Policy 132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: Policies 132.41.00(1-5), 132.41.05, 132.41.20, 132.41.25 and 132.41.30 are satisfied by this request in that the proposed street pattern provides a safe, interconnected and efficient network of residential accessibility to serve the proposed and adjacent existing residential neighborhoods. The one cul-de-sac street in this plan is proposed in response to the noted existence of an adjacent wetland and the unique shape this portion of the site where provision of a through-street is not possible. There are no arterial or collector

streets within or adjacent to this development site. The proposed street system is designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the McMinnville TSP and is augmented for pedestrians through the provision of additional walking paths within and surrounding the proposed development. Vehicular access to the adjacent street system promotes safe street connectivity to the surrounding transportation network.

A Transportation Impact Study for this Oak Ridge Meadows proposal has been completed by the transportation planning and transportation engineering firm DKS and is attached to this proposal (Exhibit 28). In sum, this Study concludes that the proposed development is anticipated to result in the following impacts:

- The development will consist of 108-unit single family homes. The ultimate buildout of the site includes a connection to NW Baker Creek Road via an extension of NW Shadden Drive. In the interim, the development will be accessed via NW Pinot Noir Drive, NW Oak Ridge Drive, and Merlot Drive.
- The development is expected to generate 80 (20 in, 60 out) AM peak hour trips, 107 (67 in, 40 out) PM peak hour trips, and 1,020 daily trips.
- Intersection operations during the Interim Build and Full Build of Oak Ridge Meadows will continue to operate well under-capacity and will meet City of McMinnville operating standards. The addition of Oak Ridge Meadows traffic will not have a significant impact on the operations or delay experienced at the intersections of NW Baker Creek Road/NW Oak Ridge Drive and NW Baker Creek Road/Merlot Drive.
- An evaluation of the livability of neighborhood streets, as defined by the volume of traffic the streets were designed to handle (1,200 vpd), confirmed that the Oak Ridge Meadows development is not expected to have an adverse impact on the existing neighborhood streets.

Please refer to the Oak Ridge Meadows Transportation Impact Study (Exhibit 28) for additional detail.

The need for a temporary emergency-only access to support this proposal was addressed above relative to Policy 132.32.00 and is addressed below relative to Policy 155.00. This temporary emergency only access roadway will also aid in reducing emergency vehicle response times as it can provide a more direct route to some portions of Phase I until such time that it is replaced with a dedicated fully improved local public street across adjacent land. Additionally, travel speeds within this site are based on an adopted street classification scheme identified in the adopted McMinnville TSP. All streets in the proposed development are designed as local streets and, as such, are limited to a legal vehicular travel speed of 25 miles per hour as are the local streets in the adjacent residential neighborhoods. This residential vehicle speed limitation and the adopted local street design standards have been successful in McMinnville in mitigating neighborhood issues related to noise, pedestrian and bicycle movement, and aesthetics as evidenced in the adjacent residential neighborhoods; the closest being the adjacent multi-phased Oak Ridge neighborhood.

FINDING: SATISFIED WITH CONDITION 15. The City concurs with the applicant's findings, with the exception that full development of the proposed 108 lots may have an adverse effect, should that full development include two-family dwellings or accessory dwelling units, which are permitted uses in the underlying zone. The Traffic Impact Analysis shows that the addition of

108 proposed single-family lots in a subdivision with initially only one improved street access would push the volume of traffic on the immediately adjacent local residential street (NW Pinot Noir Drive, northwest of Oak Ridge Drive) to its maximum threshold (1,200 vpd) it was designed to carry. The TIA shows that until a second, permanent improved street connection provides access to the proposed subdivision, the traffic generated by 108 single-family dwelling units would increase the vpd on the northwest portion of NW Pinot Noir Drive to its 1,200 vehicle limit. The TIA uses 108 single-family dwelling units (one dwelling unit per lot) as a basis for its average daily trip generation. However, two-family dwellings and accessory dwelling units are also permitted uses in the underlying R-2 zone. Should a lot(s) be developed with a two-family dwelling or an ADU, the increased daily trips from that additional dwelling units would push the volume of traffic carried by NW Pinot Noir Drive over its design limit of 1,200 vpd. Therefore, to mitigate other neighborhood concerns such as safety, noise, and aesthetics, a condition of approval is included to limit development of the proposed subdivision to 108 dwelling units, in any combination of dwelling units allowed in the underlying zone, until such time that a second permanent improved street connection provides access to the proposed subdivision.

Environmental Preservation

Policy 132.46.00 Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: Policy 132.46.00 is satisfied by the proposal in that the street design, construction and maintenance methods required by the City were adopted to, in part, implement each element of this policy. These design, construction and maintenance methods administered by the City are satisfied as demonstrated in this proposal and as will be adhered to through the balance of the design, construction, inspection and approval process prior to the platting of this phased subdivision.

FINDING: SATISFIED. The City concurs with the applicant's findings. Additionally, the proposed street layout is designed to avoid or minimize impact on geographical and environmental features found on site, including mature tree stands, steep slopes, and wetlands. Where proposed streets do impact these features, the impact is the minimal amount necessary to provide required street access and connectivity to proposed lots and adjacent parcels. Mitigation of wetlands impacted by street construction would be required by the Department of State Lands, who maintains regulatory authority over delineated wetlands. All proposed streets would be required to meet City standards.

Policy 132.46.05 Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective. (4922, February 23, 2010)

APPLICANT'S RESPONSE: This Policy is satisfied through this proposal's compliance with the applicable elements of the McMinnville Transportation System Plan and the McMinnville Zoning Ordinance as addressed in these findings of fact and attached Exhibits. The streets are proposed to be located in an efficient manner as described in this proposal and designed in a manner compliant with all City requirements for local residential streets as shown in the attached Exhibits.

FINDING: SATISFIED. The City concurs with the applicant's findings. Additionally, the proposed street layout is designed to avoid or minimize impact on geographical and environmental features found on site, including mature tree stands, steep slopes, and wetlands. Where proposed streets do impact these features, the impact is the minimal amount necessary

to provide required street access and connectivity to proposed lots and adjacent parcels. Mitigation of wetlands impacted by street construction would be required by the Department of State Lands, who maintains regulatory authority over delineated wetlands. All proposed streets would be required to meet City standards.

Pedestrian Programs

Policy 132.54.00 Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: Policy 132.54.00 is satisfied by this proposal in that, with its approval, the City will have demonstrated support and encouragement for efforts that promote the health, economic and environmental benefits of walking for the individuals as well as for the greater McMinnville community. This would be achieved by the City's receipt of a 5.6 acre public open-space greenway dedication improved with a walking path as well as supporting the creation of an active private neighborhood park to be provided with a curvilinear walking path connecting two neighborhood streets and the establishment of permanent child appropriate play features. The development of the greenway pedestrian path will occur proportionally with the completion of Phase 1 and Phase 2 of this development prior to platting; Premier Development recommends that this commensurate phasing of the greenway path improvement be made a condition of approval of this request. This municipal endorsement of the creation of these open spaces not only promotes walking for health and community livability, but also helps to preserve a more healthy environment by preserving natural elements both within and surrounding this residential development proposal.

FINDING: SATISFIED WITH CONDITIONS 8, 9. The City concurs with the applicant's findings, and notes that conditions of approval requiring public and private open space as proposed have been included.

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

Sanitary Sewer System

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

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

- 1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*
- 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*

3. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*
4. *Extensions will implement applicable goals and policies of the comprehensive plan.*

Storm Drainage

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

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

Water System

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

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

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

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

Water and Sewer – Land Development Criteria

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

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available,*

to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.

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

APPLICANT'S RESPONSE: Goal VII 1 and Policies 136.00, 139.00 (1-4), 142.00, 143.00, 144.00, 145.00 (1-4), 147.00 and 151.00 (1-5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. The City's administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville is required to continue to support coordination between City departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions. Additionally, the subject site will be converted in an orderly manner to urbanizable standards through the coordinated extension and provision of utilities and services (in particular, Exhibits 7, 25 and 29), and as conditioned through approval of this phased development proposal.

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

Police and Fire Protection

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

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

APPLICANT'S RESPONSE: Policies 153.00 and 155.00 are satisfied in that emergency service departments will be provided the opportunity to review this proposal. Additionally, all emergency services will have direct public street access to every lot within the proposed two-phased tentative subdivision plan on streets designed to meet all applicable City of McMinnville requirements.

Since this Planned Development Amendment application requests to amend Ordinance 4822, it is important to identify all such proposed amendments. Relative to Policy 155.00, Condition of Approval 5 of Ordinance 4822 currently states:

“That the number of lots allowed within the Oak Ridge Meadows subdivision shall be limited to a maximum of 76 lots. Additional lots may be permitted consistent with the submitted tentative plan upon the completion and acceptance of public street improvements to City standards that extend south from Pinehurst Drive (as labeled on the applicant’s submitted tentative subdivision plan) and connect to Baker Creek Road.”

With this current proposal, Premier Development offers a more achievable and timely alternative which complies with the Fire Department’s unsprinkled dwelling unit limitation relative to emergency vehicle access requirements. Specifically, and as noted in the Finding provided above at 132.32.00 and incorporated into this Finding by this reference, Premier Development proposes utilization of a temporary emergency-only access which will be placed in an easement and will be graded and finished with compacted rock to applicable standards and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road, across land currently owned by Stafford Land Company, to the southern edge of the Oak Ridge Meadows site at a point between proposed Lots 55 and 56 (Exhibit 26). [It is possible that this temporary emergency-only access may be shorter in length under a potential scenario described by Gordon Root of Stafford Land Company in an email where Stafford Land Company agrees to the granting of this temporary easement (Exhibit 27).] This temporary emergency-only accessway would then proceed northward on Premier Development’s site along the proposed Phase 2 alignment of NW Pinehurst Drive to its intersection with “A” Street and then proceed generally eastward along the proposed “A” Street alignment to the western edge of Lot 25 which is to be the westernmost lot along “A” Street in Phase I of the Oak Ridge Meadows subdivision. Fire Department approved gates would be located at both ends of this compacted gravel emergency-only accessway as directed by the McMinnville Fire Department. The McMinnville Fire Department has stated that, if such gates needed to be locked, they would be so with Fire Department approved locks. At such time that this adjacent land is to develop, this easement would then be revoked and public right-of-way be dedicated and improved to City standards providing a permanent second public street connection to the Oak Ridge Meadows development. This easement is relevant to the Findings presented here for this policy and its description and relevance is also hereby, with this reference, incorporated in the Finding for Policy 132.32.00.

Premier Development requests that the City modify Condition of Approval 5 of Ordinance 4822 to require provision of the currently described and proposed temporary emergency-only access easement in place of the secondary access requirement as currently stated by the condition.

FINDING: SATISFIED WITH CONDITION 14. The City concurs with the applicant’s findings, and a condition of approval is included to require a temporary emergency-only access until such time that a permanent, improved street is built and provides a second vehicular access to the proposed development.

Parks and Recreation

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

APPLICANT’S RESPONSE: Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each housing unit at the time of the building permit application as required by McMinnville Ordinance 4282, as amended. These fees may be offset in part or in total by

Premier Development's receipt of park SDC credits made available by way of their forthcoming public dedication of the approximately 5.6-acre openspace greenway park within this planned development area.

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

Policy 163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)

Policy 166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

Policy 167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.

Policy 168.00 Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

Policy 169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

Policy 170.05 For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used. (Ord. 4796, October 14, 2003)

APPLICANT'S RESPONSE: Policies 163.05, 166.00, 167.00, 168.00, 169.00 and 170.05 are satisfied by this proposal in that an approximately 5.6 acre public open-space greenway park is proposed to be dedicated by Premier Development for the use and enjoyment of the public. This greenway park is located around the west, north and most of the east perimeter of the site. In discussion regarding this project's proposed park spaces with the McMinnville Parks and Recreation Department, it was requested by the Department that this greenway be improved with a habitat friendly bark-chip trail similar in design and width to the greenway trail located along the Joe Dancer Park's South Yamhill River edge. The existing ability of this linear greenway to accommodate natural storm run-off will be retained and will be further supported by the proposed storm drainage system that will be designed and installed within the public right-of-way; additionally, and as shown on the submitted Overall Utility Plan, a ten-foot wide public storm easement is proposed to be created along the full distance of the southern property boundary of Lot 79, then transitioning to a rip-rap channel to be installed within the greenway. Additional stormwater detention is proposed along the site's eastern edge beyond the proposed cul-de-sac street (see Exhibits 6 and 29).

The City's receipt of this greenway park dedication is an important first step for the City of McMinnville as it will be the City's first acquisition of public greenway space along Baker Creek toward implementing its aspiration of acquiring public open space along the Baker Creek greenway connecting Tice Park to the BPA recreational trail and even beyond to the City's western urban edge. This dedication will preserve important natural open space, scenic areas and distinctive natural features along this greenway. Discussions in May of 2018 with the Planning Department resulted in direction from the Department that the City is requesting to have this land dedicated and improved to provide a public trail system at this site. Additionally, that the City is interested in the public dedication of the land necessary for that trail system, both

along Baker Creek and on the western side of the property, to connect to a proposed trail system to be dedicated by Stafford Land on adjacent property to the west as part of their forthcoming development proposal for that site. Premier Development welcomes this direction and clarity from the City, and supports the Planning and Park Departments' guidance and is proud to dedicate this land and provide the requested improvement for public enjoyment of the natural greenway along this portion of Baker Creek.

The McMinnville Parks and Recreation Department, relying on guidance provided in the McMinnville Parks, Recreation, and Open Space Master Plan, also supports Premier Development's proposal to create the approximately 0.85 acre active private neighborhood park as part of Phase I of this subdivision. This active private neighborhood park will also be improved with a pedestrian pathway connecting NW Pinot Noir Drive with the lower elevation of NW Pinehurst Drive to the east and with the installation of permanent child-appropriate play equipment on the upland portion of the park. Both of these parks will preserve existing tree cover as much as practicable and as recommended by a certified arborist report and found acceptable by the McMinnville Planning Director.

FINDING: SATISFIED WITH CONDITIONS 8, 9. The City concurs with the applicant's findings, and conditions of approval have been included to require public and private open space as described and proposed.

Energy Conservation

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

Energy Supply Distribution

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

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

APPLICANT'S RESPONSE: Goal VIII 1 and Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas will be provided opportunity to review and comment regarding this proposal prior to the issuance of the Planning Department's staff report.

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

GOAL VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

Policy 178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

APPLICANT'S RESPONSE: Goal VIII 2 and Policy 178.00 are satisfied by the request as the development proposes a compact form of urban development allowing smaller lots where possible and larger lots as dictated by the site shape and topography. The average minimum lot size of this proposal is slightly greater than the average minimum lot size of 7,500 square feet (Exhibit 10) as specified by Condition of Approval 2 of Ordinance 4822 (Exhibit 2). Utilities

presently about the site and can be extended in a cost effective and energy efficient manner commensurate with this proposal and as shall be required by an approved phasing plan.

FINDING: SATISFIED. The City concurs with the applicant's findings, but notes that a condition of approval amends the previously approved average lot size of 7,500, which was interpreted to mean average minimum lot size, to the proposed average lot size of approximately 7,770 square feet.

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

APPLICANT'S RESPONSE: Goal IX 1 is satisfied in that the subject site is located within both the McMinnville urban growth boundary and the McMinnville city limits and so identified for urban development according to adopted applicable goals, policies, standards and requirements. All urban services are currently available and adjacent to the site making the conversion of this site to urban uses orderly and timely.

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

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: Goals X 1, X 2, and Policy 188.00 are satisfied in that the City of McMinnville has adopted a Neighborhood Meeting program that requires applicants of most types of land use applications to hold at least one public Neighborhood Meeting prior to submittal of a land use application; this is further addressed under findings relative to McMinnville Zoning Ordinance Section 17.72.095, below. Additionally, the City of McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request at an advertised public hearing. All members of the public with standing are afforded the opportunity to provide testimony and ask questions as part of the public review and hearing process.

FINDING: SATISFIED. The process for a planned development amendment provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. General Provisions

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

APPLICANT'S RESPONSE: Section 17.03.020 is satisfied by this request for the reasons enumerated in Conclusionary Findings for Approval No. 1, 2, 3, 4 and 5 above.

FINDING: SATISFIED. The purpose of the Zoning Ordinance would be met by the proposal as described in Conclusionary Findings.

Chapter 17.15. R-2 Single-Family Residential Zone

17.15.010 Permitted Uses. In an R-2 zone, the following uses and their accessory uses are permitted:

- A. Site built single-family dwelling [..]

APPLICANT'S RESPONSE: This criterion is satisfied as Premier Development proposes to construct only site built single-family detached dwellings within this phased subdivision.

FINDING: SATISFIED. The City concurs with the applicant's findings. The City also notes that permitted uses in the R-2 zone also include two-family dwellings, single-family common wall dwellings, and accessory dwelling units. Compliance with the Lot Sales policy of the Comprehensive Plan will allow lots to be purchased and developed by others besides Premier Development.

17.15.030 Lot Size. In an R-2 zone, the lot size shall not be less than seven thousand square feet except as provided in Section 17.15.010 (C) of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT'S RESPONSE: This criterion is satisfied as the subject site is currently governed by Planned Development Ordinances 4722 and 4822 which both support and allow lot size averaging within the subject site. This subdivision application is being submitted concurrent with requests to modify Ordinances 4722 and 4822 as described above while retaining the existing authorization of lot size averaging.

The current average minimum lot size for a portion of the subject site is 7,000 square feet as conditioned by Ordinance 4722 and the current average minimum lot size for the balance of this site is 7,500 square feet as conditioned by Ordinance 4822. This currently proposed two-phased residential subdivision exceeds these requirements for the subject site as well as within each of the two individual proposed phases of this subdivision (Exhibit 10). As the proposed average minimum lot sizes described are greater than the 7,000 square foot minimum lot size required by 17.15.030, this criterion has been satisfied. -- Section 17.15.010(C) referenced by this

standard speaks only to single-family common-wall dwellings and is not applicable as no single-family common-wall dwellings are proposed as part of this development.

FINDING: SATISFIED WITH CONDITION 3. A condition of approval of the planned development amendment defines the average lot size to be approximately 7,770 square feet per the applicant's proposal. As the average lot size is greater than the 7,000 square foot minimum lot size required in the underlying R-2 zone, the planned development amendment is consistent with the lot size requirements.

17.15.040 Yard Requirements. In an R-2 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than twenty feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than seven and one-half feet, except an exterior side yard on the street side of a corner lot shall be not less than twenty feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT'S RESPONSE: This criterion is satisfied as the subject site is currently governed by Ordinances 4722 and 4822 which both support and allow amended setbacks for certain lots and amended setbacks for lots in certain circumstances. Approval of these setback adjustments were based on sensitivity to existing tree locations, the natural topography and shape of the site, and Premier Development's proposal to provide homes on lots of varying sizes and configurations to provide a wider range of choice in the residential market than would be found in a standard residential subdivision. As this application proposes to incorporate the undeveloped fourth phase of the Oak Ridge Planned Development area into the Oak Ridge Meadows Planned Development area, Premier Development requests modifications to Condition of Approval 3 of Ordinance 4822. As currently adopted, Condition of Approval 3 of Ordinance 4822 states:

"That setbacks for the Oak Ridge Meadows subdivision are as follows:

- Front Yard: 20 feet
- Side Yard: (Lots less than 6,000 square feet in area): 6 feet
- Side Yard (all other lots): 7.5 feet
- Exterior Side Yard (Lots 40, 45, 46, 52, 54, and 55): 15 feet
- Exterior Side Yard (all other lots): 20 feet
- Rear Yard: 20 feet
- Open side of garage: 20 feet

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the rear yard setback or the side yard setback be reduced to less than five feet, or the exterior side yard setback to 15 feet, or the distance from the property line to the front opening of a garage to less than 18 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction."

For those same reasons noted in reference to the adoption of Condition of Approval 3 of Ordinance 4822, specifically, sensitivity to existing tree locations, the natural topography and shape of the site, and Premier Development's proposal to provide homes on lots of varying sizes and configurations to provide a wider range of choice in the residential market, and as further

articulated in these conclusionary Findings, Premier Development proposes that Condition 3 of Ordinance 4822 be modified as follows; this recommended condition of approval retains the same Planning Director setback modification authority as currently exists in Condition of Approval 5 of Ordinance 4722 and Condition of Approval 3 of Ordinance 4822 except that Premier Development is no longer desiring to retain the previously allowed Planning Director authority to reduce the setback to the open side of a garage to 18 feet as is currently allowed by Ordinance 4822:

“That setbacks for the Oak Ridge Meadows subdivision shall be as follows:

- Front Yard: 20 feet
- Side Yard: 5 feet
- Exterior Side Yard: 10 feet
- Rear Yard: 20 feet
- Open side of garage: 20 feet

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the rear yard setback be reduced to less than five feet, or the exterior side yard setback to less than 10 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.74 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.”

FINDING: SATISFIED WITH CONDITION 4. The City concurs with the applicant's findings. A condition of approval has been included to amend the required setbacks, and would allow flexibility for the preservation of significant trees found on individual lots.

17.15.060 Density requirements. In an R-2 zone, the lot area per family shall not be less than seven thousand square feet, except that the lot area for two-family corner lots and common wall, single-family corner lots shall not be less than eight thousand square feet for two families. This requirement does not apply to accessory dwelling units. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT'S RESPONSE: The tentative phased subdivision plan submitted with this application proposes an average minimum lot size of 7,500 square feet as required by Ordinance 4822 and which surpasses that required by Ordinance 4722 and by 17.15.060 of the McMinnville Zoning Ordinance. The tentative subdivision plan also proposes lot size averaging as described and supported by the findings provided addressing Section 17.15.030, above and findings previously provided supporting the adoption of Ordinances 4722 and 4822. This proposed average minimum lot size of 7,500 square feet for this site also satisfies this standard with the proposed modifications to Planned Development Ordinance 4822. Therefore, this criterion is met.

FINDING: SATISFIED. The total square foot average for all 108 lots in the applicant's proposed tentative subdivision plan is approximately 7,770 square feet. This overall average lot size is consistent with the density requirements of the underlying R-2 zone and the existing planned development overlays.

Chapter 17.51. Planned Development Overlay

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the

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

APPLICANT'S RESPONSE: Section 17.51.010 is satisfied by the request in that the applicant proposes a development plan to provide for single-family residential lots displaying a range of lot sizes, varied lot characteristics and that would be available at various price points. Premier Development also proposes adjustments to lot setbacks and allowances to exceed both the preferred lot depth-to-width ratio, allowances for some lots to have side lot lines oriented other than at right angles to the street upon which the lots front, and block length standards as further addressed in these conclusionary findings for approval. While these adjustments are requested, Premier Development also proposes to preserve significant natural features, facilitate a desirable aesthetic and efficient use of open space, and create public greenspace and private active open spaces for the benefit of the neighborhood and the greater community primarily by providing an approximately 0.85-acre active private neighborhood park and an approximately 5.6-acre open-space greenway to be dedicated to the public along the site's Baker Creek edge and extending further to the south along the site's western edge. Preservation of the majority of wetlands along the site's eastern edge is also provided as part of this development proposal along with wetland mitigation in some areas. Additional tree protection is also proposed through Premier Development's proposal to submit a tree survey prepared by a certified arborist that will be instrumental to tree preservation on individual lots. This application of balancing adjustments to standards in exchange for public benefits is allowed and encouraged to be supported through the Planned Development Amendment application and review process. Beyond the provision of public sidewalks as part of the pedestrian network within the public street system as described in the Comprehensive Plan addressed in other Findings above, Premier Development also proposes to extend pedestrian pathways through the entirety of both of the offered park spaces to aid in enhancing pedestrian mobility and both active and passive recreational opportunities within the area.

To provide assured variety in house plans and front façade treatment viewable from public rights-of-way, Premier Development offers a specific design amenity to further address the portion of the Planned Development purpose statement "A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance." Specifically, Premier Development proposes to create and provide an Architectural Pattern Book of specific design elements to be used in the construction of the residences for the two-phased residential development. This Architectural Pattern Book will result in a more pedestrian friendly streetscape for the proposed development to help set a new residential aesthetic above that found in other portions of the urban area and to help visually blend these residences in with those of the adjacent established residential neighborhoods. Premier Development offers the following two conditions to achieve this vision and requests that they be made conditions of approval of this proposal.

That, prior to issuance of residential building permits, the applicant shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in the Oak Ridge Meadows development. This book will contain architectural elevations, details, materials and colors of each building type. The dominant building style for residences in the area identified in the Oak Ridge Meadows subdivision tentative plan can be best described as generally Northwest Craftsman or English Cottage style dwelling. In order to protect property values, front entries will need

to be clearly defined, at least two material types will need to be used on the front elevations, driveways should be adjacent to each other to enhance opportunities for front yards and landscaping, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

At a minimum, the Architectural Pattern Book shall contain sections addressing:

- a) Style and Massing
- b) Quality and Type of Exterior Materials
- c) Front Porches / Entry Areas
- d) Roof Design and Materials
- e) Exterior Doors and Windows
- f) Garage Door Types
- g) Exterior Lighting
- h) Sample Exterior Colors

And,

In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street.

Premier Development is pleased to suggest that these conditions be made binding with the approval of this proposal. With that however, it is also instructive to note that without approval of a Planned Development application request or a request to amend an existing Planned Development, the City does not currently have the authority to require such design standards of residential subdivision development as the means to do so do not otherwise exist within McMinnville's regulatory authority. This further highlights the value of the interplay and balancing of public and private benefits woven into the Planned Development and Planned Development Amendment review processes and is, in part, why Comprehensive Plan Policy 72.00 states that Planned Developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

FINDING: SATISFIED WITH CONDITION 16, 17. The City concurs with the applicant's findings. The proposed conditions described above to require an Architectural Pattern Book and elimination of cookie cutter stylization would help facilitate a desirable aesthetic in the planned development, and have been included as conditions of approval.

17.51.020 Standards and requirements. The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:

- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;
- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT'S RESPONSE: Section 17.51.020 (A-B) is satisfied by the request in that Premier Development proposes a development type (Single-Family detached residential dwelling) consistent with the residential zoning indicated on the comprehensive plan map and zoning map as well as Chapter 17.15 of the McMinnville Zoning Ordinance. While Sub B of this standard states that the density of the residential planned development shall be determined by the

underlying zone designations, Condition of Approval 2 of Ordinance 4822 sets the average minimum lot size as being 7,500 square feet for its associated portion of the site which is slightly less dense than the maximum density that could be theoretically achieved on otherwise unencumbered and fully developable R-2 zoned land. Premier Development is not proposing to modify this condition (Condition 2) of Ordinance 4822 and has designed this proposal to maximize the unique topography and shape of the site and to honor the standing 7,500 square foot average minimum lot size requirement. This Finding is additionally supported by Findings provided in Section 5, above.

FINDING: SATISFIED. The City concurs with the applicant's findings, but notes that a condition of approval would amend the 7,500 square foot average lot size set by Ordinance 4822 to the approximately 7,770 square foot average lot size proposed in the tentative subdivision request.

17.51.030 Procedure. The following procedures shall be observed when a planned development proposal is submitted for consideration:

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

APPLICANT'S RESPONSE: Section 17.51.030 is satisfied by the request in that there are physical site conditions (e.g., shape and topography) and design objectives of this proposal (creation of an active private neighborhood park and a large public open-space greenway dedication, in addition to providing a wide range of lot sizes to enhance market choice) that warrant a departure from standard regulation requirements and that necessitate modification of Planned Development Ordinances 4722 and 4822 that currently govern the site. This proposal helps to enact the intended residential density of Ordinance 4822 and the comprehensive plan objectives for this area and can be completed within a reasonable period of time; targeted platting of Phase 1 is approximately two years and the targeted platting of Phase 2 would occur in approximately three subsequent years for a total of an estimated five years afforded to achieve the platting of both phases. Designed to meet and implement adopted City standards, the proposed local street network is safe and adequate to support anticipated traffic which can also be sufficiently accommodated and supported by the surrounding existing street network (Exhibit 28). Adequate access to and efficient provision of services to adjoining parcels will also be provided by extending streets and utilities to the edges of the site for future extension to serve adjacent lands to the east and south (Exhibits 6, 7 and 11); a temporary compacted gravel emergency-only access roadway and easement is also proposed as addressed above in Finding of Fact No. 5. Public utility and drainage facilities currently exist adjacent to the site and have the capacity to adequately be extended to and sufficiently serve the proposed population density

and single-family detached residential development represented by this proposal and as represented in the attached Exhibits (inclusive of Exhibits 7, 8, 25 and 29) and addressed further in findings provided below. As this site is designated Residential on the McMinnville Comprehensive Plan Map and R-2 PD on the McMinnville Zoning Map, and this proposed development complies with all applicable Comprehensive Plan purpose statements, policies, goals, requirements, standards and guidelines as provided in these conclusionary Findings of Fact, there are no indications that the proposal will have an adverse effect due to pollutants on surrounding areas, public utilities or the City as a whole.

FINDING: SATISFIED. Section 17.51.030 is satisfied in that the Commission would have reviewed the preliminary development plan and findings at a meeting. Discussion of the criteria listed in subsection C is provided below, as those criteria are the review criteria for a Planned Development Amendment, as found in 17.74.070 of the Zoning Ordinance.

17.53.103 Blocks.

1. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
2. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans, the planned street alignment requires, in some cases, blocks that exceed 400 hundred feet in length due to the topography and the physical configuration of the site, as well as the street pattern of an adjacent platted neighborhood. Given these site factors, Premier Development has configured the proposed local street plan to be as close to the recommended standard as possible. The proposed street pattern and resulting block lengths are very similar that previously approved by the City Council to implement the Ordinance 4822 Planned Development.

Block Length exceeding 400 feet in length:

- 1) NW Pinehurst Drive from "A" Court to its temporary southeastern terminus;
- 2) NW Pinot Noir Drive from NW Blake Street to "A" Street;
- 3) "A" Street along its northern edge from its intersections with NW Pinot Noir Drive and NW Pinehurst Drive;
- 4) "B" Street from its intersections with NW Pinot Noir Drive and NW Pinehurst Drive;
- 5) NW Pinehurst Drive from its intersection with the east end of "C" Street to its intersection with the west end of "C" Street.

There are no connecting blocks that exceed 1,600 feet in perimeter length. Therefore this requirement is met.

FINDING: SATISFIED WITH CONDITION 7. The City concurs with the applicant's findings with regard to the topographical and geographical limitations found on the site. The City further finds that an exception to the standard maximum block length is warranted due to the topographical, geographical, and physical limitations of the site. The site is bounded to the north and east by McMinnville city limits, and steep slopes define the perimeter of the northern parcel of the subject site. As such, there is no opportunity a connecting street to penetrate any block created along the perimeter of the northern parcel (NW Pinehurst Drive from its southwestern terminus to "A" Court). Additionally, the southeastern portion of the subject site is also bounded by city limits. Buildable land in the southeastern portion of the site is limited to area defined to the north and east by delineated wetlands, and to the south and west by steep slopes and previously built

residential development. Development of a street network in the planned development that would provide connectivity and access to adjacent lots would necessarily create a long block (NW Pinehurst Drive from "A" Court to its southeastern terminus) without opportunity for a connecting street to penetrate said block. Other block lengths identified as exceeding the standard are in response to the geographical and physical limitations of the site. Therefore, a condition of approval allowing a maximum block length of approximately 2,305 feet (the maximum length of the block from NW Pinehurst Drive from its southwestern terminus to "A" Court, around the northern peninsula of the site).

3. Easements.

3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)

APPLICANT'S RESPONSE: As shown on the proposed tentative plans, a 10-foot wide pedestrian access path is proposed to be provided connecting NW Pinot Noir Drive to NW Pinehurst Drive through the approximately 0.85 acre active private neighborhood park. An additional 10-foot wide public pedestrian path is proposed to be provided along the length of the approximately 5.6-acre public greenway which will encircle the subject site and lead to the site's southwestern most point west of Lot 56. The pathway to be located within this greenway area is proposed to be improved with a bark chip trail as recommended by the McMinnville Parks Department as previously described. Three pedestrian access pathways are also proposed to be provided to access this open-space greenway and are to be located between Lots 42 and 43, between Lots 75 and 76, and along the south side of Lot 56 (which will be temporary in nature until such time that the public pathway, previously described, in the forthcoming Stafford Land development adjacent to the west is completed). There are no other public amenities (schools, etc.) for Premier Development to serve with a pedestrian way adjacent to this development. Therefore, this criterion is met.

FINDING: SATISFIED WITH CONDITIONS 7, 8. The site exhibits limiting geographical, topographical, and physical characteristics that warrant block lengths in excess of the recommended standard. Because unusually long blocks would be allowed, particularly along the northern perimeter of the site adjacent to a public open space, and between the previously built Oak Ridge residential development and the wetland open space tract, it is desirable for public convenience, safety, and travel, for the developer to provide pedestrian ways not less than 10 feet in width to pass through the unusually long blocks described above. The active private neighborhood park is proposed to have a pedestrian path that connects Pinot Noir Drive to Pinehurst Drive through the unusually long block. Other opportunities to lessen the block length do not exist to the southeast due to the full development of the Oak Ridge subdivisions. Therefore, a condition of approval requiring this through-block connectivity through the Private Active Neighborhood Park has been included. Additionally, a condition of approval requiring pedestrian ways provided at a maximum spacing of approximately 800 feet would provide multiple points of through-block connectivity from Pinehurst Drive to the proposed public greenway trail system. This is desirable for public convenience, safety, and travel to connect to the proposed greenway recreation area, a major feature of the planned development area.

17.74.070. Planned Development Amendment – Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;

- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

17.74.070(A). *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

APPLICANT'S RESPONSE: While much of this information was previously described and discussed in the Findings provided above, it is important to also discuss here in order to help satisfy this criterion for approval of a Planned Development Amendment request. The last approved subdivision design that existed to implement Ordinance 4822 showed that the intersection of NW Pinot Noir Drive and NW Pinehurst Drive (which was needed to enable the construction of the southerly portion of Pinehurst Drive and "A" Court (Exhibit 4) as part of the fourth phase of the Oak Ridge subdivision) was last approved by the City Council as being located within the Oak Ridge Meadows tentative subdivision plan and within the Oak Ridge Meadows Planned Development boundary (ZC 12-04/S 14-04). Following this approval, Premier Development filed an appeal with the Oregon Land Use Board of Appeals (LUBA) on the decision. At issue was Condition of Approval number five (5) of Ordinance 4822 related to a limitation on the number of lots allowed within the Oak Ridge Meadows subdivision until such time that NW Pinehurst Drive was extended southward to connect to Baker Creek Road. LUBA remanded the decision back to the City Council. The Council held a public hearing as directed by the remand and concluded to adopt additional findings in support of their April decision to adopt Ordinance 4822. This action was then memorialized by the adoption of such additional findings as referenced in Ordinance 4845 (Exhibit 5) which the Council approved on March 14, 2006. The Council's approval of the S 14-04 tentative subdivision plan, including the locating of this intersection within the Oak Ridge Meadows Planned Development site, remained unchanged through the subsequent Land Use Board of Appeals (LUBA) remand (LUBA 2005-065) of the City's approval of ZC 12-04/ S 14-04.

Apart from the Council's approvals of ZC 12-04 and S 14-04, the connecting roadway segment of Pinot Noir Drive necessary to enable access to the Oak Ridge Meadows site, and the location of the afore mentioned Pinot Noir Drive and Pinehurst Drive intersection, yet remained as part of the earlier Oak Ridge tentative subdivision plan and Planned Development boundary approvals. This resulted in a situation where, essentially, neither of the two adjacent subdivisions could be constructed without the prior completion of a portion of the other. Had the economy not convulsed as it did for a number of years, this would not have been a concern as the adjacent subdivision phases, although located within different Planned Development boundaries, could have been developed simultaneously and the noted street improvements effectively constructed concurrently and seamlessly.

This current proposal seeks to achieve that intended development pacing by bringing the two adjacent undeveloped parcels of land together under one Planned Development Amendment approval and construct both of the afore mentioned street improvements as part of Phase 1 of the proposed tentative residential subdivision plan.

While Premier Development is requesting specific modifications to the existing Oak Ridge Meadows Planned Development ordinance (Ordinance 4822) conditions of approval, it is instructive and relevant to note the change in total number of lots within the combined Oak Ridge and Oak Ridge Meadows Planned Development sites. Oak Ridge was originally approved to allow the platting of a maximum of 107 lots in three phases. Through subdivision amendments

to that plan, including subdivision phasing, that were approved by the McMinnville Planning Director a total of 82 lots were ultimately platted in three phases leaving an additional new fourth unplatted phase with the theoretical opportunity to realize the platting of up to the remaining maximum of 25 additional lots. Subsequently, the Oak Ridge Meadows Planned Development was approved supporting a two-phased subdivision proposing the platting of a maximum of 99 lots. Together, these two Planned Developments, if fully realized, would have resulted in the platting of 206 total lots. The current proposal is for approval of a Planned Development supporting a tentative subdivision plan for the platting of 108 lots. Adding the 82 currently platted lots to the 108 proposed lots yields a new combined total of 190 residential lots which is 16 lots less than the 206 lots which were once envisioned and conceptually approved for this area. When reviewing the original approved Oak Ridge Meadows subdivision plan and comparing it to the current proposal it is clear that the overall reduction of lots that were once envisioned and tentatively approved has in large part been the result of a number of factors. In particular, shifting of NW Pinehurst Drive a bit westward to attain additional tree retention, the currently proposed creation of a 0.85-acre active private neighborhood park within Phase 1 of the subdivision, the proposed dedication of 5.6-acres of public greenspace around the site perimeter; this larger proposed public open space dedication has resulted in the loss of the “double-row” of lots that were once to be located along the western-most edge of the subdivision and to be accessed by a series of private easements.

In order for this current development proposal to move forward, it is necessary that the area representing the 11.47-acre unplatted fourth phase of the Oak Ridge subdivision be removed from Planned Development area of Ordinance 4722 and added to the existing 24-acre Oak Ridge Meadows Planned Development area. This action and approval of the requested modifications Ordinance 4822 as articulated above will help Premier Development achieve the special objectives of the proposed subdivision and which warrant departure from standard regulation requirements.

Part of Premier Development’s vision and proposal for this site is achieved by the “trade-offs” attainable through the Planned Development and Planned Development Amendment processes. Primary to the enabling of the proposed development plan is the ability to receive approval of available flexibility in the City’s standards regarding lots with side lot lines that do not all run perpendicularly to the right-of-way and also regarding instances where the lot depth to width ratio exceeds the desired 2:1 ratio of 17.53:105. In addition to setback adjustments noted above, Premier Development requests these allowances due to the unique shape, topography and other previously noted challenges of the site in addition to their desire to design a residential subdivision proposal that provides a wide range of residential lot sizes to enhance residential market choice and also provides significant recreation amenities (both passive and active) to the neighborhood and the broader community. Further responses to be incorporated here as part of this Finding are found in Finding of Fact 5 relative to Policies 72.00-78.00.

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

Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that

go above and beyond what would be provided through a standard subdivision application against the zoning departures requested. It should be noted that the McMinnville Zoning Ordinance does not contain mechanisms to achieve the many of the additional benefits possible through Planned Development outside of that process. Each of the applicant's requested amendments to Ordinance 4822 is directly related to a stated purpose of a planned development, and demonstrate special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standards established in Ordinance 4822 and the underlying R-2 zone.

The addition of the unplatted fourth phase of the Oak Ridge subdivision to the Oak Ridge Meadows Planned Development Overlay boundary will allow efficient use of open space, greater freedom in the development of the land, and allow for the preservation of significant natural features (wetlands) on the property. Additionally, a portion the property would be established as a private neighborhood park.

Requested lot size averaging would allow flexibility and variety in the development pattern of the community. A wider variety of lot sizes would increase the types of housing products and price points to be made available.

The request to modify setbacks would support the flexibility and variety in the development provided by varied lot sizes, and allow greater flexibility to preserve significant trees. A provision would allow for the adjustment of setbacks on a lot by lot basis to preserve significant trees.

A request to allow side lot lines at non-90 degree angles would allow flexibility to employ a creative development approach in response to unique geographic features of the subject site.

A request to allow lots with larger than standard depth to width ratio due to site shape and topography would allow preservation of natural features (significant trees and slopes) by allowing larger lots in ecologically sensitive areas with buildable area away from sensitive natural features.

Allowing longer than standard block lengths would allow flexibility in the design and development of the land by letting the design respond to unique geographic features of the subject site.

Establishment of a private park in the development would encourage mixed use in the planned area and create a private common open space.

Dedication of a public greenway park would encourage mixed use in the planned area and create a public common open space.

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

APPLICANT'S RESPONSE: When the Planning Commission received an application from Premier Development in October of 1999 (CPA 10-99/ZC 19-99/S 6-99), a thorough review of applicable Comprehensive Plan policies followed in order for the Planning Commission to reach a recommendation for approval to the City Council of these comprehensive plan and zone change amendment requests. The City Council's approval of those requests was memorialized through their adoption of Ordinance 4722 in February 2000. The development resulting from these approved requests now exists as three platted and fully developed residential subdivisions; Oak Ridge, Oak Ridge First Addition and Oak Ridge Second Addition. The currently requested removal of the subject 11.47 undeveloped acres from the boundary of this approved Planned Development (ZC 19-99) will not cause any inconsistency between those

existing subdivisions and the conditions of approval of Ordinance 4722 or the Comprehensive Plan objectives for this area. Additionally, there is found no Comprehensive Plan Policy inconsistency by including the subject acreage within the boundary of the adjacent Planned Development (Ordinance 4822). Removal of the subject 11.47 acres from the Oak Ridge Planned Development area does not place any of the three existing phases of the Oak Ridge development in conflict with any of the requirements of Ordinance 4722 or other such development related permits subsequently approved.

Further responses to this criterion relative to the proposal's compliance with the Comprehensive Plan objectives for the area, and to be incorporated here as part of this Finding, are as articulated in Section V - Conclusionary Findings for Approval, Finding 5, above.

FINDING: SATISFIED. The City concurs with the applicant's findings. With conditions, the proposed Planned Development Amendment would not be inconsistent with the applicable goals and policies of the Comprehensive Plan, as described in more detail above in the specific findings for each Comprehensive Plan goal and policy.

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

APPLICANT'S RESPONSE: The existing developed portion of the Oak Ridge Planned Development was designed and constructed to meet all applicable municipal requirements and to provide for adequate access and service provision to and through the planned neighborhoods. The current temporary terminus of NW Pinot Noir Drive, located at the northern end of the Oak Ridge Second Addition subdivision, is proposed to continue northward to serve what was once approved to be the fourth phase of Oak Ridge and the first phase of Oak Ridge Meadows further to the north. Approval of this requested Planned Development Amendment to allow the removal of the remaining undeveloped 11.47 acres of the Oak Ridge Planned Development site from this Planned Development boundary and, concurrently, approving its inclusion in the Oak Ridge Meadows Planned Development site will allow this northerly extension of NW Pinot Noir Drive as was previously envisioned and planned. The existing adjacent developed residential neighborhoods will not be negatively affected by allowing this undeveloped land to be located within the boundary of an amended boundary of an adjacent Planned Development as adequate access to and the provision of sufficient services to adjoining parcels will continue.

As noted above in these Findings, the proposed street pattern provides a safe, interconnected and efficient network of residential accessibility to serve the proposed and adjacent existing residential neighborhoods. The one cul-de-sac street in this plan is proposed in response to the noted existence of an adjacent wetland and the unique shape this portion of the site where provision of a through-street is not possible. There are no arterial or collector streets within or adjacent to this development site. The proposed street system is designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the McMinnville TSP and is augmented for pedestrians through the provision of additional walking paths within and surrounding the proposed development. Vehicular access to the adjacent street system promotes safe street connectivity to the surrounding transportation network.

A Transportation Impact Study for this Oak Ridge Meadows proposal has been completed by the transportation planning and transportation engineering firm DKS and is attached to this proposal (Exhibit 28). In sum, this Study concludes that an evaluation of the livability of neighborhood streets, as defined by the volume of traffic the streets were designed to handle (1,200 vehicles per day), confirmed that the Oak Ridge Meadows development is not expected to have an adverse impact on the existing neighborhood streets inclusive of the intersections of Baker Creek Road and NW Pinot Noir Drive, NW Oak Ridge Drive and NW Merlot Drive.

Further, that both the Interim Build and Full Build of Oak Ridge Meadows, as proposed, will continue to operate well under-capacity and will meet City of McMinnville safe operating standards. Please refer to Exhibit 28 for additional detail.

The need for a temporary emergency-only access to support this proposal was addressed above relative to Policy 132.32.00 and Policy 155.00. This temporary emergency only access roadway will also aid in reducing emergency vehicle response times as it can provide a more direct route to some portions of Phase I until such time that it is replaced with a dedicated fully improved local public street across adjacent land. Additionally, travel speeds within this site are based on an adopted street classification scheme identified in the adopted McMinnville TSP. All streets in the proposed development are designed as local streets and, as such, are limited to a legal vehicular travel speed of 25 miles per hour as are the local streets in the adjacent residential neighborhoods. This residential vehicle speed limitation and the adopted local street design standards have been successful in McMinnville in mitigating neighborhood issues related to noise, pedestrian and bicycle movement, and aesthetics as evidenced in the adjacent residential neighborhoods; the closest being the adjacent multi-phased Oak Ridge neighborhood.

Further responses relative to the specific street design standards are found in Section V - Conclusionary Findings for Approval, Findings of Fact 6, above.

FINDING: SATISFIED WITH CONDITION 13. The proposed development is designed within the existing street network surrounding the subject site. Currently that network, consists only of NW Pinot Noir Drive. The Planned Development Amendment request would allow the northerly extension of Pinot Noir Drive as planned. With the development of the first phase of the proposed Oak Ridge Meadows subdivision, NW Pinehurst Drive would be extended to the easternmost property line of parcel R441701300 so as to provide future access and provision of services to the adjacent parcel. That adjacent parcel is currently not in the McMinnville city limits, but should the time come for that parcel to be annexed and developed, the proposed development would be in place to provide access and services. Development of the street network in the second phase of the proposed subdivision, namely the continuation of Pinehurst Drive to the southern property line of parcel R440700602, would provide access and services to adjacent undeveloped parcels to the south and west.

A Traffic Impact Analysis (TIA) for the proposed development indicates the addition of 108 proposed single-family lots in a subdivision with initially only one improved street access would push the volume of traffic on the immediately adjacent local residential street (NW Pinot Noir Drive, northwest of Oak Ridge Drive) to its maximum threshold it was designed to carry. Livability of a street is generally determined by factors such as vehicle speeds and volumes relating to pedestrian safety, bicycle safety, and vehicle movements along a neighborhood street. McMinnville has not adopted a livability standard measure, but has adopted a design capacity of 1,200 vehicles per day (vpd) on local neighborhood streets. The TIA shows that until a second, permanent improved street connection provides access to the proposed subdivision, the traffic generated by 108 single-family dwelling units would increase the vpd on the northwest portion of NW Pinot Noir Drive to its 1,200 vehicle limit. The TIA uses 108 single-family dwelling units (one dwelling unit per lot) as a basis for its average daily trip generation. However, two-family dwellings and accessory dwelling units are also permitted uses in the underlying R-2 zone. Should a lot be developed with a two-family dwelling or an ADU, the increased daily trips from that additional dwelling units would push the volume of traffic carried by NW Pinot Noir Drive over its design limit of 1,200 vpd. Therefore, a condition of approval is included to limit development of the proposed subdivision to 108 dwelling units, in any combination of single-family dwellings, two-family dwellings, or accessory dwellings, until such time that a second permanent improved street connection provides access to the proposed subdivision.

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

APPLICANT'S RESPONSE: Premier Development intends to begin work on the proposed Oak Ridge Meadows residential subdivision as soon as permitting is issued and reasonable weather allows, and plans to continue work through platting as an estimated five-year plan; targeted platting of Phase 1 is approximately two years and the targeted platting of Phase 2 would occur in approximately three subsequent years for a total of an estimated five years afforded to achieve the platting of both phases. This criterion is satisfied.

FINDING: SATISFIED. The City concurs with the applicant's findings, and considers the proposed development pacing and schedule to be reasonable.

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

APPLICANT'S RESPONSE: Premier Development plans to continue the local street network through the proposed Oak Ridge Meadows Planned Development area as a natural and logical extension of that developed to serve the three existing phases of the adjacent Oak Ridge Planned Development area. This proposed street design is very similar to the street design of the previous subdivision approvals supported by the adoptions of Ordinances 4722 and 4822. In this current application, all proposed streets will be public and will be developed to public standards. It is also pertinent to note that during the time that the existing phases of the adjacent Oak Ridge development were constructed and platted, public local street design required a 26-foot wide paved section. This standard has since been modified by Council action to require a 28-foot wide paved section for local public residential streets which is the standard that Premier Development proposes for all such streets within this two-phase residential subdivision.

Regarding anticipated traffic, the McMinnville City Council adopted the City of McMinnville Transportation System Plan (TSP) in 2010. As part of the TSPs modeling analysis, the site of this application was assumed to build out to the residential density of its underlying R-2 zone. The TSP notes no traffic volume capacity issues or unsafe road or intersection conditions resulting from that assumption and modeling. As Ordinance 4822 limits the average minimum lot size in the original Oak Ridge Meadows site to no less than 7,500 square feet, and Premier Development proposes to comply with this requirement (Ordinance 4822, Condition of Approval 2) for the requested expanded Oak Ridge Meadows Planned Development area, the resulting density, and associated vehicle trip generation, is less than was anticipated and modeled in the McMinnville TSP adopted by the City Council. Additionally, as the tentative subdivision plan described above proposes 16 lots less than was once envisioned and conceptually approved for this area, the currently proposed single-family residential development plan will also generate fewer vehicle trips than anticipated by the earlier approvals.

As addressed in the Findings for Circulation Policies in Finding of Fact 5 above, a Transportation Impact Study for this Oak Ridge Meadows proposal has been completed by the transportation planning and transportation engineering firm DKS and is attached to this proposal (Exhibit 28). In sum, this Study concludes that the proposed development is anticipated to result in the following impacts:

- The development will consist of 108-unit single family homes. The ultimate buildout of the site includes a connection to NW Baker Creek Road via an extension of NW Shadden Drive. In the interim, the development will be accessed via NW Pinot Noir Drive, NW Oak Ridge Drive, and Merlot Drive.
- The development is expected to generate 80 (20 in, 60 out) AM peak hour trips, 107 (67 in, 40 out) PM peak hour trips, and 1,020 daily trips.

- Intersection operations during the Interim Build and Full Build of Oak Ridge Meadows will continue to operate well under-capacity and will meet City of McMinnville operating standards. The addition of Oak Ridge Meadows traffic will not have a significant impact on the operations or delay experienced at the intersections of NW Baker Creek Road/NW Oak Ridge Drive and NW Baker Creek Road/Merlot Drive.
- An evaluation of the livability of neighborhood streets, as defined by the volume of traffic the streets were designed to handle (1,200 vpd), confirmed that the Oak Ridge Meadows development is not expected to have an adverse impact on the existing neighborhood streets.

Please refer to the Oak Ridge Meadows Transportation Impact Study (Exhibit 28) for additional detail.

The following component of this Finding is found at the Fining provided at 132.32.00 and is also relevant here. As there is only one public street connection currently in place to serve the two-phased Oak Ridge Meadows subdivision, a temporary emergency-only access will be required in order to exceed the 30 unsprinkled home limitation described above. This emergency access, which will be placed in an easement, will be graded and finished with compacted rock to applicable standards and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road, across land currently owned by Stafford Land Company, to the southern edge of the Oak Ridge Meadows site at a point between proposed Lots 55 and 56 (Exhibit 26). [It is possible that this temporary emergency-only access may be shorter in length under a potential scenario described by Gordon Root of Stafford Land Company in an email where Stafford Land Company agrees to the granting of this temporary easement (Exhibit 27).] This temporary emergency-only accessway would then proceed northward on Premier Development's site along the proposed Phase 2 alignment of NW Pinehurst Drive to its intersection with "A" Street and then proceed generally eastward along the proposed "A" Street alignment to an alignment even with the proposed western edge of Lot 25 which is to be the westernmost lot along "A" Street in Phase I of the Oak Ridge Meadows subdivision. Fire Department approved gates would be located at both ends of this compacted gravel emergency-only accessway as directed by the McMinnville Fire Department. The McMinnville Fire Department has stated that, if such gates needed to be locked, they would be so with Fire Department approved locks. At such time that this adjacent land is to develop, this easement would then be revoked and public right-of-way be dedicated and improved to City standards providing a permanent second public street connection to the Oak Ridge Meadows development. This criterion is satisfied.

FINDING: SATISFIED WITH CONDITION 14. The density of the proposed development is within the density standards for the underlying R-2 zone. McMinnville's Transportation System Plan (TSP) is based on the full build-out of the zone at maximum density. The proposed planned development amendment would not increase the density beyond that which has been incorporated into the TSP, and will not overload the streets in the planned area. However, the Traffic Impact Analysis (TIA) submitted by the applicant shows the addition of 108 proposed single-family lots in a subdivision with only one improved street access would push the volume of traffic on the immediately adjacent local residential street (NW Pinot Noir Drive, northwest of Oak Ridge Drive) to its maximum threshold it was designed to carry. McMinnville has adopted a design capacity of 1,200 vehicles per day (vpd) on local neighborhood streets. The TIA shows that until a second, permanent improved street connection provides access to the proposed subdivision, the traffic generated by 108 single-family dwelling units would increase the vpd on the northwest portion of NW Pinot Noir Drive to its 1,200 vehicle limit. The TIA uses 108 single-family dwelling units (one dwelling unit per lot) as a basis for its average daily trip generation. However, two-family dwellings and accessory dwelling units are also permitted uses in the underlying R-2 zone. Should a lot be developed with a two-family dwelling or an ADU, the

increased daily trips from that additional dwelling units would push the volume of traffic carried by NW Pinot Noir Drive over its design limit of 1,200 vpd. Therefore, a condition of approval is included to limit development of the proposed subdivision to 108 dwelling units, in any combination of single-family dwellings, two-family dwellings, or accessory dwellings, until such time that a second permanent improved street connection provides access to the proposed subdivision.

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

APPLICANT'S RESPONSE: Responses to the criteria relative to the proposed utility and drainage facilities to serve this proposed development, and relevant associated modifications to Ordinance 4822, are found under the Section V - Conclusionary Findings for Approval, Finding 6, above. This criterion is satisfied.

FINDING: SATISFIED. The City concurs with the applicant's findings. Adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site.

17.74.070(G). *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

APPLICANT'S RESPONSE: The effects on noise, air and water pollutants anticipated to be caused by this development have already been addressed through the prior review of more impactful development proposals (e.g., a greater number of proposed residential lots) for this site and the Council's related supportive approval of Ordinances 4722 and 4822. This current proposal impacts the site and adjacent neighborhoods to a lesser degree than the combined effect of the earlier subdivision approvals due to the current proposal to plat 16 fewer single-family residential lots than was originally proposed and approved for the Oak Ridge and Oak Ridge Meadows sites. The anticipated pollutant impact of this current plan is also lessened by Premier Development's proposal to provide both an approximately 0.85-acre active private neighborhood park and dedicate approximately 5.6-acres of open space to the public for use as preserved greenway along the south side of Baker Creek. Additionally, the majority of the existing wetlands on the site will be preserved and these wetlands and their supported wildlife can be viewed and enjoyed for extended lengths of time by residents' use of the benches proposed to be installed by Premier Development along the lower, eastern portion NW Pinehurst Drive as previously described. Further discussion of noise, air, and water pollutants potentially caused by the proposed development is found in findings presented above. This criterion is satisfied.

FINDING: SATISFIED. The City concurs with the applicant's findings, though The City notes that previous wetland mitigation for construction associated with the previously approved Oak Ridge residential development was identified by the Department of State Lands as having failed. Among other functions, wetlands protect and improve water quality by reducing water pollutants, be they from adjacent development or from upstream. Though it is not anticipated the development of the site would cause noise, air, or water pollutants sufficient to have an adverse effect on the surrounding areas or city as a whole, encroachment into and loss of adjacent wetlands would detract from the water quality function of the wetland.

JF

ORDINANCE NO. 5070

AN ORDINANCE APPROVING A TENTATIVE SUBDIVISION FOR A 108 LOT, PHASED SINGLE-FAMILY DETACHED RESIDENTIAL DEVELOPMENT AT R441701300/R440700602.

RECITALS:

The Planning Department received an application (S 3-18) from Premier Development, LLC, property owner, requesting approval of a Tentative Subdivision for the construction of a 108 lot, two phase single-family residential development on approximately 35.47 acres of land, referred to as Oak Ridge Meadows.; and

The subject site is located generally north of Baker Creek Road and NW Pinot Noir Drive, south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R. 4 W., W.M.); and

A public hearing before the McMinnville Planning Commission was held on April 18, 2019, after due notice had been provided in the local newspaper on April 9, 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. The Planning Commission voted to continue the public hearing; and

The public hearing before the McMinnville Planning Commission was continued on May 16, 2019, after due notice had been provided in the local newspaper on May 7, 2019; 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 request, found that the requested amendment conformed to the applicable Comprehensive Plan goals and policies, as well as the Tentative Subdivision review criteria listed in Section 17.53 of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission, by a vote of 7-2, recommended approval of said Tentative Subdivision to the Council; and

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

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, Decision and Conditions of Approval as documented in Exhibit A approving S 3-18; and
2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 25th day of June 2019, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Attest:

Approved as to form:

CITY RECORDER

CITY ATTORNEY

EXHIBIT A



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

503-434-7311
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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE
APPROVAL OF A TENTATIVE SUBDIVISION FOR A 108 LOT, PHASED SINGLE-FAMILY
DETACHED RESIDENTIAL DEVELOPMENT AT R441701300/R440700602.**

DOCKET: S 3-18 (Tentative Subdivision)

REQUEST: Approval of a Tentative Subdivision (more than 10 lots) for a 108 lot, two phase single-family detached residential development.

LOCATION: Generally north of Baker Creek Road and the multi-phased Oak Ridge residential development, and south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R 4 W., W.M.)

ZONING: R-2 PD (Single Family Residential Planned Development)

APPLICANT: Premier Development, LLC (property owner)

STAFF: Jamie Fleckenstein, PLA, Associate Planner

**DATE DEEMED
COMPLETE:** January 24, 2019

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

**HEARING DATE
& LOCATION:** April 18, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon, continued to May 16, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE: An application for a Tentative Subdivision (more than 10 lots) is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.

CRITERIA: The applicable criteria for a Tentative Subdivision are specified in Chapter 17.53 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: The Planning Commission makes a recommendation to the City Council, and the City Council makes the final decision. The City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code. Per the applicant's requests on March 1, 2019 to extend the 120 day decision timeframe for an additional 60 days and on June 5, 2019 for an additional 21 day extension, the City's final decision is subject to a 201 day processing timeline, and a decision will need to be rendered by August 13, 2019.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of State Lands. Their comments are provided in this document.

Based on the findings and conclusionary findings, the City Council **APPROVES** the Tentative Subdivision (S 3-18) **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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Date: _____

Date:

Date: _____

I. APPLICATION SUMMARY:

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

Subject Property & Request

The request is for approval of a Tentative Subdivision for the construction of a 108 lot, two phase single-family residential development on approximately 35.47 acres of land, referred to as Oak Ridge Meadows. If approved, the subdivision would provide the opportunity for the construction of 108 single-family homes on lots ranging in size from approximately 4,950 to 14,315 square feet and averaging approximately 7,771 square feet in size. In addition, an approximately 0.85-acre active private neighborhood park and an approximately 5.6-acre public open-space greenway dedication along Baker Creek are proposed. ***See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.***

Concurrent to the Tentative Subdivision application, two (2) Planned Development Amendments are requested to allow exceptions to the underlying planned development (Ordinance 4822) and R-2 zone, including lot size averaging; modified sideyard and exterior sideyard setbacks; allow for some lots with side lot lines oriented other than at right angles to the street upon which the lots face; allow for some lots to exceed the recommended lot depth to width ratio; and allow some block lengths to exceed the recommended maximum block length standard. The requested Planned Development Amendment would also allow for the designation of an approximately 0.85-acre active private neighborhood park; and, allow for dedication of an approximately 5.6-acre public open-space greenway dedication along Baker Creek.

The subject property is located generally north and east of NW Pinot Noir Drive and south of Baker Creek. The subject property is zoned R-2 PD (Single Family Residential Planned Development) and is currently undeveloped. South of the subject site are Phases One, Two, and Three of the Oak Ridge Planned Development, single family developments also zoned R-2 PD. North and west of the site is the undeveloped land subject to the Oak Ridge Meadows Planned Development, zoned R-2 PD and the subject of the concurrent Planned Development Amendment request (PDA 4-18). ***See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.***

Figure 1. Vicinity Map

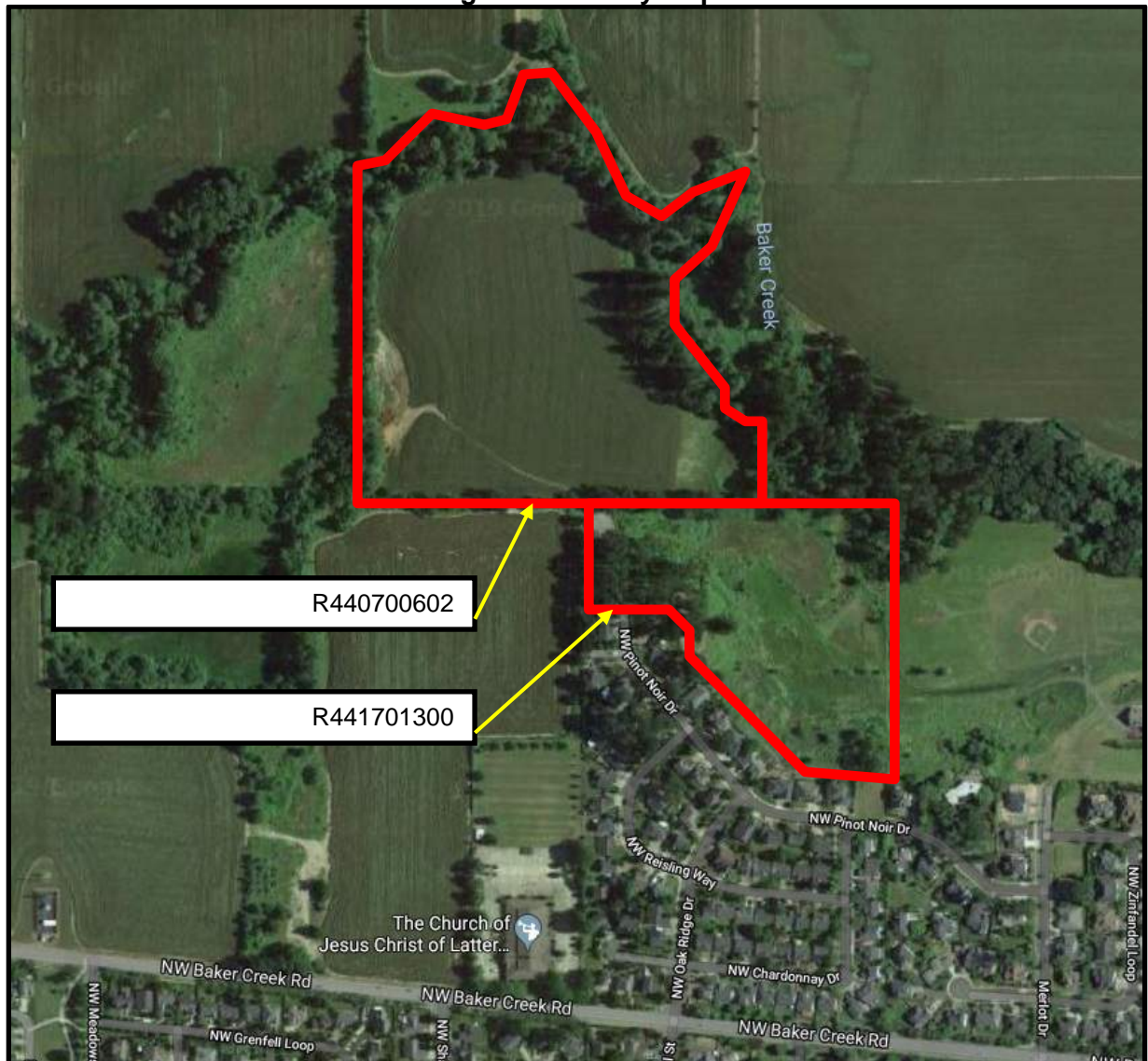
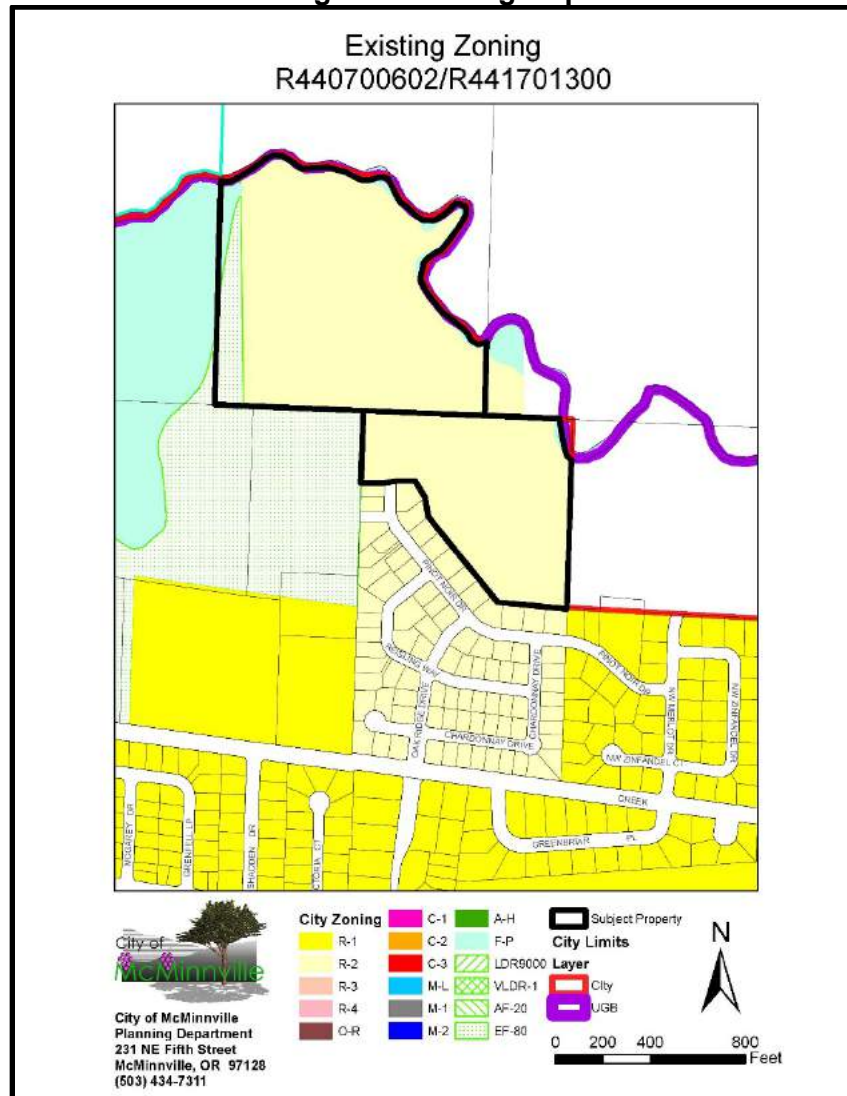


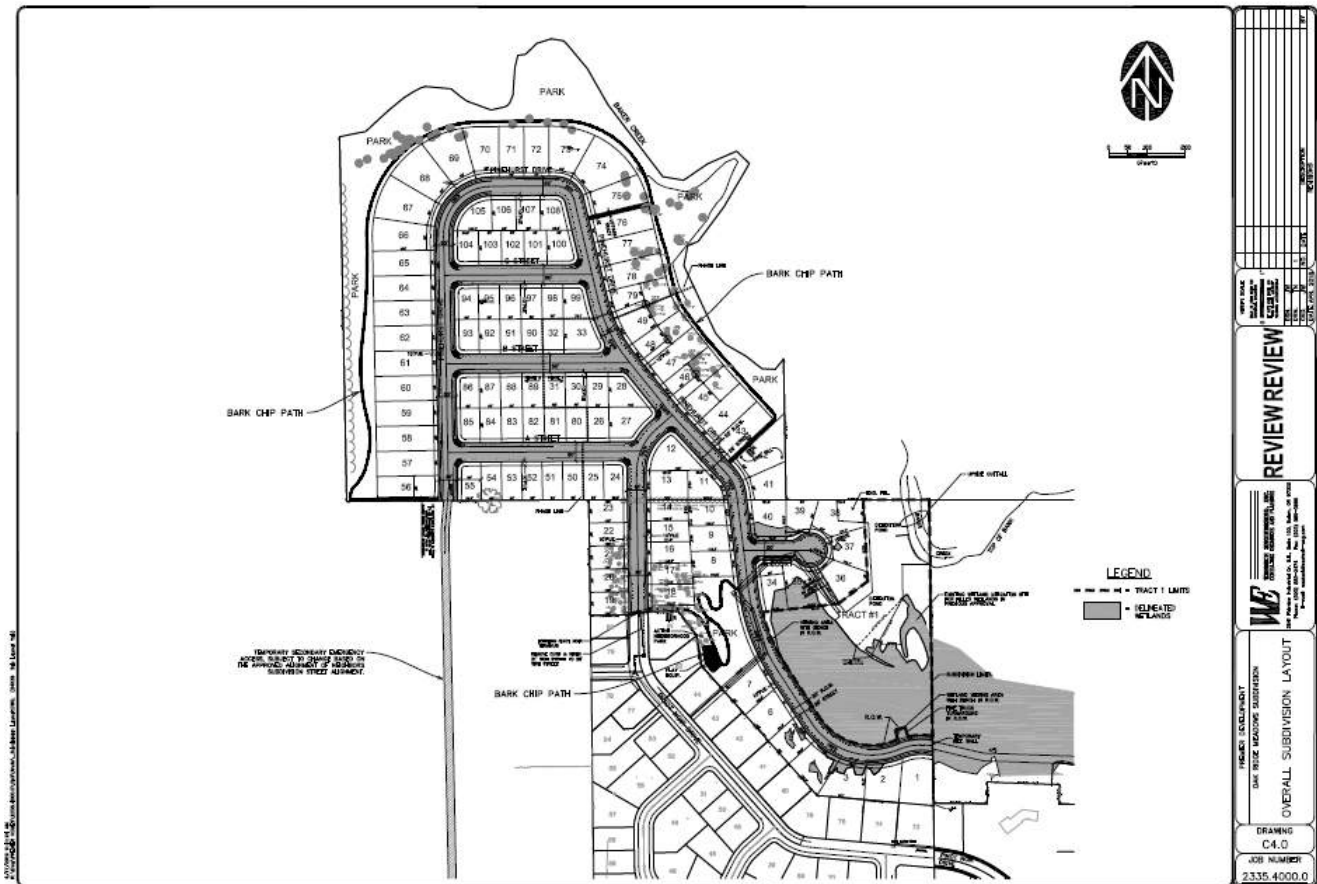
Figure 2. Zoning Map



Summary of Criteria & Issues

The proposed tentative subdivision plan is provided below for reference. **See Oak Ridge Meadows Tentative Subdivision Plan (Figure 3) below.**

Figure 3. Oak Ridge Meadows Tentative Subdivision Plan



Excerpts from Land Use Application Narrative and Findings:

For general orientation to the main elements of the proposed tentative subdivision, the larger residential lots are identified as being generally located around the west, north and east perimeter of the site which has the benefit of preserving as much of the steeper elevations of the site as possible and allowing for building envelopes that allow preservation of much of the associated natural greenway and tree cover. Lots that are more centrally located within the site are proposed to be moderately sized (generally between approximately 4,950 and 8,825 square feet in size) and those that are proposed to be located toward the southern end of the site along the west side of NW Pinot Noir Drive are designed to approximate the sizes of the nearby existing developed lots to the south and also located along the west side of NW Pinot Noir Drive to purposefully help the proposed development blend cohesively with the current adjacent established neighborhood. Lots proposed to be located along the east side of this same length of NW Pinot Noir Drive are a bit larger than those found along the west side but not quite as large as the nearby existing developed lots to the south and located along the east side of NW Pinot Noir Drive. This transition from existing to proposed lot sizes along the east side of NW Pinot Noir Drive is mitigated by a proposed 15-foot wide public pedestrian access path leading eastward from NW Pinot Noir Drive to provide pedestrian access to the approximately 36,833 square foot (0.85-acre) active private neighborhood park connecting NW Pinot Noir Drive and NW Pinehurst Drive. The varied arrangement of proposed lot sizes within the two-phased subdivision plan complements the existing adjacent residential development pattern, preserves environmentally sensitive and scenic areas and will provide a range of lots sizes at varying price points within the residential market.

This plan also preserves a very similar vehicular circulation pattern to that previously tentatively approved for the area that was to become the Oak Ridge fourth phase and the Oak Ridge Meadows tentative residential subdivision plan by continuing the northerly extension of NW Pinot Noir Drive to serve an almost identical pattern of previously proposed interconnected local streets. One cul-de-sac street is currently proposed which is in the same general location as was supported in the previous Oak Ridge subdivision approval due to the presence of adjacent wetlands along the site's southeastern edge. Access necessary to allow for inspection and maintenance functions related to the sewer system in this area is also provided from this cul-de-sac and is proposed to be located within easements centered along the common property line of Lots 35 and 36 (Exhibit 7). NW Pinehurst Drive is proposed to continue southward beyond this cul-de-sac to serve proposed lots to be located along the west side of NW Pinehurst Drive; this was also approved as part of the previous Oak Ridge approval.

The dedication of a public greenway inclusive of a pedestrian pathway is being proposed to encircle the west, north and most of the eastern edges of the site. This greenway dedication is proposed to begin at the site's outer edge and extend inward toward the toe of the encircling slope effectively forming a ring around the majority of the outer edge of the site. This public greenway will vary in width based on the location of the site boundary and the location of the steeper portions of the slope. It is anticipated that the width of this public greenway may extend to a width of some 300-feet at its widest. In conversations with the McMinnville Parks and Recreation Department it was determined that a bark chip path, similar to that located along the greenway river edge of Joe Dancer Park, would be the desired improvement to request of Premier Development to provide enabling pedestrian mobility through this public open space greenway. With the exception of the portion of the bark chip path proposed to be temporarily provided along the south edge of Lot 56 (which is further described in Findings below) the entirety of the bark chip path would be located in areas dedicated to the public. This dedication totals approximately 5.6 acres of public open space located adjacent to this neighborhood for the use and enjoyment of the general community.

This proposal also includes for the creation of the approximately 0.85 acre (approximately 36,833 square feet) active private neighborhood park mentioned above and proposed to be located in Phase One of this development. This park will afford neighborhood residents a convenient location from which to enjoy the scenic viewshed of the preserved wetlands to the east. Access through the active private neighborhood park would be provided by a curvilinear pedestrian pathway connecting NW Pinot Noir Drive to NW Pinehurst Drive. The active private neighborhood park will also provide a designated area on the upland portion from which to view the wetlands to the east; additional wetland viewing benches are also proposed along the eastern side of NW Pinehurst Drive adjacent to the wetlands. Premier Development also proposes to install suitable permanent child-appropriate playground equipment within this upland portion of the park to provide active recreational opportunities for children residing within the neighborhood. With the proposed arrangement of park spaces, pedestrians will be able to enjoy continuous access from the active private neighborhood park entrance on NW Pinot Noir Drive through to NW Pinehurst Drive and, then by walking northward along the public sidewalk for approximately 300 feet, they will be able to then move east along the public access walkway leading from NW Pinehurst Drive and enjoy the walking trail which will wind its way through the entire greenway that will wrap the neighborhood all the way to subject site's southwestern-most corner; at this point the public pedestrian pathway will have the opportunity to be extended as a pedestrian feature as part of the future development of adjacent land to the south and west which is currently owned by Stafford Land Company. Additional public pedestrian accesses to this greenway path will be provided by way of park chip paths leading to the greenway from NW Pinehurst Drive to be located between lots 75 and 76 and along the south side of lot 56. Premier Development proposes that the forthcoming Homeowner's Association for this proposed Oak Ridge Meadows development will be responsible for full maintenance responsibilities of the

entirety of the publicly dedicated greenway path and its associated access paths until the year 2032 at which time all such maintenance responsibilities shall become the full responsibility of the City in perpetuity; the pedestrian pathway to be created by easement along the southern portion of Lot 56 is to be temporary, the maintenance of which will not be transferred to the City, and will be eliminated at such time as described below.

It is anticipated that the Stafford Land Company intends to provide a continuation of this public greenway system along the northern edge of their adjacent forthcoming development proposal located generally west of the Oak Ridge Meadows site. As part of that proposal it is understood that a permanent public pedestrian access path to this greenway will be proposed to be provided by Stafford Land Company connecting a local public residential street located approximately 100 feet south of the temporary access path that Premier Development will be providing along the south side of lot 56. If and when this permanent pedestrian access path to the greenway is provided by Stafford Land Company, the temporary access path provided by Premier Development by way of an easement along the south side of lot 56 will be extinguished.

II. CONDITIONS:

1. That the decision for approval of Oak Ridge Meadows Tentative Subdivision (S 3-18) is not rendered, and does not take effect, until and unless the Planned Development Amendment requests (PDA 3-18 and PDA 4-18) are approved by the City Council.
2. That the applicant plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the subdivisions as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.
 - A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
 - B. Each year the applicant shall install street trees, from October 1 to April 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees.
 - C. It shall be the applicant's responsibility to relocate street trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting.
3. That a landscape plan, including landscaping and improvements in common area tracts, shall be submitted to the McMinnville Landscape Review Committee for their review and approval. Improvements in the Private Active Neighborhood Park shall include, at a minimum, commercial

grade play equipment featuring at least ten different play elements for ages 2-12 and appropriate seating and trash/recycling collection. Improvements in the wetland viewing areas in Tract 1 shall include, at a minimum, appropriate seating and trash/recycling collection.

4. That restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development that are consistent with those in place for existing adjacent single family developments and must meet with the approval of the Planning Director prior to final plat approval.
5. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. Additionally, the Homeowner's Association shall be assigned maintenance responsibilities of the dedicated public open space greenway until 2032, at which point maintenance responsibilities shall be transferred to the City in perpetuity. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.
6. That plat phasing is approved as depicted in the applicant's submittal listed as Exhibit 6 in the applicant's submittal and generally described as:
 - a. Phase 1 – Lots 1 through 49, the northerly extension of Pinot Noir Drive, Pinehurst Drive generally south of "B" Street, "A" Court, and the easterly portions of "A" and "B" Streets. When required to meet applicable Fire Code requirements, homes shall be sprinkled.
 - b. Phase 2 – The balance of Oak Ridge Meadows inclusive of the temporary emergency-only access.

Both Phase 1 and Phase 2 shall be recorded for final plat within (5) years (two years for Phase 1 and a subsequent 3 years for Phase 2) from the date this approval decision is final without appeal and the decisions of PDA 3-18 and PDA 4-18 are final without appeal. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

7. That the applicant shall provide twenty-five percent (25%) of the single family lots (27 of the proposed 108 single family lots) for sale to the general public for a period of six months following recording of the final plat. The applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred eighty (180) days prior to building permit issuance for said lots.
8. That the Private Active Neighborhood Park shall be constructed at the time the fifteenth building permit has been issued for Phase 1. Per Section 17.53.075(D) of the Zoning Ordinance, prior to final plat of Phase 1, the applicant shall enter into a construction agreement with the City for

the improvements in the Private Active Neighborhood Park. A bond or other assurance for the greenway improvements shall be filed with the agreement for improvement.

9. That the dedicated greenway trail system and access ways shall be constructed prior to the issuance of building permits for Phase 2 per Section 17.53.075(D) of the McMinnville Municipal Code.
10. That a pedestrian/bicycle way be provided between Lot 56 and Lot 75 such that the distance between pedestrian ways along Pinehurst Drive from its temporary southwest terminus and "A" Court does not exceed 800 feet. This pedestrian/bicycle way shall be constructed per the specifications outlined the conditions of approval for PDA 4-18.
11. That the proposed wetland viewing area east of the private active neighborhood park be relocated within the common open space Tract 1 and outside of the delineated wetland within that Tract.
12. That the proposed subdivision be limited to 108 dwelling units until such time that a second permanent improved street connection provides access to the proposed subdivision.
13. That a detailed storm drainage plan, which incorporates the requirements of the City's Storm Drainage Master Plan must be submitted to, and approved by, the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such must be private rather than public and private maintenance agreements must be approved by the City for them.
14. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
15. That a detailed sanitary sewage collection plan which incorporates the requirements of the City's Collection System Facilities Plan must be submitted to, and approved by, the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
16. That the applicant secures from the Oregon Department of Environmental Quality (DEQ) applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
17. That all fill placed in the areas where building sites are expected shall be engineered and shall meet with the approval of the City Building Division and the City Engineering Department.
18. That 10-foot utility easements shall be provided along both sides of all public rights-of-way for the placement and maintenance of required utilities.
19. That cross sections for the entire street system shall be prepared which show utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade.
20. Said cross sections shall be submitted to the Community Development Director for review and approval prior to submittal of the final plat. If the submitted information so indicates, the Planning Director may require the tentative subdivision plan be revised in order to provide for a more practical configuration of lots, utilities, and streets. All such submittals must comply with the

requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.

21. That all streets within the proposed subdivision shall be improved with a 28-foot-wide paved section, curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. Additionally, the applicant shall widen the existing cross-section of NW Pinot Drive north of Blake Street to 28-feet to be consistent with the local residential street standard.
22. That prior to construction of the proposed subdivision, the applicant shall secure all required state and federal permits, including, if applicable, those related to the federal Endangered Species Act (if applicable), Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
23. That the construction of Pinehurst Drive through the wetland fill area shall be done under the direction of, and per the requirements of a licensed geotechnical engineer.
24. That barricades shall be installed by the applicant at the terminus of all public streets, consistent with City standards. The barricades shall include text stating: "This street is planned for extension in the future to serve proposed development."
25. That the applicant provide information to the City Engineer as to the design capacity of the existing downstream sanitary sewer pump station located in the Crestbrook subdivision, First Addition. If the information and studies provided by the applicant indicate that adequate capacity does not exist to support the proposed development of the Oak Ridge Meadows subdivision, then the applicant shall make improvements to the system as may be necessary and required by the City Engineer. Such improvements shall be at the expense of the applicant and shall be completed prior to release of the final plat.
26. On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns.
27. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
28. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
29. That the required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.
30. That the applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for

the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.

31. That the Tentative Subdivision Plan, Phase One shall expire two (2) years from the date this decision is final without appeal and the decisions of PDA 3-18 and PDA 4-18 are final without appeal. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
32. That the Tentative Subdivision Plan, Phase Two shall expire five (5) years from the date of this approval. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
33. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.
34. That, prior to issuance of residential building permits, the applicant shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in the Oak Ridge Meadows development. This book will contain architectural elevations, details, materials and colors of each building type. In order to protect property values, front entries will need to be clearly defined, at least two material types will need to be used on the front elevations, driveways should be adjacent to each other to enhance opportunities for front yards and landscaping, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

At a minimum, the Architectural Pattern Book shall contain sections addressing:

- a) Style and Massing
 - b) Quality and Type of Exterior Materials
 - c) Front Porches / Entry Areas
 - d) Roof Design and Materials
 - e) Exterior Doors and Windows
 - f) Garage Door Types
 - g) Exterior Lighting
 - h) Sample Exterior Colors
35. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street.
 36. Public pedestrian/bicycle access paths ways, from the public right-of-way to the rear lot line of adjacent lots, shall be 20 feet in width, with a 10 foot wide multi-use path built to City specifications to be provided by the City to the developer/property owner with a five foot buffer on each side, and minimum of (1) public pedestrian/bicycle access path to the greenway trail shall be improved to accommodate maintenance vehicles. The temporary pedestrian/bicycle access way adjacent to Lot 56 shall be developed with a path consistent with the greenway trail.

III. ATTACHMENTS:

1. S 3-18 Application and Attachments (on file with the Planning Department)
2. S 3-18 Application – Supplemental Materials
 - a. Errata Memorandum, April 17, 2019, Ron Pomeroy, Navigation Land Use Consulting (representing Premier Development) (on file with the Planning Department)
 - b. Wetland Delineation Report, Pacific Habitat Services (on file with the Planning Department)
3. Public Notices (on file with the Planning Department)
4. Agency Comments (on file with the Planning Department)
5. Testimony Received (on file with the Planning Department)
 - a. Public Testimony
 - i. Steve and Catherine Olsen, 2650 NW Pinot Noir Drive, Letter received April 10, 2019 (on file with the Planning Department)
 - ii. Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive, Letter received April 10, 2019 (on file with the Planning Department)
 - iii. Sandi Colvin, 2718 NW Pinot Noir Drive, Letter received April 10, 2019 (on file with the Planning Department)
 - iv. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received April 10, 2019 (on file with the Planning Department)
 - v. Friends of Baker Creek, 501-3C (submitted by Mike Colvin), Letter received April 10, 2019 (on file with the Planning Department)
 - vi. Friends of Baker Creek, 501-3C, Letter received April 10, 2019 (on file with the Planning Department)
 - vii. Tim and Margaret Roberts, 1069 NW Baker Crest Court, Letter received April 15, 2019 (on file with the Planning Department)
 - viii. Friends of Yamhill County, Email received April 15, 2019 (on file with the Planning Department)
 - ix. Yamhill Soil & Water Conservation District, Email received April 16, 2019 (on file with the Planning Department)
 - x. Jan and Randy Hartzell, 1093 NW Baker Crest Court, Email received April 17, 2019 (on file with the Planning Department)
 - xi. Housing Land Advocates and Fair Housing Council of Oregon, Letter received April 17, 2019 (on file with the Planning Department)
 - xii. Glen Westlund, Email received April 18, 2019 (on file with the Planning Department)
 - xiii. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received April 18, 2019 (on file with the Planning Department)
 - xiv. Carmen Mendenhall, 2410 NW Zinfandel Loop, Letter received April 18, 2019 (on file with the Planning Department)
 - xv. Friends of Baker Creek, PowerPoint slides received April 18, 2019 (on file with the Planning Department)
 - xvi. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received April 18, 2019 (on file with the Planning Department)
 - xvii. Gail Norby, 2840 NW Pinot Noir Drive, Letter received April 18, 2019 (on file with the Planning Department)
 - xviii. Scott Wellman, 2756 NW Pinot Noir Drive, Letter received April 18, 2019 (on file with the Planning Department)
 - xix. Bill Kabeiseman, Bateman Seidel, Letter received April 18, 2019 (on file with the Planning Department)
 - xx. Valerie Kelly, McMinnville, Email received April 22, 2019 (on file with the Planning Department)

- xxi. Helen Bitar, 30500 SW Moriah Lane, Sheridan, Email received May 6, 2019 (on file with the Planning Department)
- xxii. Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive, Letter received May 6, 2019 (on file with the Planning Department)
- xxiii. Michael and Sherill Roberts, 2812 NW Pinot Noir Drive, Letter received on May 7, 2019 (on file with the Planning Department)
- xxiv. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received May 8, 2019 (on file with the Planning Department)
- xxv. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received May 8, 2019 (on file with the Planning Department)
- xxvi. Steve and Catherine Olson, 2650 NW Pinot Noir Drive, Letter received May 8, 2019 (on file with the Planning Department)
- xxvii. Rob Stephenson, 1081 NW Baker Crest Court, Letter received May 8, 2019 (on file with the Planning Department)
- xxviii. Baker Creek Hydrologic Analysis, PBS Engineering (prepared for Friends of Baker Creek), received May 8, 2019 (on file with the Planning Department)
- xxix. Les Toth, 2700 NW Pinehurst Drive, Letter received May 13, 2019 (on file with the Planning Department)
- xxx. Stephanie Rudolph, 2849 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxi. Rodney Pedersen, 2664 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxii. Melba Smith, 2780 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxiii. Mike Colvin, 2718 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxiv. Terry and Beth Uhrinak, 2731 NW Pinot Noir Drive, Email received on May 13, 2019 (on file with the Planning Department)
- xxxv. Anniedear Chappell, 1334 NW Zinfandel Court, Email received on May 13, 2019 (on file with the Planning Department)
- xxxvi. Erin Stanton & Sarah Hadfield, 2687 NW Pinot Noir Drive, Email received on May 14, 2019 (on file with the Planning Department)
- xxxvii. Anniedear Chappell, 1334 NW Zinfandel Court, Email received on May 14, 2019 (on file with the Planning Department)
- xxxviii. Carmen Mendenhall, 2410 NW Zinfandel Loop, Letter received May 16, 2019 (on file with the Planning Department)
- xxxix. Scott Wellman, 2756 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
 - xl. Steve and Sarah Fox, 2687 NW Oak Ridge Drive, PowerPoint slides received May 16, 2019 (on file with the Planning Department)
 - xli. Catherine Olsen, 2650 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
 - xl.ii. Ray and Nina Clevidence, 1493 NW Riesling Way, Letter received May 16, 2019 (on file with the Planning Department)
 - xl.iii. Bill Kabeiseman, Bateman Seidel, Letter received May 16, 2019 (on file with the Planning Department)
 - xl. iv. Friends of Baker Creek, PowerPoint slides received April 18, 2019 (on file with the Planning Department)
 - xl. v. Sandi Colvin, 2718 NW Pinot Noir Drive, PowerPoint slides received May 16, 2019 (on file with the Planning Department)
 - xl. vi. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)

- xlvi. Michael and Sherill Roberts, 2812 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
- xlvi. Unattributed, Letter received May 16, 2019 (on file with the Planning Department)
- xli. Justin Maynard, PBS (submitted by Catherine Olsen), 415 W 6th Street, Vancouver, WA, Letter received May 16, 2019 (on file with the Planning Department)
 - I. Melba Smith, 2780 NW Pinot Noir Drive, Photograph received May 16, 2019 (on file with the Planning Department)
 - ii. Unattributed, Letter received May 18, 2019 (on file with the Planning Department)
- b. Applicant Rebuttal Testimony
 - i. Premier Development, 1312 NE Highway 99W, Frequently Asked Questions received May 3, 2019 (on file with the Planning Department)
 - ii. Lacy Brown, DKS Associates (representing Premier Development), 117 Commercial Street NE, Suite 310, Salem, Supplemental Traffic Evaluation Memo received May 9, 2019 (on file with the Planning Department)
 - iii. Wendie Kellington, Kellington Law Group (representing Premier Development), PO Box 159, Lake Oswego, OR, Letter received May 15, 2019 (on file with the Planning Department)
 - iv. Ron Pomeroy, Navigation Land Use Consulting (representing Premier Development), PO Box 1514, McMinnville, Memorandum received May 15, 2019 (on file with the Planning Department)
 - v. Wendie Kellington, Kellington Law Group (representing Premier Development), PO Box 159, Lake Oswego, OR, Thalweg Comparison Chart received May 16, 2019 (on file with the Planning Department)
 - vi. Wendie Kellington, Kellington Law Group (representing Premier Development), PO Box 159, Lake Oswego, OR, Precipitation Chart received May 16, 2019 (on file with the Planning Department)
- c. Staff Memorandums
 - i. Planning Department Staff, Memorandum in response to News-Register articles, April 17, 2019 (on file with the Planning Department)
 - ii. Planning Department Staff, Memorandum in response to written testimony, April 17, 2019 (on file with the Planning Department)
 - iii. Planning Department Staff, Memorandum in response to written testimony, May 15, 2019 (on file with the Planning Department)
- 6. PDA 3-18, PDA 4-18, S 3-18 Staff Memorandum, April 17, 2019 and Staff Report, April 18, 2019 (on file with the Planning Department)
- 7. PDA 3-18, PDA 4-18, S 3-18 Staff Report, May 16, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

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

- McMinnville Park and Recreation Department

The McMinnville Comprehensive Plan includes the following provisions:

- 159.00 *The City of McMinnville's Parks, Recreation, and Open Space Master Plan shall serve to identify future needs of the community, available resources, funding alternatives, and priority projects. (Ord. 4796, October 14, 2003)*
- 163.00 *The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.*
- 163.05 *The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)*

Comment: Per the McMinnville Comprehensive Plan Policy #163.05 the City should locate greenways and trails in the floodplain to connect community and other park types to each other. The proposed dedication of a trail that connects Tice Park to a potential future park and/or the BPA trail appears to satisfy this criterion.

- 164.00 *The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.*

Comment: Per the McMinnville Comprehensive Plan Policy #164.00, the City shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks. The proposed floodplain land to be dedicated to the city for a natural trail and greenway system along Baker Creek appears to satisfy this criterion.

- 166.00 *The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.*
- 167.00 *The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.*
- 168.00 *Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.*

Comment: Per the McMinnville Comprehensive Plan Policy #166.00 and #168.00, the city should recognize and retain distinctive natural features and areas in future urban developments. Baker Creek and its associated riparian environment is a natural feature in the proposed Oak Ridge Meadows Subdivision and the proposed dedication of this land to the city for a trail appears to satisfy this criterion.

- 170.05 *For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used. (Ord. 4796, October 14, 2003)*

Comment: Per the McMinnville Comprehensive Plan Policy #170.05, the City should use the standards in the McMinnville Parks, Recreation, and Open Space Master Plan, which are as follows:

The McMinnville 1999 Parks Master Plan contains the following relevant recommendations:

- Develop special use parks to protect and highlight unique natural areas and to respond to the particular recreation needs of McMinnville residents;
- Protect natural areas and stream corridors by acquiring greenways along creeks and the Yamhill river;
- Provide public access to natural areas and trail-related recreation by developing trails through greenways and in natural areas. (p. 38)

Comment: Table 10 of the Parks Master Plan outlines underserved areas in our City related to parks, this property can be found in planning area 3 and specifically recommends acquiring a greenway “along Baker Creek connecting Tice/BPA Easement” as a first tier priority for the action plan. The Master Plan Map shows a multi-purposed trail along Baker Creek in this general area which is reflected in the development proposal, therefore this element of the Parks Master Plan appears to be met by the application as proposed.

Thank you for the opportunity to comment. Please let me know if you have any further questions or need anything additional from the Parks and Recreation Department.

- McMinnville Engineering Department

Additionally, I offer the following suggestions conditions of approval re: the subdivision:

- That a detailed storm drainage plan, which incorporates the requirements of the City’s Storm Drainage Master Plan must be submitted to, and approved by, the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such must be private rather than public and private maintenance agreements must be approved by the City for them.
- Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City’s Building Division.
- That a detailed sanitary sewage collection plan which incorporates the requirements of the City’s Collection System Facilities Plan must be submitted to, and approved by, the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
- That the applicant secures from the Oregon Department of Environmental Quality (DEQ) applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
- That all fill placed in the areas where building sites are expected shall be engineered and shall meet with the approval of the City Building Division and the City Engineering Department.
- That 10-foot utility easements shall be provided along both sides of all public rights-of-way for the placement and maintenance of required utilities.

- That cross sections for the entire street system shall be prepared which show utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade.
- Said cross sections shall be submitted to the Community Development Director for review and approval prior to submittal of the final plat. If the submitted information so indicates, the Planning Director may require the tentative subdivision plan be revised in order to provide for a more practical configuration of lots, utilities, and streets. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
- That all streets within the subdivision shall be improved with a 28-foot-wide paved section, curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets.
- That prior to construction of the proposed subdivision, the applicant shall secure all required state and federal permits, including, if applicable, those related to the federal Endangered Species Act (if applicable), Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
- That the construction of Pinehurst Drive through the wetland fill area shall be done under the direction of, and per the requirements of a licensed geotechnical engineer.
- That barricades shall be installed by the applicant at the terminus of all public streets, consistent with City standards. The barricades shall include text stating: "This street is planned for extension in the future to serve proposed development."
- That the applicant provide information to the City Engineer as to the design capacity of the existing downstream sanitary sewer pump station located in the Crestbrook subdivision, First Addition. If the information and studies provided by the applicant indicate that adequate capacity does not exist to support the proposed development of the Oak Ridge Meadows subdivision, then the applicant shall make improvements to the system as may be necessary and required by the City Engineer. Such improvements shall be at the expense of the applicant and shall be completed prior to release of the final plat.
- On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns.
- The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
- The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
- That the required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.

- That the applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.

- McMinnville Fire Department

We have no comments on these amendments.

- McMinnville Public Works Department

Parks:

1. It is my understanding that this application seeks to add a private .85 acre “nature park”, and a 5.6 acre public greenway space. The narrative and included maps indicate that the public open space would essentially follow Baker Creek around the perimeter of the subdivision. The narrative notes that the concept includes pedestrian trails with chipped material proposed for surfacing. It appears the proposed public park lies in the floodplain area.
 - a. While we recognize the value of such open space, and the opportunity for future connections along Baker Creek, our position remains that the Public Works Division is not in a position to take on additional public parkland and the associated maintenance costs and responsibilities at this time. The recent “add-back” funding proposal for parks maintenance was intended to allow the Division to begin to restore service levels to pre-2013 levels, begin to address maintenance backlogs and to include maintenance costs for the planned NW Neighborhood park. The addition of new lands at this point, especially in light of the fact we are adding the NW park, will result in negative service level impacts at existing facilities. **Based on those concerns, our recommendation would be that the proposed greenway remain privately owned until such time that resources are available to maintain and operate it as public open space.**
 - b. The site as proposed would present significant challenges to get equipment and or vehicles in to perform maintenance.
 - c. The proposal notes that chipped trails would be provided for both the private and public parks. Such a surface would not be accessible, and I don’t believe it would meet either PROWAG or ADAAG requirements.
 - d. The proposal shows only two access points to the proposed greenway. Whether the greenway is public or private, we might suggest considering additional entry points to improve access.

- McMinnville Water and Light

MW&L has no issues with these submittals.

Please note that the submitted preliminary water plan is not approved and will need to follow MW&L approval process. Please contact MW&L for a Design Application and fees for this project.

- Oregon Department of State Lands

The Department had a permit for the earlier construction along Pinot Noir, which required mitigation. The mitigation failed. The permittee submitted a wetland delineation in 1999. Because of the number of years and changes to the landscape since the delineation, the Department would require a new delineation to review before an application is submitted.

During the removal-fill application review, the Department looks for an applicant to have avoided or minimized the impacts to wetlands and waters, which may result in changes to the layout.

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, April 9, 2019. As of the date Planning Commission public hearing on May 16, 2019, fifty one (51) written public testimonies had been received by the Planning Department from twenty nine (29) entities.

- Mike Colvin, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on increased risk of downstream flooding.
 2. Letter - April 18, 2019 - expressing opposition to the application based on potential downstream flooding impact, loss of unique natural habitats that could be preserved as recreation/park space.
 3. Letter - April 18, 2019 - expressing opposition to the application based on impact of proposed public improvements on the wetlands.
 4. Letter - May 8, 2019 - expressing opposition to the application based on impact of proposed development of traffic on Baker Creek Road.
 5. Letter - May 8, 2019 - expressing opposition to the application based on Comprehensive Plan policies that do not support development on the 11.47 acre parcel and instead support it being left in a natural state for drainage and recreation.
 6. Letter - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and calling on neighbors to submit testimony.
 7. Letter - May 16, 2019 - expressing opposition to the applications based on a comparison of Comprehensive Plan policies as they relate to individual parcels of the overall proposed development.
- Sandi Colvin, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application stating that removal of the 11.47 acre parcel from the Oak Ridge Planned would circumvent Oak Ridge CC&Rs, and that the proposed development is held to lesser standards than the current PDs.
 2. PowerPoint slides - May 16, 2019 - expressing opposition to the applications based on extension of Pinehurst Drive to eastern property line, and potential impacts on downstream flooding.
- Friends of Baker Creek, 501c3 Non-Profit, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on lack of two access points to proposed development.
 2. Letter - April 10, 2019 - expressing opposition of the application based on development in the wetland, emergency access to the development, retention of an isolated preservable tree, impact of park maintenance on HOA fees, development of the private active neighborhood park, Federal and State agency permitting, and FEMA floodplain mapping.
 3. PowerPoint slides - April 18, 2019 - used as imagery and talking points for several oppositional testimonies at the April 18, 2019 public hearing.

4. Baker Creek Hydrologic Analysis (prepared by PBS Engineering for FoBC) – May 9, 2009 – providing analysis indicated that FEMA floodplain maps are in need of revision, proposed development could occur in areas of flood risk but with FEMA designation, and that proposed development would not significantly increase downstream flow.
 5. Power Point slides - May 16, 2019 - used as imagery and talking points for several oppositional testimonies at the May 16, 2019 public hearing.
- Steve and Catherine Olsen, 2650 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on concerns of development in the wetland, increased traffic in the Oak Ridge developments, Great Neighborhood Principles, and Federal and State agency permitting, and FEMA floodplain mapping.
 2. Letter - May 8, 2019 - expressing opposition to the application because of impact of the proposed development on traffic, public safety, and existing Oak Ridge CC&Rs, and the desire to preserve the 11.47 acre parcel as a nature preserve.
 3. Letter - May 16, 2019 - expressing opposition to the applications and support for preserving 11.47 acre parcel as a nature preserve.
 - Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on concerns of development in the wetland, steep slopes, construction access, potential loss of trees, and loss of lifestyle on Pinot Noir Drive.
 2. Letter - May 6, 2019 - expressing opposition to the application based on traffic impact to the surrounding neighborhoods, and the impact of development on the lifestyle of the surrounding neighborhoods.
 3. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
 - Tim and Margaret Roberts, 1069 NW Baker Crest Court
 1. Letter - April 15, 2019 - expressing opposition of the application based on concern for potential downstream flooding impact.
 - Friends of Yamhill County, 501c3 Non-Profit, PO Box 1083, McMinnville
 1. Letter - April 15, 2019 - expressing opposition of the application based on impact to wetlands.
 - Yamhill Soil & Water Conservation District, 2200 SW 2nd Street
 1. Email - April 16, 2019 - expressing concern over the proposed development based on potential impacts to wetlands, and removal of vegetation along Baker Creek.
 - Jan and Randy Hartzell, 1093 NW Baker Crest Court
 1. Email - April 17, 2019 - expressing opposition to the application based on potential downstream flooding impact and inaccurate FEMA maps.
 - Housing Land Advocates and Fair Housing Council of Oregon, 501c3 Non-Profit, 1221 SW Yamhill Street #305, Portland
 1. Letter - April 17, 2019 - expressing concern that Statewide Goal 10 findings had not been made, and the proposal not evaluated under the HNA and BLI.
 - 1. Glen Westlund (no address provided)
 1. Email - April 18, 2019 - expressing concern over the proposed development based on potential impacts to wetlands and wildlife habitat.

2. Carmen Mendenhall, 2410 NW Zinfandel Loop
 1. Letter - April 18, 2019 - expressing opposition to the applications based on the impact of the proposed development on neighborhood livability.
 2. Email - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, development impact to the Baker Creek riparian corridor, and loss of wetlands.
3. Gail Norby, 2840 NW Pinot Noir Drive
 1. Letter - April 18, 2019 - expressing opposition to the application based on potential impact of traffic on neighborhood livability.
4. Scott Wellman, 2756 NW Pinot Noir Drive
 1. Letter - April 18, 2019 - expressing opposition to the application based on potential impact on wildlife habitat.
 2. Letter - May 16, 2019 - expressing opposition to the applications based on loss of wetlands.
5. Bill Kabeiseman, Bateman Seidel (representing Friends of Baker Creek), 888 SW 5th Avenue, Suite 1250, Portland
 1. Letter - April 18, 2019 - expressing opposition to the application based on impact on the wetlands that would be inconsistent with the Comprehensive Plan, that Ordinance 4845 limits Oak Ridge Meadows to 76 lots, and that there is no approved wetland delineation or mitigation plan.
 2. Letter - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, extension of Pinehurst Drive to eastern property line, potential impacts on downstream flooding, and loss of wetlands.
6. Valerie Kelly, McMinnville
 1. Email – April 22, 2019 - expressing opposition to the application based on potential downstream flooding impact and inaccurate FEMA maps.
7. Helen Bitar, 30500 SW Moriah Lane, Sheridan
 1. Email - May 6, 2019 - expressing opposition to the application based on loss of wetlands.
8. Michael and Sherill Roberts, 2812 NW Pinot Noir Drive
 1. Letter – May 7, 2019 - expressing concern for public safety and livability during construction of proposed development. The testimony suggests requiring the improvement of Shadden Drive for construction access, and expediting the restriping project for Baker Creek Road.
 2. Letter - May 16, 2019 - expressing concern for public safety and livability during construction of proposed development. The testimony suggests requiring the improvement of Shadden Drive for construction access, and expediting the restriping project for Baker Creek Road.
9. Rob Stephenson, 1081 NW Baker Crest Court
 1. Letter – May 8, 2019 - expressing opposition to the application based on potential downstream flooding impact, and impact of the development on wetlands.
- Les Toth, 2700 NW Pinehurst Drive

1. Letter – May 13, 2019 - expressing opposition to the applications based on impact of proposed Pinehurst Drive on wetlands and adjacent property.
- Stephanie Rudolph, 2849 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing concern about traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
 - Melba Smith, 2780 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and impact on existing streets.
 2. Photograph - May 16, 2019 - indicating extent development impact on existing wetlands.
 - Terry and Beth Uhrinak, 2731 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
 - Anniedear Chappell, 1334 NW Zinfandel Court
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood.
 2. Email - May 14, 2019 - expressing concern over existing traffic systems and pedestrian safety in Oak Ridge neighborhood that would be compounded by new traffic.
 - Erin Stanton & Sarah Hadfield, 2687 NW Pinot Noir Drive
 1. Email - May 14, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and calling on neighbors to submit testimony.
 - Steve and Sarah Fox, 2687 NW Oak Ridge Drive
 1. PowerPoint slides - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and concern over previous land fill activity.
 - Ray and Nina Clevidence, 1493 NW Riesling Way,
 1. Letter - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and loss of wetlands.
 - Justin Maynard (submitted by Catherine Olsen), PBS Engineering, 415 W 6th Street, Vancouver, WA
 1. Letter - May 16, 2019 - summarizing the analysis and findings of the Baker Creek Hydrologic Analysis. The analysis indicated that FEMA floodplain maps are in need of revision, and proposed development could occur in areas of flood risk but with FEMA designation.
 - Unattributed (no name provided)
 1. Letter - May 16, 2019 – provided at the public hearing - listing several Comprehensive Plan policies related to natural features, transportation and traffic systems, and provision of open space and natural areas.
 2. Letter – May 18, 2019 – posted to several public buildings – expressing opposition to proposed development based on lack of affordable housing and loss of wetlands.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS:

1. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on July 26, 2018.
2. The property owner, Premier Development, LLC, submitted the Tentative Subdivision application (S 3-18) on October 24, 2018.
3. The application was deemed complete on January 24, 2019.
4. After planning staff requested clarification on a couple of items, the applicant submitted a revised application on March 28, 2019.
5. The applicant provided written notice requesting a 60 day extension of the 120 day land use decision time limit on March 1, 2019 to July 23, 2019.
6. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of State Lands.

Comments received from agencies are addressed in the Decision Document.

7. Notice of the application and the April 18, 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.
8. Notice of the application and the April 18, 2019 Planning Commission public hearing was published in the News Register on Tuesday, April 9, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
9. On April 18, 2019, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission continued the public hearing to May 16, 2019.
10. Notice of the May 16, 2019 Planning Commission public hearing was published in the News Register on Tuesday, May 7, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
11. On May 16, 2019, the Planning Commission held a duly noticed public hearing to consider the request.
12. On June 5, 2019, the applicant provided written notice requesting a 21 day extension of the land use decision time limit on March 1, 2019. The land use decision time limit now expires on August 13, 2019.

VI. FINDINGS OF FACT - GENERAL FINDINGS:

1. **Location:** Generally north of Baker Creek Road and NW Pinot Noir Drive, south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R 4 W.,

W.M.)

2. **Size:** 35.47 acres.
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 PD (Single Family Residential Planned Development)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** Wetlands
8. **Other Features:** The site is level at the existing terminus of Pinot Noir Drive, then slopes steeply downhill to the northeast, towards Baker Creek. Mature native oak trees are found on the uphill portion of the site, and wetlands are found on the lower portion of the site.
9. **Utilities:**
 - a. **Water:** Water service is available to the property.
 - b. **Electric:** Power service is available to the property.
 - c. **Sewer:** Sanitary sewer service is available to the property.
 - d. **Stormwater:** A storm water facility serving the Oak Ridge development is in the northeast corner the subject site. A storm drain easement provides storm sewer access for that facility.
 - e. **Other Services:** Other utility services are available to the property. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** No streets or public rights-of-way exist within the subject site. NW Pinot Noir Drive is classified as a Local Residential Street in the Transportation System Plan (TSP). The street terminates at the property line of the subject property. At its termination, NW Pinot Noir Drive has a curb-to-curb dimension of 21 feet.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Tentative Subdivision are specified in Section 17.53.070 of the Zoning Ordinance.

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

Comprehensive Plan Volume II:

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

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

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

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

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

Policy 2.00 The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristic, and natural hazards.

Policy 5.00 The quality of the air resources in McMinnville shall be measured by the standards established by the Oregon Environmental Quality Commission and the Federal Environmental Protection Agency.

Policy 9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate limits as “floodplain” to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.

Policy 12.00 The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.

APPLICANT’S RESPONSE: Goal II 1 and Policies 2.00, 5.00, 9.00 and 12.00 are satisfied by this proposal in that no development is proposed on lands with identified building constraints such as excessive slope, limiting soil characteristic(s) and/or natural hazards; wetlands and wetland mitigation shall be discussed further in findings provided below. Any and all infrastructure and right-of-way improvements shall be designed, proposed, reviewed and permitted as per standards and requirements administered and supported by the City of McMinnville. While there are no residential development requirements or standards addressing the quality of air resources in McMinnville, the City is cognizant of standards established by the Oregon Environmental Quality Commission and the Federal EPA as they relate to impactful commercial or industrial uses within the city.

Additionally, there are no lands being proposed for development that are identified as Floodplain on the McMinnville Comprehensive Plan Map or as being located within zone AE of the associated Federal Emergency Management Association (FEMA) Flood Insurance Rate Maps (FIRM); any storm drainage outfall as described further in the application shall only occur as reviewed and permitted by the City of McMinnville Engineering Department inclusive of any additional review or permitting as directed by the City. Noise compatibility between adjacent single-family residential developments is established in that there are no adopted policies that address adjacent same-type development as being potentially noise incompatible. The intent of this proposal is to allow the creation of single-family residential development to be located adjacent to existing single-family residential development and is therefore not an incompatible proposed use.

FINDING: SATISFIED WITH CONDITION 4. City concurs with the applicant’s findings, and adds that the City of McMinnville shall require evidence of compliance with all applicable local, state, and federal standards and regulations relating to development controls on lands with identified building constraints, including but not limited to, excessive slope, limiting soil characteristics, natural hazards, and wetlands. A condition of approval requiring the final

wetland delineation and report for the wetlands on the site and any required wetland mitigation to be reviewed and approved by the Department of State Lands has been included.

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

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

APPLICANT'S RESPONSE: Goal V 1 and Policy 58.00 are met by this proposal in that a range of residential lot sizes are proposed that will provide opportunity for development of a variety of housing sizes and densities. The existing Planned Development (Ordinance 4822) requires a minimum average minimum lot size of 7,500 square feet which Premier Development is not proposing to amend. While this currently required average minimum lot size is 500 square feet larger than that required of the adjacent multi-phased Oak Ridge Planned Development (Ordinance 4722), and by the base standards of the R-2 zone, Premier Development is supportive of the City Council's prior decision for the Oak Ridge Meadows site and has incorporated that minimum average lot size requirement into this current proposal; and also within each individual phase of this proposed two phase subdivision (a spreadsheet has been prepared showing the proposed sizes of each lot in each subdivision phase (Exhibit 10). The existing Planned Development condition establishing an average minimum lot size allows for the provision of a range of lot sizes within the development area which adds to the variety of housing opportunities to be made available within the community.

FINDING: SATISFIED. City concurs with the applicant's findings. The proposed subdivision would comply with the companion planned development amendment (PDA 4-18) allowing an average lot size of 7,771 square feet. Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and localized densities within the overall planned area. The overall density of the planned development would meet the requirements of the underlying R-2 zone.

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

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

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

Westside Density Policy

Policy 71.01 The City shall plan for development of the property located on the west side of the city that is outside of planned or existing transit corridors (1/4 mile either side of the route) to be limited to a density of six units per acre. It is recognized that it is an objective of the City to disperse multiple family units throughout the community. In order to provide higher density housing on the west side, sewer density allowances or trade-offs shall be allowed and encouraged. (Ord. 4961, January 8, 2013; Ord.4796, October 14, 2003)

Policy 71.06 Low Density Residential Development (R-1 and R-2) Low-density residential development should be limited to the following:

- 1. Areas which are committed to low density development and shown on the buildable lands inventory as “developed” land;*
- 2. Areas where street facilities are limited to collector and local streets;*
- 3. Areas with mapped development limitations such as steep slopes, floodplains, stream corridors, natural drainageways, and wetlands; and*
- 4. Areas with limited capacity for development identified in approved facility master plans, including sanitary sewer, water, drainage, and transportation facilities. (Ord. 4796, October 14, 2003)*

Policy 71.08 Slightly higher densities (R-2) should be permitted on lands that exhibit the above-listed characteristics (Policy 71.06), and following factors or areas:

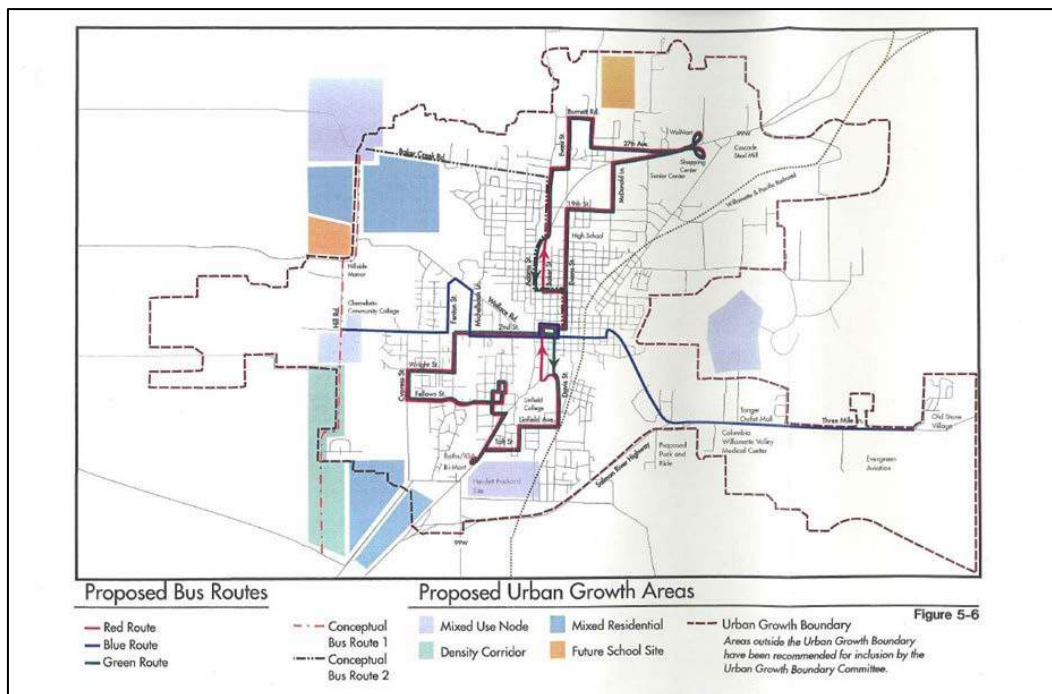
- 1. The capacity of facilities and services;*
- 2. Within one mile of existing or planned transit;*
- 3. Lower sloped areas within the West Hills;*
- 4. Riverside South area (lands more than 500 feet from planned and existing heavy industrial lands);*
- 5. Proximity to jobs, commercial areas, and public facilities and services, should be zoned for smaller lots; and*
- 6. Proximity to and having potential impact upon identified floodplains and other environmentally sensitive areas (the higher the potential impact, the lower the allowed density). (Ord. 4796, October 14, 2003)*

APPLICANT’S RESPONSE: Goal V 2 and Policies 68.00, 71.00, 71.01, 71.05, 71.06 (1-4), and 71.08 (1-6) are met by this proposal in that the two requested Planned Development Amendment requests are processed as zone changes in McMinnville and are binding on the sites. The subject site is identified as Residential on the McMinnville Comprehensive Plan Map and carries zoning designations R-2 PD set by the previous approvals of Ordinances 4722 and 4822. Approval of these proposed Planned Development Amendment requests and phased subdivision plan will result in this site retaining an R-2 PD zoning designation and a new, binding, development plan memorialized by adoption of a new ordinance. The resulting R-2 PD designation of this site is a zoning designation allowed and supported by the Residential designation of the site on the McMinnville Comprehensive Plan Map.

This proposal provides a range of residential single-family lot sizes thereby promoting an energy-efficient and land intensive development pattern. This proposal encourages both social and environmental benefits by planning for residential lots of various sizes in a cohesive arrangement of opportunities throughout the development. While the more moderate and smaller lots tend to be more centrally located within the development, this arrangement is far from exclusive and results in a complementary blending of similarly sized lots with the lots nearby in the adjacent Oak Ridge development (please refer to the more detailed description of

this lot arrangement found in Section IV above as additional support in satisfying these policies). The resultant lot sizes and dimensions that are proposed to be located around the perimeter of the site allow for reasonable sized building envelopes to be located on the upper portions of each lot and thereby preserve the natural slope and tree cover that will make up the extended backyard areas of some of these lots. Retention of the existing natural downslope surface drainage capacity is preserved by the proposed public dedication of the approximately 5.6 acres of open greenspace located at the toe of the slope that exists around the perimeter of much of this planned development site. The site contains a wetland on its eastern side which eliminates that land from being developed. Premier Development also proposes the creation of an approximately 0.85-acre active private neighborhood park, to be maintained by a Homeowner's Association to be created by Premier Development, which will preserve a number of the mature Oak trees that exist on that site. Both of these open space areas are new to this development proposal and were not part of that which was previously supported and approved by the McMinnville City Council. These open spaces are unique and innovative to McMinnville prior residential planning approvals and will be a unique natural environmental resource and a recreational benefit to the residents of this development and other neighborhoods.

While not close to McMinnville's urban center, the subject site is located in an area already committed to low density residential development and served by access to an adjacent local street network. City services can be extended from adjacent development sufficient to adequately accommodate and serve this proposal. Planned public transit is shown well within the one-mile requirement of the site and is identified as Conceptual Bus Route 2 on Figure 5-6 of the adopted McMinnville Transit Feasibility Study shown below.



In addition, land comprising the entirety of the subject site is currently zoned R-2 PD. This proposal does not exceed a residential density of 6 dwelling units per acre and so does not exceed maximum allowable density of the underlying R-2 zone of this site. This proposed subdivision, and each of the two individual phases of the proposed subdivision, also complies with Condition of Approval 2 of Ordinance 4822 (Exhibit 2) which states "That the average lot size within the Oak Ridge Meadows subdivision shall be 7,500 square feet." - While this Condition uses common McMinnville Planning Department, Planning Commission and City Council parlance of the time stating that the average lot size *shall* be 7,500 square feet, it is

established as understood to mean an *average minimum* lot size of the stated figure. This intent and understanding is evident by the legal platting and subsequent build-out of numerous residential Planned Development approvals over the decades relying on such conditions to mean an *average minimum* lot size. If, however, the McMinnville Planning Department, Planning Commission and/or City Council determines that it is uncomfortable with this practice of the adopted language meaning an *average minimum* lot size of 7,500 square feet, then Premier Development requests that Condition of Approval 2 of Ordinance 4822 be modified to refer to an average minimum lot size of 7,500 square feet in place of the current language referring to an average lot size of 7,500 square feet.

FINDING: SATISFIED. The subject site of the proposed subdivision and planned development is designated Residential on the Comprehensive Plan map and is in an area where urban services are already available. The proposed subdivision and companion Planned Development Amendment (PDA 4-18) would allow development of the land to provide a variety of housing types through the lot size averaging provision of the planned development. The proposed planned development density of 108 dwelling units on 35.47 acres is below the six unit per acre limit established by the Westside Density Policy. Because the site has mapped development limitations such as floodplains and wetlands, and street facilities limited to local streets, the low-density residential development supported by the companion Planned Development Amendment is appropriate. The proposed subdivision would help achieve buildable land planned and zoned for residential housing, helping to meet McMinnville's housing needs. City notes that the applicant's finding indicates an approved development plan would be binding, however binding the development plan to the zone is not a condition of approval of the request.

Planned Development Policies

- Policy 72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.*
- Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*
- Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.*
- Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.*
- Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.*
- Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.*
- Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.*

APPLICANT'S RESPONSE: The seven Planned Development policies listed immediately above have already been met by this proposal in that these policies having already been

determined to be met by evidence of the City Council's previous adoption of Ordinance 4722 and Ordinance 4822 for what is now the subject site. This current proposal also seeks to amend Ordinance 4722 by making its boundary smaller by removing its undeveloped portion of land for placement within the boundary of the adjacent Planned Development area currently represented by Ordinance 4822, but not compromise Ordinance 4722's compliance with these policies. This proposal also seeks to amend Ordinance 4822 to include this referenced land area, and in other specific ways stated within this proposal, that will continue compliance with these policies. The additional findings provided below further support and demonstrate compliance with McMinnville Planned Development policies listed above in addition to the findings relied on by the City in the adoption of Ordinances 4722 and 4822.

In discussion with the McMinnville Planning Department, it has been made clear that the intent of Policies 72.00 and 74.00 is essentially to address the potential impact of the proposal on future residents of the development and the city relative to Oregon Planning Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources). In addressing these policies it is helpful to observe that the larger lots in this phased development plan are generally proposed to be located around much of the perimeter of the site to allow for reasonably sized building envelopes to be located on the upper portions of those lots and thereby preserve and retain the natural slope and existing tree cover that will make up the extended backyard areas of many of these lots. This intentional design to achieve slope preservation complements the proposed adjacent public dedication of the approximately 5.6 acres of open greenspace located beyond the toe of the slope that exists around the perimeter of much of this planned development. Additionally, the creation of the approximately 0.85-acre active private neighborhood park to be created by Premier Development and maintained by a Homeowners Association will preserve an additional number of the mature Oak trees that exist on the site. Of great environmental, neighborhood and community importance is the afore mentioned approximately 5.6 acres of public open space located along the southern edge of Baker Creek to be dedicated to the City by Premier Development, LLC. This large greenway open-space will be improved with a bark chip pedestrian walking trail, as recommended by the McMinnville Parks and Recreation Department, and will be accessed by three additional public pedestrian trail heads beginning at the edge of their adjacent public rights-of-way. Both of these different types of open space areas (the active private neighborhood park and the public greenway) are new to this development proposal and were not part of either of the two Planned Development/Subdivision proposals that were previously reviewed by and approved by the McMinnville City Council for this site. These open spaces will provide a unique natural environmental resource and a recreational benefit to the residents of this development. Creation of a Homeowner's Association to administer neighborhood covenants, codes and restrictions (CC&Rs) are recommended to be a condition of approval of this proposal.

In addition to the findings of the ordinances referenced above, Policy 73.00 is also satisfied by this proposal in that a wide range of lot sizes (4,950 square feet to 14,315 square feet in size) and configurations have been designed to provide a much greater choice of lot size and price point, and therefore a wider variation of housing size, design and cost, than found in most other approved neighborhoods in McMinnville. The chosen arrangement of these varying lot sizes in this proposal is intentional, partially based on topography and our desire to preserve natural site habitat features. Another driving reason for the proposed lot variation and arrangement of lots is our goal of arranging housing opportunities in a cohesive manner throughout the development that is both internally harmonious within the development site and is equally sensitive to and respectful of the sizes of nearby existing lots of the adjacent neighborhood. Exhibit 9 (Preliminary Subdivision Plat) is provided to assist with viewing the description of this lot arrangement in a spatial form. We have also prepared and provided Exhibit 10 (Oak Ridge Meadows Lot Sizes and Averages) to assist in identifying the square footage areas of individual lots to further demonstrate the proposal's sensitivity to existing adjacent lot sizes found within the abutting neighborhood as well as the topography and environmental features of the site. So while the more moderately sized and smaller lots tend to be more centrally located within the

development, this arrangement is far from exclusive and results in a complementary blending of similarly sized lots with nearby lots presently located in the adjacent Oak Ridge development.

Policies 75.00 and 76.00 are satisfied for reasons provided in Conclusionary Finding for Approval Number 4 above relative to the previously described range and location of both private and common open spaces.

Policies 77.00 and 78.00 are satisfied by this proposal in that the proposed street network complies with current adopted City public street standards and the requirements of the adopted McMinnville Transportation System Plan and will be constructed according to all applicable standards and requirements as amended by approval of this request in order to promote safe and efficient traffic flow for vehicles, pedestrians and bicyclists compatible with adjacent development as required by the City.

FINDING: SATISFIED WITH CONDITION 6, 12. The proposed subdivision proposal would be consistent with the companion planned development amendment (PDA 4-18) and therefore the planned development policies of the Comprehensive Plan. The design and layout of the subdivision allows for a variety of housing to be constructed on a variety of lot sizes. Lots would be oriented to preserve and retain natural features within the subject as far as is practical through compliance with the zoning departures established in the companion planned development amendment.

Common open space in the form of a private active neighborhood park, public open space greenway is designated in the subdivision as required by the companion planned development. Tract 1 containing the delineated wetlands is also commonly owned open space. The public open space greenway would be readily accessible to users with multiple access points to the trail. The private active neighborhood park is located in a generally central location within the unusually shaped subdivision so as to be readily accessible. Wetland viewing areas adjacent to the wetland would provide a benefit to the community. As shown on the applicant's Exhibit 6, a wetland viewing area east of the private active neighborhood park is proposed within the public-right-of-way. A condition of approval requiring a homeowner's association with maintenance responsibilities for common open space as well as the public open space greenway until 2032 has been included. A condition of approval requiring the relocation of the wetland viewing area into the common open space Tract 1 has been included. This condition will ensure that the subdivision's homeowner's association is assigned maintenance responsibilities for all common open space amenities.

Traffic systems internal to the subdivision would be built to City standards, which provide for safe and efficient traffic flow and give full consideration to pedestrian and bicycle pathways. Additional pedestrian ways included in the subdivision to break up unusually long block lengths provide further consideration of pedestrian and bicycle traffic flow.

The street network would be compatible with existing and anticipated circulation patterns of adjoining properties, as shown by the extension of Pinehurst Drive to proposed temporary termini at the southeast and southwest property lines, where it could be extended if and when adjacent properties develop. Because the planned development places limits on the number of dwelling units allowed within the subdivision until a second permanent street connection is provided, traffic expected on the adjacent with the condition of approval limiting the number of dwelling units allowed in the planned development until a second street connection provides access to the development and reduces traffic volume on NW Pinot Noir Drive.

Residential Design Policies

- 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. (Ord. 4796, October 14, 2003)*
- 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.*
- 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.*
- Policy 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.*
- Policy 83.00 The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.*

APPLICANT'S RESPONSE: Policies 79.00, 80.00, 81.00, 82.00 and 83.00 are met by this proposal in that the overall residential density, while compliant with the underlying R-2 zoning requirements, is set by the existing Planned Development which governs the minimum density of the majority of this site (Ordinance 4822, Condition 2). Premier Development is not proposing to modify that condition of approval and has designed this current development to respect and implement that condition. Similarly, Condition 3 of Ordinance 4722 also sets the density minimum for the currently unbuilt, 4th phase of the Oak Ridge development. This proposed Oak Ridge Meadows phased development plan has been designed to comply with each of these area-related density minimums relative to both Ordinance 4722 and 4822 in addition to complying with the R-2 density minimum of the McMinnville Zoning Ordinance for the entire site. As part of this proposed development, the natural drainage and most of the wetland features are proposed to be preserved as previously described in this application and as shown on the attached exhibits; for additional graphic and design information related to site topography, natural features, site drainage, and related street profiles, please refer to Exhibits 7, 11, and 29 – 45 (Exhibit 32 is a Streets Sheet Key for the related Street Plan & Profile Exhibits that follow). In addition to preservation of natural drainage and other site and project elements addressed above, Policy 80.00 speaks of the preservation of isolated preservable trees. This is particularly relevant to this development proposal in that there is an Oak tree with an approximately 66-inch diameter trunk located along the south edge of Lot 54 in Phase II of the proposed subdivision. The center of the trunk of this large Oak tree sits approximately 1.15 feet south of the southernmost edge of Premier Development's property and some 364-feet east of the subject site's southwestern corner. Premier Development endeavors and proposes to protect and maintain the health of this Oak tree during all phases of development including during the construction of this lot's future home. However, as the majority of this tree is not located on Premier Development's property, Premier Development does not maintain complete control of this situation. Regarding tree protection on the Oak Ridge Meadows site, Condition of Approval 4 of Ordinance 4822 addresses existing trees greater than 9 inches DBH.

Specifically:

“That existing trees greater than nine inches DBH (diameter at breast height) shall not be removed without prior review and written approval by the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site.”

To address the desire to protect this above referenced large Oak tree, Premier Development proposes that Condition of Approval 4 of Ordinance 4822 be modified by the City in such a way to provide for the sufficient protection of this “shared” tree throughout the infrastructure and platting phase of this development and through initial home construction on this lot as far as practicable.

Additionally, Premier Development requests that approval of the two-phased subdivision proposal be conditioned to require that an arborist’s inventory and report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine inches DBH located in those areas of the site which may be impacted by the construction of streets, utilities, and future residences. It is proposed that such inventory and report be provided prior to the issuance of permits for the construction of the Oak Ridge Meadows subdivision. -- A copy of the 1999 arborist’s report for Oak Ridge is attached to this proposal for reference (Exhibit 46) as it provides a tree inventory for the portion of the subject site generally characterized as the fourth phase of the Oak Ridge development. However, as this report is now 20 years old, Premier is recommending that this area representing the fourth phase of the Oak Ridge subdivision be included as part of the new arborist’s analysis area.

In addition to findings provided supportive of the adoption of Ordinances 4722 and 4822, the following additional findings are also provided relative to Policies 81.00 and 82.00. The submitted street layout proposes to connect with the existing surrounding street network and provide for the ability to access other adjacent undeveloped land to serve future potential development proposals (Exhibit 6). This is accomplished by the proposed street layout in two ways.

First, by the construction of NW Pinehurst Drive to the eastern extent of the site and then to be temporarily terminated with a street barricade and appropriate signage as directed and required by the McMinnville Engineering Department. This temporary terminus would then allow for the future extension of SW Pinehurst Drive to serve and connect to property to the east. Second, by the construction of NW Pinehurst Drive to the southwestern-most extent of the site (between proposed lots 55 and 56 of Phase 2). This temporary terminus would then allow for the future extension of SW Pinehurst Drive to serve and connect to property to the south. Additionally, a temporary emergency-only compacted gravel access easement is being proposed on adjacent land to meet Fire Department requirements as an interim measure to provide secondary emergency-only access to this site until such time that a full public street improvement across that adjacent land replaces this access’s temporary construction. This easement is relevant to the Findings presented here for these policies and is further addressed below at Findings 132.32.00 and 155.00 and such is also herein incorporated in this current Finding.

Dedication and construction of this local street network will provide required mobility opportunities for automobiles, as well as for pedestrians and bicyclists (particularly through the provision of public sidewalks built to public standards and through the provision of both private and public pathways leading to and through the open spaces provided as part of this

development proposal) in addition to providing public connection opportunities to undeveloped areas to the west and to the east.

The City's transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies addressed in these findings, and to preserve and enhance livability in McMinnville. Through this proposal's compliance and implementation of these applicable policies, standards and requirements and those applicable portions of the City's adopted Transportation System Plan as addressed by this proposal and these findings of fact, this Policy is satisfied.

FINDING: SATISFIED. City concurs with the applicant's findings, and notes that the companion planned development amendment would establish the average lot size to be approximately 7,770 square feet. The proposed development responds to density requirements of the underlying R-2 zone and existing planned development, as well as topographical features of the property with lots that average 7,771 square feet in area. Additionally, streets within the subdivision whose layout does not directly respond to the limiting topography and geography of the site ("A", "B", and "C" Streets, and "A" Court) are generally oriented in an east-west direction. This maximizes the potential for unobstructed solar access to lots along these streets, which account for approximately half the proposed lots. To the extent physically possible, given the site size, shape and street connection design standards, the proposed lots are provided the potential for unobstructed solar access to the maximum extent feasible.

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 provided on the submitted Overall Utility Plan (Exhibit 7), the Detention Pond Grading Plan (Exhibit 29) and as represented in the Toth Sanitary Sewer Easement (Exhibit 25), Policy 99.00 (1-5) is met by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and proposed street systems (additional street system detail provided elsewhere within these collective findings) within the development either presently serve or can be made available to adequately serve the site. Additional overall site grading information is also provided on Exhibits 30 and 31. The Water Reclamation Facility has the capacity to sufficiently accommodate flow resulting from development of this site.

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

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

Streets

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

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

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

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

APPLICANT'S RESPONSE: Goal VI 1 and Policies 117.00, 118.00 (1-5) and 119.00 are satisfied by this proposal in that each of the proposed lots will abut public streets developed to City standards with adequate capacity to safely accommodate the expected trip generation resulting from this development. Local residential streets proposed within the development will connect at intersections and provide street stubs to adjacent land where appropriate. One cul-de-sac street is proposed due to the presence of adjacent wetlands and the configuration of the site in that location. The proposed street design will have minimal adverse effects on, and promotes advantageous utilization of, natural features of the land. In particular, the site's steep slopes are being avoided for purposes of right-of-way dedication and development, a large area of the site is identified as wetland and protected as depicted in Exhibits 6 and 8, and other lowlands are being utilized to create a public open space along the Baker Creek greenway. Much of the natural tree cover on the site will be retained and will generally exist as downslope backyard areas for some of the future residences. While wetland mitigation is anticipated to account for the construction of certain lower elevation portions of NW Pinehurst Drive, the proposed Fire Truck turn-around near the eastern end of NW Pinehurst Drive, and encroachment on some of the lower-lying proposed residential lots, this mitigation is the minimal amount possible in order to preserve the wetland features of the land as much as possible while still allowing economic use of the land to help meet McMinnville's identified housing needs.

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

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

- 3. Local Streets*
–Designs should minimize through-traffic and serve local areas only.

- Street widths should be appropriate for the existing and future needs of the area.*
- Off-street parking should be encouraged wherever possible.*
- Landscaping should be encouraged along public rights-of-way.*

APPLICANT’S RESPONSE: Policy 122.00 is satisfied by this proposal in that the proposed street design is comprised of local residential streets that will serve the local area only. The street widths (a 28-foot wide paved section within a 50-foot wide right-of-way) is appropriate for both the existing and future needs of this development site and adjacent residential development. Off-street parking shall be provided at 200% the requirement found in the McMinnville Zoning Ordinance as described further below in these findings. Landscaping shall also be provided as approved by the Landscape Review Committee’s forthcoming approval of a tree planting plan along both sides of all proposed rights-of-way.

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

Parking

Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

APPLICANT’S RESPONSE: Policies 126.00 and 127.00 are satisfied by this proposal in that offstreet parking will be required for all single-family residences as specified by the McMinnville Zoning Ordinance. Such off-street parking (a minimum of two onsite parking spaces for each residence as per 17.60.060(A)(5) of the McMinnville zoning ordinance) shall be required of each single-family residence as a condition of building permit approval. It is also Premier Development’s intent to provide four paved off-street parking spaces for each residence which is at a level that is 200% of what is required by the McMinnville Zoning Ordinance.

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

Bike Paths

Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. (Ord.4922, February 23, 2010)

Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.

Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)

Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

APPLICANT'S RESPONSE: Policies 130.00, 131.00, 132.00 and 132.15 are satisfied by this proposal in that the public sidewalks that will be constructed as part of the required street improvements will provide pedestrian connections within and beyond this subdivision.

A meandering pedestrian pathway will also provide pedestrian access traversing the proposed active private neighborhood park that will connect NW Pinot Noir Drive with the lower elevation of NW Pinehurst Drive for the enjoyment of residents and enhanced pedestrian mobility within the neighborhood. This pathway will also provide an alternative opportunity to gain access to the NW Pinehurst Drive entry point of the open space greenway trail that will encircle most of the perimeter of the Oak Ridge Meadows development. Two other additional public access pathways to this greenway will also be provided; one to be provided along the south side of Lot 56 and the other to be located between Lots 75 and 76. This greenway path will also provide a future opportunity to extend and continue through adjacent residential land to the west when that land develops.

Public streets designed to implement the requirements of the Bicycle System Plan (Chapter 6) of the McMinnville Transportation System Plan (TSP) provide for enhanced bicycle connection of residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. These design elements of the Bicycle System Plan are specifically applicable to collector and arterial streets and, as identified in Exhibit 2-4 of the TSP (Complete Street Design Standards) not part of the street design standards of either Neighborhood Connectors or Local Residential streets. Exhibit 2-4 (provided below and also available on the City of McMinnville website) of the McMinnville TSP also states that bike facilities are noted as being Shared Lanes for Neighborhood Connector and Local Residential streets; all of the streets designed and proposed as part of this development plan are identified as Local Residential streets and will accommodate bike facilities in the form of Shared Lanes. By designing and constructing the proposed local residential streets to the applicable requirements of the TSP's Complete Streets Design Standards, and as evidenced by the Findings presented above, these Policies have been met.

Exhibit 2-4 Complete Streets Design Guideline

Complete Street Design Standards								
Streetscape	Street Profile		Arterial		Collector		Neighborhood Connector	Local Residential
			Major	Minor	Major	Minor		
	Bike	Auto/Truck Amenities (lane widths)	2-4 lanes (12 ft.)	2 lanes (11 ft.)	2 lanes (11 ft.)	2 lanes (10 ft.)	See Street Width	See Street Width
		Median / Center Turn Lane	14 ft.	12 ft.	12 ft.	10 ft.	None	None
		Bike Facility	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (5 ft.)	2 Lanes (5 ft.) or Shared Lane	Shared Lane	Shared Lane
		Curb-to-curb Street Width						
		On-Street Parking	na	na	na	30 or 40 ft.	28 ft.	28 ft.
		Two Sides	na	na	na	30 or 40 ft.		
		None	74 ft.	46 ft.	44 ft.			
	Pedestrian Zone	Pedestrian Amenities						
		Sidewalks (both sides)	8 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft.	5 ft.
		Planter Strips		6 ft. Res na Com	6 ft. Res na Com	6 ft. Res na Com	5 ft. Res	5 ft. Res
		Preferred Adjacent Land Use - Intensity	High	Medium to High	Medium	Medium	Medium to Low	Low
		Maximum Average Daily Traffic	32,000	20,000	16,000	10,000	1,200 - 3,000	1,200
		Traffic Calming	Not Typical	Not Typical	Not Typical	Permissible/ Not Typical	Permissible/ Not Typical	Typical
		Managed Speed	35 mph	30-35 mph	25-30 mph	25 mph	25 mph	15-25 mph
		Through-traffic Connectivity	Primary	Typical	Typical	Typical	Not Typical	Not Permissible
		Access Control	Yes	Yes	Some	Some	No	No
		Maximum Grade	6%	6%	10%	10%	12%	12%
		Right-of-Way:	104 ft.	96 ft.	74 ft.	56 ft. (no bike lane) 66 ft. (bike lane)	50 ft.	50 ft.

General Design Notes:

- Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. For arterial and collector streets within industrial zones, lane widths shall be 12 feet.
- An absolute minimum lane width for safety concerns is 7 ft. on arterial and 4 ft. on collector streets, which is expected to occur only in locations where existing development along an established route or other severe physical constraints preclude construction of the preferred facility width.
- Street design for each development shall provide for emergency and fire vehicle access.
- Sidewalks 10-12 feet in width are required on commercial routes to accommodate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and business access are to meet ADA requirements for pedestrian access.
- Speeds in the existing roadway district may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.
- None with no street parking.

Street Design Standard Notes:

- Inclusive of side slope easements which may be required in addition to the curb and 5 ft. in rough terrain.
- The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land developments already present or proposed in the area.
- The right-of-way, street width, improvement standards, and maximum intensity of commercial/industrial/cul-de-sacs and streets shall be dependent upon the type of vehicle traffic to be served.
- Intersecting streets shall be designed to provide a safe and efficient intersection. A 10-foot minimum clear width shall be provided for all intersections. A 10-foot minimum clear width shall be provided for all intersections. A 10-foot minimum clear width shall be provided for all intersections.
- Sidewalks and planting strips shall not be required along easements.
- For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the block and appropriately spaced along the floor of the cul-de-sac as determined by the McMinnville Fire Department.

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

Connectivity and Circulation

Policy 132.26.05 New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: Policy 132.26.05 is satisfied by this proposal in that the new street connections and associated pedestrian and bicycle features provided in this proposal and its exhibits are consistent with the applicable local street connectivity elements outlined in the McMinnville Transportation System Plan (TSP) and administered by the City.

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

Supportive of General Land Use Plan Designations and Development Patterns

Policy 132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: Policy 132.27.00 is satisfied by this proposal in that the proposed street design reflects and supports the Residential land use designation of the site as identified on the McMinnville Comprehensive Plan Map and urban development patterns within the surrounding area identified by elements of the Comprehensive Plan identified and addressed within this application. The proposed transportation facilities and services are appropriate to serve the needs of the proposed development and are supportive of adjacent neighborhoods as determined by the City's adopted standards identified in this application, findings and exhibits.

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

Public Safety

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

APPLICANT'S RESPONSE: Policy 132.32.00 is satisfied by this proposal in two ways as addressed above in these findings. First, by the construction of NW Pinehurst Drive to the eastern extent of the site and then temporarily terminated with a street barricade and appropriate signage as directed and required by the McMinnville Engineering Department. A temporary turn-around found to be acceptable to the McMinnville Engineering and Planning Departments and the McMinnville Fire Department, would be provided near this terminus and along the north side of NW Pinehurst Drive (Exhibits 6, 9 and 47 in particular). This temporary terminus would then allow for the future extension of SW Pinehurst Drive to serve and connect to property to the east. Second, by the construction of NW Pinehurst Drive to the southwestern-most extent of the site (between proposed lots 55 and 56 of Phase 2). This temporary terminus would then allow for the future extension of SW Pinehurst Drive to serve and connect to property to the south.

Due to this site currently being served by only one public street, an additional access is required by Fire Department standards to support the development process as described below. The McMinnville Fire Code Applications Guide states, in part:

Multiple Access Roads: Developments of one and two family dwellings where the number of dwelling units exceeds 30, [...] shall be provided with not less than two approved means of access. Exceptions may be allowed for approved automatic sprinkler systems.

Premier Development proposes to comply with the McMinnville Fire Department's application of this standard and provide approved automatic sprinkler systems in residences in Phase 1 sufficient to remain in compliance with this standard.

Additionally, as there is only one public street connection currently in place to serve the two-phased Oak Ridge Meadows subdivision, a temporary emergency only access will be required in order to exceed the 30 unsprinkled home limitation described above. This emergency access, which will be placed in an easement, will be graded and finished with compacted rock to applicable standards and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road, across land currently owned by Stafford Land Company, to the southern edge of the Oak Ridge Meadows site at a point between proposed Lots 55 and 56 (Exhibit 26). [It is possible that this temporary emergency-only access may be shorter in length under a scenario described by Gordon Root of Stafford Land Company in an email where Stafford Land Company agrees to the granting of this temporary easement (Exhibit 27).] This temporary emergency-only accessway would then proceed northward on Premier Development's site along the proposed Phase 2 alignment of NW Pinehurst Drive to its intersection with "A" Street and then proceed generally eastward along the proposed "A" Street alignment to an alignment even with the proposed western edge of Lot 25 which is to be the westernmost lot along "A" Street in Phase I of the Oak Ridge Meadows subdivision. Fire Department approved gates would be located at both ends of this compacted gravel emergency-only accessway as directed by the McMinnville Fire Department. The McMinnville Fire Department has stated that, if such gates needed to be locked, they would be so with Fire Department approved locks. At such time that this adjacent land is to develop, this easement would then be revoked and public right-of-way be dedicated and improved to City standards providing a permanent second public street connection to the Oak Ridge Meadows development. This easement is relevant to the Findings presented here for this policy and its description and relevance is also hereby, with this reference, incorporated in the Finding for Policy 155.00.

FINDING: SATISFIED. City concurs with the applicant's findings, and notes that the temporary, emergency only access is proposed to be provided as required by the planned development for the subject site.

Livability

Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: Policy 132.35.00 is satisfied by this proposal in that the City's transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies and to preserve and enhance livability in McMinnville. Through this proposal's compliance and implementation of these standards and requirements and those applicable portions of the City's adopted

Transportation System Plan as addressed by this proposal and these findings of fact, this Policy is satisfied.

FINDING: SATISFIED. City concurs with the applicant's findings to the extent that transportation facilities within the proposed subdivision would be designed and constructed to City standards. A Traffic Impact Analysis (TIA) for the proposed development provided a Neighborhood Livability Evaluation. The TIA states:

“The livability of a street is generally determined by key factors such as vehicle speeds and volumes as related to pedestrian safety, bicycle safety and other vehicle movements along a neighborhood street. The City of McMinnville has not adopted or proposed a livability standard to measure the livability of local streets through neighborhoods, but the City has adopted a design capacity of 1,200 vehicles per day (vpd) on local neighborhood streets. In addition, other cities around the country have used Neighborhood Traffic Management Plans that trigger mitigation efforts when the average daily traffic (ADT) exceeds 1,000 vpd. While there is no specific volume threshold to indicate when the livability of the neighborhood has been reduced, these design standards provide a reasonable threshold.”

The analysis indicates the addition of 108 proposed single-family lots in a subdivision with initially only one improved street access would push the volume of traffic on the immediately adjacent local residential street (NW Pinot Noir Drive, northwest of Oak Ridge Drive) to its maximum threshold (1,200 vpd) it was designed to carry. The TIA shows that until a second, permanent improved street connection provides access to the proposed subdivision, the traffic generated by 108 single-family dwelling units would increase the vpd on the northwest portion of NW Pinot Noir Drive to its 1,200 vehicle limit. The TIA uses 108 single-family dwelling units (one dwelling unit per lot) as a basis for its average daily trip generation. However, two-family dwellings and accessory dwelling units are also permitted uses in the underlying R-2 zone. Should a lot(s) be developed with a two-family dwelling or an ADU, the increased daily trips from that additional dwelling units would push the volume of traffic carried by NW Pinot Noir Drive over its design limit of 1,200 vpd. The developer would be required to comply with the condition of approval of the planned development that limits development of the proposed subdivision to 108 dwelling units until such time that a second permanent improved street connection provides access to the proposed subdivision.

Circulation

Policy 132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:

- 1. Pedestrian circulation;*
- 2. Enhancement of emergency vehicle access;*
- 3. Reduction of emergency vehicle response times;*
- 4. Reduction of speeds in neighborhoods;; and*
- 5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.*
(Ord. 4922, February 23, 2010)

- Policy 132.41.05 Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints. (Ord. 4922, February 23, 2010)*
- Policy 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)*
- Policy 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)*
- Policy 132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: Policies 132.41.00(1-5), 132.41.05, 132.41.20, 132.41.25 and 132.41.30 are satisfied by this request in that the proposed street pattern provides a safe, interconnected and efficient network of residential accessibility to serve the proposed and adjacent existing residential neighborhoods. The one cul-de-sac street in this plan is proposed in response to the noted existence of an adjacent wetland and the unique shape this portion of the site where provision of a through-street is not possible. There are no arterial or collector streets within or adjacent to this development site. The proposed street system is designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the McMinnville TSP and is augmented for pedestrians through the provision of additional walking paths within and surrounding the proposed development. Vehicular access to the adjacent street system promotes safe street connectivity to the surrounding transportation network.

A Transportation Impact Study for this Oak Ridge Meadows proposal has been completed by the transportation planning and transportation engineering firm DKS and is attached to this proposal (Exhibit 28). In sum, this Study concludes that the proposed development is anticipated to result in the following impacts:

- The development will consist of 108-unit single family homes. The ultimate buildout of the site includes a connection to NW Baker Creek Road via an extension of NW Shadden Drive. In the interim, the development will be accessed via NW Pinot Noir Drive, NW Oak Ridge Drive, and Merlot Drive.
- The development is expected to generate 80 (20 in, 60 out) AM peak hour trips, 107 (67 in, 40 out) PM peak hour trips, and 1,020 daily trips.
- Intersection operations during the Interim Build and Full Build of Oak Ridge Meadows will continue to operate well under-capacity and will meet City of McMinnville operating standards. The addition of Oak Ridge Meadows traffic will not have a significant impact on the operations or delay experienced at the intersections of NW Baker Creek Road/NW Oak Ridge Drive and NW Baker Creek Road/Merlot Drive.
- An evaluation of the livability of neighborhood streets, as defined by the volume of traffic the streets were designed to handle (1,200 vpd), confirmed that the Oak Ridge Meadows development is not expected to have an adverse impact on the existing neighborhood streets.

Please refer to the Oak Ridge Meadows Transportation Impact Study (Exhibit 28) for additional detail.

The need for a temporary emergency-only access to support this proposal was addressed above relative to Policy 132.32.00 and is addressed below relative to Policy 155.00. This temporary emergency only access roadway will also aid in reducing emergency vehicle response times as it can provide a more direct route to some portions of Phase I until such time that it is replaced with a dedicated fully improved local public street across adjacent land. Additionally, travel speeds within this site are based on an adopted street classification scheme identified in the adopted McMinnville TSP. All streets in the proposed development are designed as local streets and, as such, are limited to a legal vehicular travel speed of 25 miles per hour as are the local streets in the adjacent residential neighborhoods. This residential vehicle speed limitation and the adopted local street design standards have been successful in McMinnville in mitigating neighborhood issues related to noise, pedestrian and bicycle movement, and aesthetics as evidenced in the adjacent residential neighborhoods; the closest being the adjacent multi-phased Oak Ridge neighborhood.

FINDING: SATISFIED. City concurs with the applicant's findings, with the exception that full development of the proposed 108 lots may have an adverse effect, should that full development include two-family dwellings or accessory dwelling units, which are permitted uses in the underlying zone. The Traffic Impact Analysis shows that the addition of 108 proposed single-family lots in a subdivision with initially only one improved street access would push the volume of traffic on the immediately adjacent local residential street (NW Pinot Noir Drive, northwest of Oak Ridge Drive) to its maximum threshold (1,200 vpd) it was designed to carry. The TIA shows that until a second, permanent improved street connection provides access to the proposed subdivision, the traffic generated by 108 single-family dwelling units would increase the vpd on the northwest portion of NW Pinot Noir Drive to its 1,200 vehicle limit. The TIA uses 108 single-family dwelling units (one dwelling unit per lot) as a basis for its average daily trip generation. However, two-family dwellings and accessory dwelling units are also permitted uses in the underlying R-2 zone. Should a lot(s) be developed with a two-family dwelling or an ADU, the increased daily trips from that additional dwelling units would push the volume of traffic carried by NW Pinot Noir Drive over its design limit of 1,200 vpd. Therefore, to mitigate other neighborhood concerns such as safety, noise, and aesthetics, the developer would be required to comply with the condition of approval of the planned development that limits development of the proposed subdivision to 108 dwelling units until such time that a second permanent improved street connection provides access to the proposed subdivision.

Environmental Preservation

Policy 132.46.00 Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: Policy 132.46.00 is satisfied by the proposal in that the street design, construction and maintenance methods required by the City were adopted to, in part, implement each element of this policy. These design, construction and maintenance methods administered by the City are satisfied as demonstrated in this proposal and as will be adhered to through the balance of the design, construction, inspection and approval process prior to the platting of this phased subdivision.

FINDING: SATISFIED. City concurs with the applicant's findings. Additionally, the proposed street layout is designed to avoid or minimize impact on geographical and environmental features found on site, including mature tree stands, steep slopes, and wetlands. Where

proposed streets do impact these features, the impact is the minimal amount necessary to provide required street access and connectivity to proposed lots and adjacent parcels. Mitigation of wetlands impacted by street construction would be required by the Department of State Lands, who maintains regulatory authority over delineated wetlands. All proposed streets would be required to meet City standards.

Policy 132.46.05 Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective. (4922, February 23, 2010)

APPLICANT’S RESPONSE: This Policy is satisfied through this proposal’s compliance with the applicable elements of the McMinnville Transportation System Plan and the McMinnville Zoning Ordinance as addressed in these findings of fact and attached Exhibits. The streets are proposed to be located in an efficient manner as described in this proposal and designed in a manner compliant with all City requirements for local residential streets as shown in the attached Exhibits.

FINDING: SATISFIED. City concurs with the applicant’s findings. Additionally, the proposed street layout is designed to avoid or minimize impact on geographical and environmental features found on site, including mature tree stands, steep slopes, and wetlands. Where proposed streets do impact these features, the impact is the minimal amount necessary to provide required street access and connectivity to proposed lots and adjacent parcels. Mitigation of wetlands impacted by street construction would be required by the Department of State Lands, who maintains regulatory authority over delineated wetlands. All proposed streets would be required to meet City standards.

Pedestrian Programs

Policy 132.54.00 Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)

APPLICANT’S RESPONSE: Policy 132.54.00 is satisfied by this proposal in that, with its approval, the City will have demonstrated support and encouragement for efforts that promote the health, economic and environmental benefits of walking for the individuals as well as for the greater McMinnville community. This would be achieved by the City’s receipt of a 5.6 acre public open-space greenway dedication improved with a walking path as well as supporting the creation of an active private neighborhood park to be provided with a curvilinear walking path connecting two neighborhood streets and the establishment of permanent child appropriate play features. The development of the greenway pedestrian path will occur proportionally with the completion of Phase 1 and Phase 2 of this development prior to platting; Premier Development recommends that this commensurate phasing of the greenway path improvement be made a condition of approval of this request. This municipal endorsement of the creation of these open spaces not only promotes walking for health and community livability, but also helps to preserve a more healthy environment by preserving natural elements both within and surrounding this residential development proposal.

FINDING: SATISFIED WITH CONDITIONS 9, 10. City concurs with the applicant’s findings, and notes that the companion planned development amendment would require public and private

open space as proposed. Conditions of approval have been included to describe the proportional development of the public and private open space.

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

Sanitary Sewer System

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

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

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

Storm Drainage

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

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

Water System

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

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

- 1. Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.*

2. *Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
3. *For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.*
4. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

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

Water and Sewer – Land Development Criteria

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

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

APPLICANT'S RESPONSE: Goal VII 1 and Policies 136.00, 139.00 (1-4), 142.00, 143.00, 144.00, 145.00 (1-4), 147.00 and 151.00 (1-5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. The City's administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville is required to continue to support coordination between City departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions. Additionally, the subject site will be converted in an orderly manner to urbanizable standards through the coordinated extension and provision of utilities and services (in particular, Exhibits 7, 25 and 29), and as conditioned through approval of this phased development proposal.

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

Police and Fire Protection

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

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

APPLICANT'S RESPONSE: Policies 153.00 and 155.00 are satisfied in that emergency service departments will be provided the opportunity to review this proposal. Additionally, all emergency services will have direct public street access to every lot within the proposed two-phased tentative subdivision plan on streets designed to meet all applicable City of McMinnville requirements.

Since this Planned Development Amendment application requests to amend Ordinance 4822, it is important to identify all such proposed amendments. Relative to Policy 155.00, Condition of Approval 5 of Ordinance 4822 currently states:

"That the number of lots allowed within the Oak Ridge Meadows subdivision shall be limited to a maximum of 76 lots. Additional lots may be permitted consistent with the submitted tentative plan upon the completion and acceptance of public street improvements to City standards that extend south from Pinehurst Drive (as labeled on the applicant's submitted tentative subdivision plan) and connect to Baker Creek Road."

With this current proposal, Premier Development offers a more achievable and timely alternative which complies with the Fire Department's unsprinkled dwelling unit limitation relative to emergency vehicle access requirements. Specifically, and as noted in the Finding provided above at 132.32.00 and incorporated into this Finding by this reference, Premier Development proposes utilization of a temporary emergency-only access which will be placed in an easement and will be graded and finished with compacted rock to applicable standards and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road, across land currently owned by Stafford Land Company, to the southern edge of the Oak Ridge Meadows site at a point between proposed Lots 55 and 56 (Exhibit 26). [It is possible that this temporary emergency-only access may be shorter in length under a potential scenario described by Gordon Root of Stafford Land Company in an email where Stafford Land Company agrees to the granting of this temporary easement (Exhibit 27).] This temporary emergency-only accessway would then proceed northward on Premier Development's site along the proposed Phase 2 alignment of NW Pinehurst Drive to its intersection with "A" Street and then proceed generally eastward along the proposed "A" Street alignment to the western edge of Lot 25 which is to be the westernmost lot along "A" Street in Phase I of the Oak Ridge Meadows subdivision. Fire Department approved gates would be located at both ends of this compacted gravel emergency-only accessway as directed by the McMinnville Fire Department. The McMinnville Fire Department has stated that, if such gates needed to be locked, they would be so with Fire Department approved locks. At such time that this adjacent land is to develop, this easement would then be revoked and public right-of-way be dedicated and improved to City standards providing a permanent second public street connection to the Oak Ridge Meadows development. This easement is relevant to the Findings presented here for this policy and its description and relevance is also hereby, with this reference, incorporated in the Finding for Policy 132.32.00.

Premier Development requests that the City modify Condition of Approval 5 of Ordinance 4822 to require provision of the currently described and proposed temporary emergency-only access easement in place of the secondary access requirement as currently stated by the condition.

FINDING: SATISFIED. City concurs with the applicant's findings, and a notes that the companion planned development amendment would require a temporary emergency-only access until such time that a permanent, improved street is built and provides a second vehicular access to the proposed development.

Parks and Recreation

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

APPLICANT'S RESPONSE: Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each housing unit at the time of the building permit application as required by McMinnville Ordinance 4282, as amended. These fees may be offset in part or in total by Premier Development's receipt of park SDC credits made available by way of their forthcoming public dedication of the approximately 5.6-acre open space greenway park within this planned development area.

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

Policy 163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)

Policy 166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

Policy 167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.

Policy 168.00 Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

Policy 169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

Policy 170.05 For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used. (Ord. 4796, October 14, 2003)

APPLICANT'S RESPONSE: Policies 163.05, 166.00, 167.00, 168.00, 169.00 and 170.05 are satisfied by this proposal in that an approximately 5.6 acre public open-space greenway park is

proposed to be dedicated by Premier Development for the use and enjoyment of the public. This greenway park is located around the west, north and most of the east perimeter of the site. In discussion regarding this project's proposed park spaces with the McMinnville Parks and Recreation Department, it was requested by the Department that this greenway be improved with a habitat friendly bark-chip trail similar in design and width to the greenway trail located along the Joe Dancer Park's South Yamhill River edge. The existing ability of this linear greenway to accommodate natural storm run-off will be retained and will be further supported by the proposed storm drainage system that will be designed and installed within the public right-of-way; additionally, and as shown on the submitted Overall Utility Plan, a ten-foot wide public storm easement is proposed to be created along the full distance of the southern property boundary of Lot 79, then transitioning to a rip-rap channel to be installed within the greenway. Additional stormwater detention is proposed along the site's eastern edge beyond the proposed cul-de-sac street (see Exhibits 6 and 29).

The City's receipt of this greenway park dedication is an important first step for the City of McMinnville as it will be the City's first acquisition of public greenway space along Baker Creek toward implementing its aspiration of acquiring public open space along the Baker Creek greenway connecting Tice Park to the BPA recreational trail and even beyond to the City's western urban edge. This dedication will preserve important natural open space, scenic areas and distinctive natural features along this greenway. Discussions in May of 2018 with the Planning Department resulted in direction from the Department that the City is requesting to have this land dedicated and improved to provide a public trail system at this site. Additionally, that the City is interested in the public dedication of the land necessary for that trail system, both along Baker Creek and on the western side of the property, to connect to a proposed trail system to be dedicated by Stafford Land on adjacent property to the west as part of their forthcoming development proposal for that site. Premier Development welcomes this direction and clarity from the City, and supports the Planning and Park Departments' guidance and is proud to dedicate this land and provide the requested improvement for public enjoyment of the natural greenway along this portion of Baker Creek.

The McMinnville Parks and Recreation Department, relying on guidance provided in the McMinnville Parks, Recreation, and Open Space Master Plan, also supports Premier Development's proposal to create the approximately 0.85 acre active private neighborhood park as part of Phase I of this subdivision. This active private neighborhood park will also be improved with a pedestrian pathway connecting NW Pinot Noir Drive with the lower elevation of NW Pinehurst Drive to the east and with the installation of permanent child-appropriate play equipment on the upland portion of the park. Both of these parks will preserve existing tree cover as much as practicable and as recommended by a certified arborist report and found acceptable by the McMinnville Planning Director.

FINDING: SATISFIED. City concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion planned development amendment (PDA 4-18).

Energy Conservation

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

Energy Supply Distribution

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

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

APPLICANT'S RESPONSE: Goal VIII 1 and Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas will be provided opportunity to review and comment regarding this proposal prior to the issuance of the Planning Department's staff report.

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

GOAL VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

Policy 178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

APPLICANT'S RESPONSE: Goal VIII 2 and Policy 178.00 are satisfied by the request as the development proposes a compact form of urban development allowing smaller lots where possible and larger lots as dictated by the site shape and topography. The average minimum lot size of this proposal is slightly greater than the average minimum lot size of 7,500 square feet (Exhibit 10) as specified by Condition of Approval 2 of Ordinance 4822 (Exhibit 2). Utilities presently abut the site and can be extended in a cost effective and energy efficient manner commensurate with this proposal and as shall be required by an approved phasing plan.

FINDING: SATISFIED. City concurs with the applicant's findings, but notes that the average lot size that would be established by the companion planned development amendment is 7, 771 square feet.

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

APPLICANT'S RESPONSE: Goal IX 1 is satisfied in that the subject site is located within both the McMinnville urban growth boundary and the McMinnville city limits and so identified for urban development according to adopted applicable goals, policies, standards and requirements. All urban services are currently available and adjacent to the site making the conversion of this site to urban uses orderly and timely.

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

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: Goals X 1, X 2, and Policy 188.00 are satisfied in that the City of McMinnville has adopted a Neighborhood Meeting program that requires applicants of most types of land use applications to hold at least one public Neighborhood Meeting prior to submittal of a land use application; this is further addressed under findings relative to McMinnville Zoning Ordinance Section 17.72.095, below. Additionally, the City of McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request at an advertised public hearing. All members of the public with standing are afforded the opportunity to provide testimony and ask questions as part of the public review and hearing process.

FINDING: SATISFIED. The process for a tentative subdivision approval provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.53. Land Division Standards

17.53.101 Streets.

A. **General.** The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

APPLICANT'S RESPONSE: The planned street layout provides for the northerly extension of NW Pinot Noir Drive to serve the subject site. The plan also provides for the future easterly continuation of NW Pinehurst Drive beyond the easterly edge of the site, and the southerly continuation of NW Pinehurst drive from the temporary terminus proposed to be located between Lots 55 and 56, both of which will provide future public access opportunities to other adjacent sites. The proposed streets are local streets to be permitted and constructed to City standards. Therefore, this criterion is met.

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

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or

APPLICANT'S RESPONSE: Due to the rather peninsular shape of a large portion of the subject site, and the site being bounded, in part, by Baker Creek and wetlands, continuation opportunities for streets to adjacent properties are limited as was recognized in the City's prior approvals of development proposals memorialized by the City Council's adoption of Ordinances 4722 and 4822 and their attendant preliminary subdivision plans. Since Premier Development is proposing to dedicate approximately 5.6 acres of open greenway space to the public for preservation and pedestrian enjoyment, a westerly street extension from this site is infeasible. However, as described above in the Finding for 17.35.101(A)(1), feasible street stubs will be provided to adjacent properties east and south. Additionally, while the adjacent Oak Ridge subdivision phases to the south incorporate a curb-to-curb dimension of 26-feet, Premier Development will not be continuing this design standard as the curb-to-curb street dimension requirement has since changed by City ordinance and is now required to be 28-feet in width at the curb-to-curb dimension. Premier Development proposes to comply with the current design standard which will result, not only in design compliance, but also in increased vehicle mobility and public safety which were main purposes in the revision of that street standard.

FINDING: SATISFIED. City concurs with the applicant's findings. The tentative subdivision would comply with the planned development requirements established for Oak Ridge Meadows in the companion planned development amendment (PDA 4-18).

3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans, the extension of NW Pinot Noir Drive and the creation of the majority of NW Pinehurst Drive that creates the outer street edge of the proposed development are generally configured in a north-south orientation. This is due to the configuration of the site, the placement of the current terminus of NW Pinot Noir Drive and the need to provide public street access to the extents of the site. All of the remaining streets and the northernmost portion of NW Pinehurst Drive are proposed with an east-west orientation and allow maximum opportunities for solar access to all adjacent lots. The Findings related to solar access provided in Finding of Fact 4 above are hereby with this reference are also incorporated into this Finding of Fact. Therefore, this criterion is met.

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

- B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table ["McMinnville Transportation System Plan, Exhibit 2-4 – Complete Streets Design Standards"]:

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans (e.g., Exhibits 6, 9 and 11) all proposed streets will meet all applicable right-of-way, street width and streetscape requirements inclusive of the requirements of Section 17.51.151 of the McMinnville Zoning Ordinance and McMinnville Transportation System Plan, Exhibit 2-4 – Complete Streets Design Standards. Therefore, this criterion is met.

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

- C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans (e.g., Exhibits 6, 9 and 11) all proposed streets will meet all applicable right-of-way, street width and streetscape requirements inclusive of the requirements of Section 17.51.151 of the McMinnville Zoning Ordinance and McMinnville Transportation System Plan, Exhibit 2-4 – Complete Streets Design Standards. Therefore, this criterion is met.

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

- D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

APPLICANT'S RESPONSE: All streets in this subdivision proposal are local streets and are shown on the tentative subdivision plans exhibiting rights-of-way and design features commensurate with local streets. While safe and efficient vehicular circulation is provided by this proposal, there are eight "T" intersections in the proposed street design:

1. The intersection of "A" Street and NW Pinehurst Drive located between Lots 55 and 85 that will be stubbed to the south;
2. The east and west ends of "B" Street at their intersections with NW Pinehurst Drive;
3. The east and west ends of "C" Street at their intersections with NW Pinehurst Drive;
4. The intersection of "A" Street and NW Pinot Noir Drive;
5. The intersection of NW Pinot Noir Drive and NW Pinehurst Drive; and,
6. The intersection of "A" Court and NW Pinehurst Drive.

None of these "T" intersections are of a design that exhibit alignments with streets oriented in the same, or approximately the same, direction. As can be observed on Exhibit 9 (Preliminary Subdivision Plat), all centerline street offsets of proposed "T" intersections exceed 125 feet. Therefore, this criterion is met.

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

- E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street.

APPLICANT'S RESPONSE: As shown on Exhibit 6 for example, this proposal provides for the future continuation of NW Pinehurst Drive to adjacent lands both to the south and east. The subject site is currently also served by public street access from developed land to the south. Baker Creek and its greenway lie adjacent to the site to the north and does not warrant a street stub at the site's northern edge. The proposed approximately 5.6-acre public greenway dedication to occur along the western edge of the site precludes a public street stub to the west; the land to the west has the opportunity to be served by approval of a forthcoming development

proposal utilizing Premier Development's southwesterly NW Pinehurst Drive street stub in addition to the creation of streets leading northward from Baker Creek Road as means of providing public street access to that future development site. Therefore, this criterion is met.

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

- F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans, there are five intersections that are proposed to be laid out approximating right angles:

1. The intersection of "A" Street and NW Pinehurst Drive located between Lots 55 and 85 that will be stubbed to the south;
2. The west end of "A" Street at its intersection with NW Pinehurst Drive;
3. The west end of "B" Street at its intersection with NW Pinehurst Drive;
4. The west end of "C" Street at its intersection with NW Pinehurst Drive; and,
5. The intersection of NW Pinot Noir Drive and NW Pinehurst Drive.

As can be observed on the submitted preliminary subdivision plans, the proposed street design complies with the requirements above and provides at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection. At intersections which contain an acute angle of less than 80 (eighty) degrees there is a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and the maintenance of a uniform width between the roadway and the right-of-way line (Exhibit 6). Therefore, this criteria is met.

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

- G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.

APPLICANT'S RESPONSE: This project abuts only one existing right-of-way which is the temporary northerly terminus of NW Pinot Noir Drive which was developed to meet current City right-of-way and design standards at the time of construction. Since that time, the City has amended the paved section requirement of local streets from 26-feet in width to 28-feet in width. NW Pinot Noir Drive will be extended northward as shown on the submitted preliminary subdivision plans and will initiate a transition to a paved section of 28-feet in width immediately north NW Pinot Noir Drive's current temporary terminus and will then continue further northward into the subject site to serve and provide access to other planned streets within the proposed neighborhood. No additional right-of-way from adjacent existing streets is needed to support approval of this proposal. Therefore, this criterion is met.

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

- H. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

APPLICANT'S RESPONSE: As shown on the submitted tentative subdivision plans, there are no half streets proposed as part of this development plan. Therefore, this criterion is met.

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

- I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans, there is one cul-de-sac planned as part of this proposal; "A" Court located in Phase I. At approximately 200-feet in total length, "A" Court is proposed to serve no more than seven (7) dwelling units if all of those proposed lots (Lots 34-40) were provided direct vehicular access from "A" Court. Therefore, this criterion is satisfied.

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

- J. Eyebrows. Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication. (Amended 11/18/94 by Ordinance 4573.)

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans, no eyebrows are planned. Therefore, this criterion is satisfied.

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

- K. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged. (Amended 10/9/90 by Ordinance No. 4477.)

APPLICANT'S RESPONSE: With the exceptions of NW Pinot Noir Drive and NW Pinehurst Drive, all other street names shown on the Tentative Subdivision Plan, are, at this time, conceptual in nature. The future naming of new streets will not propose names that will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Further, all proposed street names and all street numbers shall be as approved by the City. Therefore, this criterion is satisfied.

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

L. Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grad exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required.

1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

APPLICANT'S RESPONSE: The proposed streets are local streets and are not planned to exceed a grade of 12 (twelve) percent. As depicted on the submitted tentative subdivision plans and as will be reviewed by the McMinnville Engineering Department and Planning Department, the centerline radii of curves is not less than 100 feet as required by this standard except in locations dictated by the unique shape of the site and, as such, are approvable by the Planning Commission. Additionally, as shown on the attached Exhibits (e.g., Exhibits 30, 31, and 33-45), the proposed street grades comply with these requirements. Therefore, this criterion is met.

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

Criteria not Applicable: The following subsections of Section 17.53.101 are not applicable to this request as these circumstances do not exist within or adjacent to this proposal:

- M. Streets adjacent to a railroad right-of-way
- N. Frontage roads/streets
- O. Alleys
- P. Private way/drive
- Q. Bikeways [along arterial or collector streets]
- R. Residential Collector Spacing
- U. Gates

S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)

APPLICANT'S RESPONSE: All proposed streets will meet all applicable right-of-way, street width and streetscape requirements inclusive of curbside planter strips. All public sidewalks are shown on the attached Exhibits to be proposed to be five-feet in width and are to be placed one-foot from the right-of-way line along both sides of all proposed streets within this development. Therefore, this criteria is satisfied.

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

- T. Park Strips. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans, all proposed streets will meet all applicable right-of-way, street width and streetscape requirements inclusive of a curbside planter strip along both sides of all proposed streets. Premier Development also proposes one physical element to be placed within the planter strip along the east side of NW Pinehurst Drive, south of "A" Court. Premier Development is proposing the permanent installation of a bench within this portion of the planter strip to afford convenient long-term viewing of the adjacent wetlands for neighborhood residents and the community at large. This is being offered as an enhancement of the opportunity to enjoy this wetland area in a convenient and comfortable manner. This criterion is met.

While not directly related to park strip improvement requirements, Premier Development is also proposing the installation of a second permanent wetland viewing bench to be located at the northwest corner of the proposed fire truck turnaround to be located near the easternmost extent of NW Pinehurst Drive (Exhibits 6 and 9); this fire truck turnaround is proposed to satisfy Fire Department requirements related to emergency vehicle access and maneuverability. This fire truck turnaround is depicted on numerous submitted Exhibits inclusive of Exhibits 6, 7, 9, and 47.

FINDING: SATISFIED. City concurs with the applicant's findings, however, City notes that the planned development for the subject site requires a minimum of two (2) wetland viewing areas within Tract 1, the common open space tract in the southeast portion of the site. The proposed wetland viewing area within the fire truck turnaround would meet this criteria, but the second wetland viewing area south of "A" Court proposed in the right-of-way does not. There appears to be room in Tract 1 outside of the delineated wetland to accommodate a second wetland viewing area. Therefore, a condition of approval requiring the relocation of the wetland viewing area from the right-of-way into Tract 1 is included.

17.53.103 Blocks.

1. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
2. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans, the planned street alignment requires, in some cases, blocks that exceed 400 hundred feet in length due to the topography and the physical configuration of the site, as well as the street pattern of an adjacent platted neighborhood. Given these site factors, Premier Development has configured the proposed local street plan to be as close to the recommended standard as possible. The proposed street pattern and resulting block lengths are very similar that previously approved by the City Council to implement the Ordinance 4822 Planned Development.
Block Length exceeding 400 feet in length:

- 1) NW Pinehurst Drive from "A" Court to its temporary southeastern terminus;
- 2) NW Pinot Noir Drive from NW Blake Street to "A" Street;
- 3) "A" Street along its northern edge from its intersections with NW Pinot Noir Drive and NW Pinehurst Drive;
- 4) "B" Street from its intersections with NW Pinot Noir Drive and NW Pinehurst Drive;
- 5) NW Pinehurst Drive from its intersection with the east end of "C" Street to its intersection with the west end of "C" Street.

There are no connecting blocks that exceed 1,600 feet in perimeter length. Therefore this requirement is met.

FINDING: SATISFIED. The proposed block lengths comply with the requirements of the planned development. The planned development allows a maximum block length of approximately 2,305 feet (the maximum length of the block from NW Pinehurst Drive from its southwestern terminus to "A" Court, around the northern peninsula of the site). No proposed block length exceeds this maximum, and no full, connecting block has a perimeter exceeding the 1,600 foot standard.

3. Easements.

1. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.

APPLICANT'S RESPONSE: Ten-foot wide public utility easements will be provided along all public rights of way and other locations as required to accommodate the installation of such utilities and maintenance opportunities as necessary as shown on Exhibit 6. Therefore, this criterion is met.

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

2. Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.

APPLICANT'S RESPONSE: As shown on Exhibits 6, 7 and 11, the proposed subdivision is not impacted by drainageways, channels or streams except at the lowest elevations in locations where development is not proposed except for the following, generally described:

- Engineered fill will exist as the northeastern corner of Lot 38 and will also occur on Lot 42.
- A ten-foot wide public storm easement is proposed to be created between Lots 75 and 76 from the public right-of-way to the public greenway to then transition to a rip-rap channel to be installed within the greenway.
- There are wetlands located along the southeast portion of the site that will be impacted by the proposed construction of portions of NW Pinehurst Drive and "A" Court and on some of the proposed residential lots adjacent to these locations. The proposed impacted wetland areas are shown on Exhibit 6 and other attached Exhibits.

Tract 1, located east of the southern portion of NW Pinehurst Drive, has upland area where there is an existing detention and water quality treatment area for Phase I. The majority of the remaining area in Tract 1 is identified as a wetland area that has been previously delineated and mitigated and is bound by protections in that plan (Exhibit 8).

Relative to the proposed location of a portion of NW Pinehurst Drive that was the subject of that mitigation plan, it has been found through recent analysis by the well-established environmental consulting team Pacific Habitat Services, Inc. that some part of the adjacent wetland area has since manifested again into some location(s) of the already mitigated roadway area over the ensuing fifteen years since that plan's approval. Additionally, there are also found to be wetlands identified within a portion of proposed "A" Court and on some of the proposed residential lots adjacent to these locations. While the delineation of these wetlands has been completed and is reflected on numerous submitted Exhibits inclusive of Exhibits 6, 7, 8 and 9, a final report has not yet been issued by Pacific Habitat Services, Inc.

Premier Development, LLC requests that a Condition of Approval of this proposal require the submittal of the final report from Pacific Habitat Services, Inc. to the Division of State Lands (DSL) for review and approval. Additionally, that a wetland mitigation plan be approved by DSL. Therefore, this criterion is met.

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

3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)

APPLICANT'S RESPONSE: As shown on the proposed tentative plans, a 10-foot wide pedestrian access path is proposed to be provided connecting NW Pinot Noir Drive to NW Pinehurst Drive through the approximately 0.85 acre active private neighborhood park. An additional 10-foot wide public pedestrian path is proposed to be provided along the length of the approximately 5.6-acre public greenway which will encircle the subject site and lead to the site's southwestern most point west of Lot 56. The pathway to be located within this greenway area is proposed to be improved with a bark chip trail as recommended by the McMinnville Parks Department as previously described. Three pedestrian access pathways are also proposed to be provided to access this open-space greenway and are to be located between Lots 42 and 43, between Lots 75 and 76, and along the south side of Lot 56 (which will be temporary in nature until such time that the public pathway, previously described, in the forthcoming Stafford Land development adjacent to the west is completed). There are no other public amenities (schools, etc.) for Premier Development to serve with a pedestrian way adjacent to this development. Therefore, this criterion is met.

FINDING: SATISFIED WITH CONDITION 11. The planned development amendment (PDA 4-18) has a condition of approval requiring a maximum distance of 800 feet between a street corner intersection and a pedestrian way, or between two consecutive pedestrian ways, on the same side of the street. The proposed subdivision contains two blocks longer than 800 feet where pedestrian ways would be required to provide through-block connectivity. The first, Pinehurst Drive from Pinot Noir Drive to its southeast terminus, is approximately 1250 feet in length. A pedestrian way is proposed through the private active neighborhood park. The distance from the Pinot Noir/Pinehurst Drive street corner intersection to the proposed pedestrian way is approximately 480 feet, and from the pedestrian way to the temporary

southeast terminus of Pinehurst Drive is approximately 770 feet. Therefore, the standard for distance between pedestrian ways on this block is met.

The block from the southwest terminus of Pinehurst Drive along the northern perimeter of the site to "A" Court has a length of approximately 2,305 feet. The distance from "A" Court to the first pedestrian access to the north, between Lots 42 and 43, into the public open space greenway is approximately 215 feet, complying with the standard. From that first pedestrian access way north of "A" Court to the second, between Lots 75 and 76, is approximately 730 feet, also complying with the standard. However, the distance between the pedestrian way between Lots 75 and 76 and the temporary pedestrian way easement on the south side of lot 56, is approximately 1,295 feet, exceeding the maximum distance between pedestrian ways required by the planned development. Therefore, a condition of approval requiring a pedestrian way between Lots 56 and 75 such that the distance to the next pedestrian way on the block does not exceed 800 feet is included.

17.53.105 Lots.

A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.

1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

APPLICANT'S RESPONSE: As shown on the submitted tentative plans the proposed lots are generally rectangular in shape as much as can be achieved given the unique peninsula like shape and topography of the site in addition to the site's protected wetland area along its eastern edge. The proposed lot sizes and orientation are appropriate for the type of use contemplated and given the current request for modifications to two existing Planned Development approvals. Additionally, all proposed lots are buildable.

Due to the limiting physical factors mentioned, and the need to provide adequate public street access throughout the site, there are a number of lots with a depth dimension exceeding two times their width. At this point, it is important to note the precise wording of this subject portion of 17.50.105(A)(1) which is that "the depth of lot shall not *ordinarily* exceed two times the average width." [emphasis added] The word "ordinarily" is meaningful in this context and this word was placed in this standard for a reason and that is to provide relief to the desired dimensional lot ratio when atypical site considerations prevail. To look closely, the word "ordinarily" evokes a standard of something being rather common and routine. In fact, for something to be ordinary, it evokes the majority and not the exception.

The lots that uncommonly exceed the 2:1 depth to width ratio in this proposal are lots 15-18, lots 42-49, and lots 56-79 (36 lots, or some 34 percent of the proposed lots in this two-phased plan). Premier Development has tried to avoid exceeding this desired lot depth to width ratio but given the physical characteristics of this site not all lots were able to be made to conform to this dimensional preference. With 34 percent of the proposed lots exceeding the 2:1 ratio, and some 66 percent of the proposed lots conforming to this ratio, Premier Development submits that it is clearly *not* ordinary that the proposed lots exceed this desired standard. In fact, 66 percent of the proposed lots, by far the majority, are dimensioned sufficiently to meet this desired dimensional lot ratio and the lots that do not meet the ratio have atypical physical characteristics that make it impractical to meet those requirements.

In addition to the discussion above, it is instructive to recall that this subdivision application accompanies two additional applications requesting amendments to existing Planned Developments that are currently part of the zone and binding on the subject site (Ordinances 4722 and 4822). Additional findings relative to lot size and dimensions are found in the portion of this application addressing the Planned Development Amendment request to modify Ordinance 4822 at 17.74.070 (A) and (B). Therefore, this criterion is satisfied.

FINDING: SATISFIED. City concurs with the applicant's findings. The proposed subdivision would comply with the lot shape requirements established by the proposed companion Planned Development Amendment.

- B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.

APPLICANT'S RESPONSE: As shown on the submitted subdivision plans each lot will abut a public street for a width of at least 25 (twenty-five) feet. There will be no direct access onto a major collector or arterial street as no such designated street is within or adjacent to the subject site. Therefore, this criterion is met.

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

- C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.

APPLICANT'S RESPONSE: One such through lot is proposed and is identified as Lot 12 in Phase I of the subdivision. Lot 12 sits at the northernmost portion of the block bounded by NW Pinot Noir Drive on the west and NW Pinehurst Drive on the west. This lot is generally triangular in shape and is some 10,232 square feet in size. The circumstances that precipitated the design of this lot relate directly to site configuration, topography, the placement of the existing portion of NW Pinot Noir Drive and the goal of providing public street access to the buildable portions of the site. The design of this one through lot overcomes the site's challenges and provides a buildable lot with enough area to allow for flexible placement of a future residence. This lot should also not be seen as uncommon for the surrounding area as Lots 1 – 11 of the Oak Ridge Subdivision to the south are fronted by Baker Creek Road on the south and either Cabernet Court or Chardonnay Drive on the north and are all consequently defined, approved and platted as through lots. This criterion has been satisfied.

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

- D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

APPLICANT'S RESPONSE: As shown on the submitted tentative subdivision plans, the side lines of lots run at right angles to the street upon which the lots face as far as practicable. Given the unique shape of the site, accurately referenced before as being somewhat peninsularly shaped, in addition to the location of the site's protected wetland area along its eastern edge

and the need to provide adequate public street access throughout the site for the creation of buildable lots, there are some lots that cannot fully meet this standard (particularly those lots located around the northern curves along NW Pinehurst Drive and lots being accessed from the "A" Court cul-de-sac). This standard allows for a consideration of physical factors in its application (".. as far as practicable ..") and Premier Development has worked toward achieving this standard as far as practicable given the unique shape of this site and other physical factors previously discussed. While a number of the proposed lots do not provide side lot lines running at right angles to the street as can be seen on the submitted preliminary subdivision plans, Premier Development contends that it has met this standard as far as can practicably be achieved. Therefore, this criterion is met.

FINDING: SATISFIED. City concurs with the applicant's findings. The proposed subdivision would comply with the lot shape requirements established by the proposed companion Planned Development Amendment.

- E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

APPLICANT'S RESPONSE: There are no flag lots proposed as part of this residential development plan. Therefore, this criterion is met.

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

17.53.151 Specifications for Improvements. The City Engineer has submitted and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:

- A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;
- B. Drainage facilities;
- C. Sidewalks in pedestrian ways;
- D. Sewers and sewage disposal facilities.

17.53.153 Improvement Requirements. The following improvements shall be installed at the expense of the subdivider:

- A. Water supply system. All lots within a subdivision shall be served by the City water supply system.
- B. Electrical system. All lots within a subdivision shall be served by the City electrical system.
- C. Sewer system. All lots within a subdivision shall be served by the City sewer system.
- D. Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.
- E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.
- F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.

- G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.
- H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.

APPLICANT'S RESPONSE: 17.53.151 (A)-(D) and 17.53.153 (A)-(H) are satisfied in that the City Council has adopted the specifications referenced above as being appropriate and applicable to and administered by the City of McMinnville. As shown on Exhibits 7, 25 and 29, all lots shall be served by City water, electrical, sanitary and storm sewer systems including planned storm outfalls toward the eastern side of the development site. All streets will be graded and improved to city standards. No private ways or drives are proposed within the subject site. Dedication and improvement of public streets shall occur as required by City standards inclusive of curbs and gutters, five-foot wide sidewalks and planter strips; should this subdivision request be approved, a street tree planting plan shall be required as a condition of its approval which will require submittal of a plan to be reviewed for approval by the Landscape Review Committee. Therefore, these criteria are satisfied.

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

JF



OFFICE OF THE CITY ATTORNEY
230 NE Second Street, McMinnville, Oregon 97128
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June 17, 2019

To: Scott Hill, Mayor
City Council

From: David Koch, City Attorney

Re: Supplemental Findings for Oak Ridge Meadows (PDA 3-18, PDA 4-18, and S 3-18)

Following the decision by the Planning Commission to recommend that the Council approve the proposed Planned Development Amendment (PDA) and Subdivision applications, the applicant prepared Supplemental Findings for consideration by the Council to address evidence, argument and testimony considered by the Planning Commission prior to their making their decision.

The purpose of the Supplemental Findings is to document the City's treatment of matters raised after the preparation of the final staff report and findings document, but prior to the close of the public hearing. The Supplemental Findings are not intended to present any new evidence, argument or testimony, and are simply intended to meet the City's obligation to provide written findings to support the City's decision.

If the Council chooses to follow the Planning Commission's recommendation to approve the PDA and Subdivision applications, the Council may elect to:

- Adopt the findings of the Planning Commission standing alone;
- Adopt the findings of the Planning Commission together with the Supplemental Findings prepared by the applicant; or
- Adopt new findings prepared by staff and/or the applicant following its decision and presented to the Council at a subsequent meeting."

Supplemental Findings

- I. PDA 3-18 (Amending Ord 4722 by removing the undeveloped 11.47 acres from its scope).
1. The Council has reviewed the record and concludes that all but one of the parties are in agreement that the 11.47 acres should be removed from Ord 4722. Specifically, the attorney for opponents Friends of Baker Creek (FOBC) urged the City to approve PDA 3-18. Kabeiseman May 16, 2019 Letter, page 1. The testimony of the Yamhill Soil & Water District and Friends of Yamhill County are not inconsistent with FOBC's request. Accordingly, the Council understands that these opponents' objections to relate only to PDA 4-18 and S 3-18.
 2. The testimony of the Fair Housing Council and Housing Land Advocates (April 17, 2019 letter) argues that Statewide Planning Goal 10 (Housing) applies to the "proposed amendments and subdivision plan" and that findings for all of those decisions "must demonstrate that the proposed development plan and amendments do not leave the City with less than adequate residential land supplies of the types, locations and affordability ranges affected." The Council disagrees that Goal 10 applies to any of the proposals. Goal 10 applies to amendments to the City's Comprehensive Plan. Neither the PDAs nor the subdivision application seek to amend any comprehensive plan. The objection of these organizations is surprising to say the least. Regardless of the fact that Goal 10 does not apply, the Council notes that the proposal does not remove any developable residential land to serve the residential land uses that it is zoned to serve. In fact, it improves the City's ability to achieve the type and density of housing contemplated for the subject property. PDA 3-18 removes 11.47 acres of land from one PDA and puts it into another PDA so that the entire 35.47 acre property (including the 11.47 acres) can be residentially developed. As explained in the minutes of the Planning Commission's April 18, 2019 hearing, at Planning Commission May 16, 2019 Packet, page 616, the current development situation for the subject 35.47 acre property makes its development with housing very difficult. The proposal removes barriers to the appropriate development of the subject property to deliver the residential uses that its zoning contemplates. There is nothing about the proposal that leaves the City with less than adequate residential land supplies in any respect.
 3. Three applications were filed concurrently – two PDA amendment applications (3-18 and 4-18) and one subdivision application (S 3-18). The Planning Commission approved S 3-18 and recommended approval of PDA 3-18 and 4-18. McMinnville Zoning Ordinance (MZO) 17.72.070 provides "When a proposal involves more than one application for the same property, the Applicant may submit concurrent applications *which shall be processed simultaneously*. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice." (Emphasis added). Staff understands the italicized language to mean that the Planning Commission's approval of S 3-18 (subdivision) had to be processed simultaneously with the PDA's through Council decision, and that meant that the subdivision decision could not become final after its Planning Commission approval. Rather, the subdivision approval too had to be processed as a recommendation so it could secure Council review

and approval. The Council agrees with staff's interpretation that in the situation here, where the three applications were filed concurrently and are interdependent upon one another and two of those concurrent applications require Council approval, that they all then must be processed simultaneously through Council approval, without a party being required to bring the subdivision before the Council by filing an appeal.

4. MZO 17.72.120 lists planned developments and planned development amendment applications as subject to quasi-judicial processes and MZO 17.72.130(5) makes Planning Commission decisions on the same, recommendations for Council decision. MCZO 17.72.130(6) requires the Council to either approve the applications and to adopt findings of approval based upon the Planning Commission record, or to call for a public hearing. The Council has reviewed the Planning Commission record and finds that its professional planning staff did a thorough and commendable job in its review and analysis of the proposals, that the City Planning Commission did a good and thoughtful job in conducting two separate public hearings, considering all of the evidence and arguments of the parties in reaching its decision and the parties presented exhaustive testimony and evidence regarding their positions. In such circumstances, the Council finds that no purpose is served in conducting yet another public hearing. The Council will decide the matter on the record. It adopts these supplemental findings in deference to LUBA's rule that requires where a relevant issue is raised in the local land use proceedings, that the findings supporting the final decision must address the issue and where the findings do not do so, remand is required. *Space Age Fuel, Inc. v. Umatilla County*, 72 Or LUBA 92 (2015). The Council finds that its code does not prevent it from responding to this LUBA command in its final decision. Adopting findings responsive to this LUBA requirement, does not require that parties have a right to rebut those findings. *Rawson v. Hood River Co.* 77 Or LUBA 571, 574-75 (2018).

The Council finds that the proposal complies with all relevant standards and is approved.

- II. PDA 4-18 (Amending Oak Ridge Meadows Planned Development by repealing and replacing ORD 4822 to include the 11.47 acres removed from ORD 4722 and the terms of this approval decision PDA 4-18). In addition to the other findings supporting the proposal the following findings are also adopted.

1. Three applications were filed concurrently – two PDA amendment applications (3-18 and 4-18) and one subdivision application (S 3-18). The Planning Commission approved S 3-18 and recommended approval of PDA 3-18 and 4-18. McMinnville Zoning Ordinance (MZO) 17.72.070 provides “When a proposal involves more than one application for the same property, the Applicant may submit concurrent applications *which shall be processed simultaneously*. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice.” (Emphasis added). Staff understands the italicized language to mean that the Planning Commission's approval of S 3-18 (subdivision) had to be processed simultaneously with the PDA's through Council decision, and that meant that the subdivision decision could

not become final after its Planning Commission approval. Rather, the subdivision approval too had to be processed as a recommendation so it could secure Council review and approval. The Council agrees with staff's interpretation that in the situation here, where the three applications were filed concurrently and are interdependent upon one another and two of those concurrent applications require Council approval, that they all then must be processed simultaneously through Council approval, without a party being required to bring the subdivision before the Council by filing an appeal.

2. MZO 17.72.120 lists planned developments and planned development amendment applications as subject to quasi-judicial processes and MZO 17.72.130(5) makes Planning Commission decisions on the same, recommendations for Council decision. MCZO 17.72.130(6) requires the Council to either approve the applications and to adopt findings of approval based upon the Planning Commission record, or to call for a public hearing. The Council has reviewed the Planning Commission record and finds that its professional planning staff did a thorough and commendable job in its review and analysis of the proposals, that the City Planning Commission did a good and thoughtful job in conducting two separate public hearings, considering all of the evidence and arguments of the parties in reaching its decision and the parties presented exhaustive testimony and evidence regarding their positions. In such circumstances, the Council finds that no purpose is served in conducting yet another public hearing. The Council will decide the matter on the record. It adopts these supplemental findings in deference to LUBA's rule that requires where a relevant issue is raised in the local land use proceedings, that the findings supporting the final decision must address the issue and where the findings do not do so, remand is required. *Space Age Fuel, Inc. v. Umatilla County*, 72 Or LUBA 92 (2015). The Council finds that its code does not prevent it from responding to this LUBA command in its final decision. Adopting findings responsive to this LUBA requirement, does not require that parties have a right to rebut those findings. *Rawson v. Hood River Co.* 77 Or LUBA 571, 574-75 (2018).
3. Opponents argue that Ord 4845, which amended the findings for Ord 4822, has continuing relevance when Ord 4822 is repealed. Council finds opponents are mistaken. As recommended by the McMinnville Planning Commission, PDA 4-18 repeals Ord 4822 in its entirety, which includes repeal of all of its supportive findings. Ord 4845 is nothing more than supportive findings for Ord 4822 and has no relevance when Ord 4822 is repealed as herein approved. To the extent that is unclear, the McMinnville City Council hereby repeals Ord 4845.
4. Related to the above, opponents argue that the Ord 4822 limitation on the development to only 76 lots unless and until NW Shadden Drive is established as a permanent public street connection from the proposed planned development to Baker Creek Road, should be retained. The Council finds that the previously imposed 76-lot limitation was imposed to comply with fire department requirements at the time. Since that time the fire department has determined that, so long as the temporary NW Shadden Drive emergency access is in place, that the 76 lot limitation is unnecessary. Moreover, the Oregon Fire Code now imposes sprinkling requirements that will be applied as necessary until such time that the temporary NW Shadden Drive connection is established, further establishing

that the 76-lot limit can be removed as unnecessary. A condition of approval is added to ensure that this limitation is observed until such time as the permanent public right-of-way connection to NW Shadden Drive is established.

5. Opponents contend that the proposal may not be approved without the Department of State Land (DSL)'s concurrence in the wetland delineation that the Applicant submitted to that agency. The Council finds that no approval standard requires DSL's concurrence in the wetland delineation for the property before City approval may be given. DSL must eventually concur in the Applicant's delineation and DSL required mitigation as a matter of state law and so Condition 11 to this approval requires such DSL approval to occur. Relatedly, some opponents object to the proposal which will fill 1.06 acres of wetland. The Council finds that no approval standard is violated by the proposal to fill a portion of the wetlands on the site and to mitigate that fill consistent with DSL requirements and subject to DSL approval. The City leaves wetland regulation including fill and mitigation to the expertise of the Oregon DSL. The City lacks expertise in such matters. Where the proposal to fill wetland potentially bears on a relevant City standard, it is addressed under that standard.
6. Opponents request that an environmental impact study (EIS) be completed for the proposal. No City standard requires an EIS be completed for this proposal. An EIS is required when a major federal action is to be taken that affects natural resources. No federal action of any type is at issue here. This objection provides no basis for denial or any condition of approval.
7. Opponents ask the City to designate the 11.47 acres as a "nature preserve" that would be set aside for public enjoyment. The Council declines to do so. The entire proposal consists of only 35.47 acres. Requiring the Applicant to either dedicate to the public or make undevelopable as a set aside for public enjoyment 32.3% of the developable R-2 zoned area cannot pass the United States Constitution's Fifth Amendment unconstitutional conditions tests of *Nollan v. California Coastal Commission* 483 US 825 (1987) or *Dolan v. City of Tigard*, 512 US 374 (1994). Such would not pass *Nollan* because there is no legislatively adopted standard that requires such a dedication or set aside for public enjoyment. Such would not comply with *Dolan* because it is not possible to make adequate findings that such a taking of private property for public use is roughly proportional to the impacts of the proposed development.
8. Opponents argue that the City's recently adopted "Great Neighborhoods Principles" should be applied. The Council declines to apply these principles because they were adopted by the Council on April 9, 2019, effective on May 9, 2019, and were not in effect until after the date that this application was submitted to the City. As a matter of law under ORS 227.178(3), those provisions cannot be applied.
9. Opponents argue that the proposal is contrary to Statewide Planning Goal 10 (Housing). First, the Council finds that Goal 10 does not apply. The proposal is not one for a comprehensive plan amendment and Goal 10 applies only to comprehensive plan amendments. Regardless, the Council finds that there is nothing about the proposal that adversely affects the City's housing inventory. Rather, the proposal increases the chances that the entire 35.47 acres will be developed for housing consistent with its

residential zoning. As explained in other findings, the current land use approval situation that applies to the entire 35.47 acres creates barriers that has made the development of these properties difficult. The Council does not understand how the proposal could impact or violate Goal 10 in any respect. Goal 10, the City's Comprehensive Plan, the needed housing statute, and caselaw interpreting these authorities, all encourage the development of housing on land planned and zoned for housing, as is the case here. The totality of the subject 35.47 acre property is planned residential, is zoned R-2, the R-2 zone implements the City's comprehensive plan and existing housing needs analysis and existing buildable lands analysis as a part of the City's existing acknowledged strategy to provide needed housing. The City's R-2 zone in general, and as applied to the subject property, is acknowledged to comply with Goal 10. There is nothing about the proposal that undermines any housing policy or state rule; in fact precisely the opposite is true. There is no need or purpose served in re-justifying the subject property as R-2 land. The demand to do so is not warranted by Goal 10 or any other applicable standard.

10. Opponents argue that the proposal must comply with McMinnville Zoning Ordinance (MZO) 17.48.005 and fails to do so. MZO 17.48.005 states "Purpose. The purpose of a floodplain is to establish and regulate land uses in those areas designated as hazardous due to periodic flooding in order to protect the community from financial burdens through flood damage losses. Further, this zone is intended to protect natural floodways and drainage ways from encroachment by uses and/or indiscriminate land filling or diking which may adversely affect the overall stream and downstream flood levels. Finally, the floodplain zone shall set aside an area which shall, for the most part, be preserved in its natural state or farmed to provide open spaces, natural habitats, and recreational places." This zoning requirement is inapplicable because it applies only to the City designated floodplain. No part of the proposed development is located in the City designated floodplains, which are designated consistent with FEMA mapping – that is other than a small amount of the 5.06 acre greenway park which the code allows to be in the floodplain as explained below.
11. Opponents contend that the 11.47 acres that is being removed from ORD 4722 is subject to Oak Ridge subdivision CC&Rs. They are mistaken. The evidence in the record is that the CC&Rs cover only the developed portions of the Oak Ridge phased subdivision and not the 11.47 acres.
12. Opponents argue that the proposal does not comply with McMinnville Zoning Ordinance (MZO) 17.74.070(B), which provides: "Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area." They contend that the proposal is inconsistent with several provisions in the City's comprehensive plan. The Council finds that they are mistaken and that the proposal complies with MZO 17.74.070(B), because it is consistent with the plan objectives for the area.

The Plan policies about which opponents' express concern, and Council's specific responses to those concerns, are below:

- a. Opponents argue that the proposal is inconsistent with Plan Policy 2.00 which provides “The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints including, but not limited to, excessive slope, limiting soil characteristics and natural hazards.” They contend that the “Baker Creek Hydrologic Analysis” (BCHA) they submitted to the Planning Commission for its May 16, 2019 continued public hearing, demonstrates this standard and other standards are not met. This is incorrect. Relatedly, opponents argue that the City should change its designated 100-year floodplain to designate some part of the subject property as 100-year floodplain. The Council declines to do so in part because the record does not support that such is appropriate and also because this application is subject to ORS 227.178(3) which locks in the standards that apply to those in effect at the time the application was filed. At the time the application was filed, the proposed development (other than a small part of the 5.06 acre park) was not in the designated 100-year floodplain.

Accordingly, first, the Council adopts the Applicant’s response and Staff Findings regarding PDA 4-18 contained within the May 16, 2018 Planning Commission packet at page 86 regarding this plan policy.

Second, the Council specifically finds that plan Policy 2.00 requires enforcement of *adopted* City code standards and is not a moving target. Policy 2.00 contemplates that the City will enforce *adopted* City code standards imposing building constraints inclusive of building code requirements and restrictions, the City’s adopted standards regulating development in the 100-year floodplain and prohibiting development in the floodway and other standards in the City’s code identified by the City’s professional staff or in others the public hearings processes. The proposal does not include development within the City’s adopted 100-year floodplain, or the Baker Creek floodway, and is not contrary to any other code adopted development constraint that has been identified in the record or that the Council is aware of. Development will occur only in a manner that is consistent with all applicable requirements and development controls.

Moreover, the following findings are relevant to Policy 2.00 and other Plan Policies and standards that opponents’ claim should prohibit or restrict the proposal based upon the 100-year floodplain or flooding generally, and their BCHA which purports to show that if an application for a Letter of Map Amendment or “LOMA” were submitted to FEMA at some point in the future, that the 100-year flood plain might be differently mapped. As explained above, even if their BCHA showed this, approval of PDA 4-18 is not inconsistent with Policy 2.00 because Policy 2.00 speaks only to enforcement of existing adopted code standards (e.g., “shall continue to enforce”) – including the existing mapped 100-year floodplain, not the 100-year floodplain as it might be mapped in the future.

Further, the Council disagrees that the opponents’ BCHA shows that the proposal will cause downstream flooding and harm. To the contrary, opponents’ BCHA

demonstrates that the proposal shows *a decrease* in downstream flood impacts if the proposal is approved. Opponents' BCHA at Page 26, Table 16 shows that the maximum water surface elevation at Cross Section 11843 for *existing* conditions is 127.42 ft., while water surface elevations for *future* conditions is shown at 127.41 ft.

While opponents BCHA concludes at page 29, second paragraph: "the potential downstream impact of the blockage for the proposed development amounts to less than one hundredth of a foot of *increase* adjacent to existing residences", the math is plain that this is a **decrease** of 0.01 ft. The Council further notes that, as pointed out by the Applicant's attorney's May 15, 2019 letter to the Planning Commission, opponents' BCHA contains other methodological errors that make it unreliable and the Council therefore does not rely upon the opponents' BCHA. While opponents' attorney asserts that only an engineer can point out faults in the opponents' BCHA, he is mistaken. The errors in the BCHA are plain on their face and also evident from a review of the other evidence in the record. And, regardless, BCHA errors were confirmed at the May 16, 2019 Planning Commission public hearing by the Applicant's engineer, Mr. Wells.

Opponents also contend that the proposal to place a portion of NW Pinehurst Drive in a location partially identified as containing wetland area will cause water pollution and downstream flooding. The proposal to place part of NW Pinehurst Drive in a filled wetland does not cause water pollution or downstream flooding. Rather, the Council agrees with the Applicant, the City's professional staff and the Planning Commission, that the drainage and water quality effects of the development of NW Pinehurst Drive will be adequately managed in compliance with adopted City standards by an appropriately sized detention pond, water treatment and water discharged to Baker Creek, at a controlled rate of flow, as authorized and governed by the City's Storm Water Management Standards. The Council finds that the proposal is consistent with Plan Policy 2.00.

b. Opponents assert that the proposal is inconsistent with Plan Policy 74.00 which provides "Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs." They contend that the wetlands situated on the property are all "distinctive" natural features and as a result all of the wetlands must be retained to be consistent with this plan policy. The Council disagrees. First, the Council adopts the Applicant's findings and the staff response at PDA 4-18, within the May 16, 2018 Planning Commission packet at pages 90-92. These make clear that the distinctive natural features protected by this policy are those that the City has adopted as protected Statewide Planning Goal 5 (Goal 5) resources. No City identified Goal 5 resources are impacted by the proposal. Second, even if the policy protected other natural features not identified as protected natural resources on the City's Goal 5 inventory, the Council interprets this plan policy to require retention of distinctive natural features, but not all distinctive natural features within a development site. While the proposal results in fill and mitigation for 1.06 acres of wetlands, the proposal retains 2.03 acres of wetlands, and includes viewing areas set aside for residents to enjoy the aesthetics of said wetlands. *See*

Condition 10. The proposal preserves steep slopes. The proposal includes parks and pathways and trees within such park and pathway areas for aesthetic enjoyment. Trees are preserved per PDA 4-18 Condition 13. The Council finds that the proposal is consistent with this plan policy.

c. Opponents assert that the proposal is inconsistent with Plan Policy 80.00 which provides “In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.” Opponents contend that the proposal should be re-designed to preserve all of the site’s wetlands. The Council incorporates its discussion in the previous findings regarding the meaning of “distinctive” natural areas referring to City inventoried Goal 5 resources and that there are no inventoried Goal 5 resources on the subject property. Moreover, the wetlands on the subject property are not “unique” but rather are typical of wetlands scattered throughout the City. Similarly, there are no other “unique” natural features on the subject 35.47 acre property within the meaning of this Plan Policy. Further, the Council adopts the Applicant’s response and Staff Findings regarding PDA 4-18 contained within the May 16, 2018 Planning Commission packet at pages 93-95 regarding this plan policy. The Council also finds that this plan policy requires preservation of identified natural features where feasible. The use of the term *feasible* in this plan policy recognizes that there are other competing values that are also expressed as plan policies and code standards that must be considered. Further, the use of the term “preservable trees” means those trees that can be preserved while still allowing the proposed development to move forward. This objective is achieved through the imposition of Condition 13.

Policy 80.00 is written as a balance to require distinctive or unique natural features be preserved when it is reasonably feasible to do so, while also approving housing contemplated by the zoning designation to enable the City to comply with its housing policies and Statewide Planning Goal 10 (Housing). See McMinnville Goal V2 and Policies 68.00-71.00. ORS 197.307(3) similarly requires that needed housing “shall be permitted.” The proposal is for a type of City recognized needed housing. Here the subject property is zoned R-2 and the City has obligations to allow that zone to deliver the intended residential density of that zone as much as is reasonably possible, to avoid the need to expand the urban growth boundary in the future. The proposal is already slightly under the density contemplated for the R-2 zone. Additional density reductions would be required for any redesign having no impact on wetlands, trees or steep slopes, and the Council does not wish to see any further residential density reductions in the proposal. Further, in this case, it must be recognized that in the absence of the proposal, the existing approved Planned Development Ordinances for the project area, which is comprised of 35.47 acres, which includes the 11.47 acres from the Oak Ridge Planned Development and the entire area of the Oak Ridge Meadows Planned Development, authorize the development of 129 lots versus the proposed 108 proposed lots at issue in this case. The reduced number of lots proposed here, is a direct response to the Applicant, in part, adjusting the alignment of the eastern portion of NW Pinehurst Drive to be located further to the west thereby

preserving more natural features, and incorporating public and private parks and walking path amenities which do not exist as a part of the previously approved Planned Development Ordinances that this proposal supersedes. The Council finds that in these circumstances, in any event the proposal preserves natural features – whether distinctive or unique or neither of those - “wherever feasible” and is consistent with this plan policy.

d. Opponents assert that the proposal is inconsistent with Plan Policy 118.00 which provides “The City of McMinnville shall encourage development of roads that include the following design factors:

“1. Minimal adverse impacts on, and advantageous utilization of, natural features of the land.”

Opponents contend that because the easternmost portion of NW Pinehurst Drive (the portion within the 11.47 acres to be removed from ORD 4722), will be developed in a wetland area requiring some of the wetland to be filled, the proposal is necessarily inconsistent with this plan policy. The Council disagrees. First, Council hereby adopts the Applicant’s response and Staff Findings regarding PDA 4-18 contained within the May 16, 2018 Planning Commission packet at page 96, regarding this plan policy. Second, the terminus of this portion of NW Pinehurst Drive stubbing to the Toth property is now reflected in the City’s Transportation System Plan (TSP), as is explained in other findings. It would not be reasonably possible to establish this segment of NW Pinehurst Drive in any location and avoid wetlands and still stub to the Toth property as is contemplated and reflected in the City’s acknowledged TSP. The location of NW Pinehurst Drive within the 11.47 acre area, is directly responsive to the Applicant minimizing adverse impacts on area wetlands, avoiding cutting into steep slopes and stubbing NW Pinehurst in the location that the City’s TSP shows the connecting stub to be located. This demonstrates that the proposal is consistent with Plan Policy 118.00, because it advantageously utilizes natural features, but at the same time minimizes adverse impacts upon them and does so within the acknowledged framework of the City’s TSP location of the existing NW Pinehurst Drive stub at the Toth property.

Finally, the Council expressly interprets this plan policy to be aspirational and to encourage, but not require, minimizing adverse impacts and advantageous utilization of natural features in any event. It is not an approval standard. Minimizing adverse impacts to and the advantageous utilization of natural features has been sufficiently encouraged by the approval of the proposal. The proposal is consistent with this plan policy.

e. Opponents argue that the proposal is inconsistent with Plan Policy 132.029.00 which provides “The construction of transportation facilities in the McMinnville planning area shall be timed to coincide with community needs and shall be implemented so as to minimize impacts on existing development.” They argue that to “minimize impacts on existing development”, that the existing traffic outlets onto

Baker Creek Road of NW Merlot Drive and NW Oak Ridge Drive, which the proposal will use, must be supplemented by public dedication and completion of a NW Shadden Drive right-of-way connection between the subject site and NW Baker Creek Road across property owned by another (Stafford Land) that is not owned or controlled by the Applicant.

The Council disagrees. This plan provision has two parts: (1) that transportation facilities be constructed coincidentally at the time when the community needs them, and (2) when such transportation facilities are constructed, that they are implemented in a way that minimizes impacts to existing development. The proposal is consistent with this plan policy.

With one exception, there is no dispute that the construction of the proposed extensions of NW Pinehurst Drive and NW Pinot Noir Drive to serve the proposal will be timely to meet community needs. The exception is that the opponents argue that the proposal is inconsistent with this plan provision because they contend that there is no “community need” to stub out NW Pinehurst Drive to the neighboring property to the east owned by Mr. Toth. They are mistaken. The stubbed connection of NW Pinehurst Drive to the Toth property already exists in City planning documents and is shown on Exhibit 2-3 (Street Functional Classification) the City’s adopted and acknowledged Transportation System Plan (TSP).



Below is an enlarged portion of the above graphic showing the NW Pinehurst Drive street stub in more detail.



Accordingly, a connection stubbed at the Toth property must be presumed to be a community need because it has been legislatively adopted as such in the City's TSP. It is well-established that it is improper to collaterally attack the city's acknowledged planning instruments including the City's TSP.

As to the second prong of the plan provision, the Council finds that impacts of the proposal on existing development are minimized within the meaning of this plan provision by PDA 4-18 Condition 15, limiting the number of lots to 108 lots in the development unless NW Shadden Drive is constructed. This ensures that the number of traffic trips associated with the proposal is consistent with the design capacity of the affected streets as explained by the Applicant's transportation engineer in her TIA and supplemental report in the record.

Moreover, the proposal will involve widening a particularly narrow section of NW Pinot Noir Drive from its intersection with NW Blake Street to improve NW Pinot Noir Drive to current standards, within the existing right-of-way, improving mobility and thus livability in this part of the existing Oak Ridge Subdivision development. Further, the Applicant's Transportation Impact Analysis (TIA) and TIA supplement both demonstrate that all intersections and traffic volumes will function well within applicable city standards as proposed without NW Shadden Drive.

The Council finds that this standard does not require that the Applicant construct a street connection (NW Shadden Drive) on property that is neither owned nor controlled by the Applicant, where such is otherwise not required by applicable standards, as is the case here. As demonstrated in the Applicant's traffic report and supplemental traffic report, traffic is expected to move in and out of the existing development and move around inside of the existing development, well within the limits of all applicable City standards. The Council further notes that the fire department has determined that a temporary emergency-only vehicular connection between the western temporary terminus of NW Pinehurst Drive to NW Baker Creek

Road for emergency access is adequate to serve emergency needs, as explained in other findings.

Finally opponents requested that the NW Shadden Drive emergency access be used for construction vehicles for the proposal so that construction vehicles are not using the public road system within the existing Oak Ridge subdivision development. The Council finds that this standard does not require that construction vehicles for the proposed planned development be prohibited from using the public road system and be required to use instead only the temporary emergency-only access to be constructed across adjacent land to the west in the approximate alignment of the future extension of NW Shadden Drive. The Council declines to impose such a condition because it is not required by this or any other standard and also the owner of the land under the temporary NW Shadden Drive emergency access has not consented to such use, which would unnecessarily and unfairly burden his property. Further, such use may be inconsistent with applicable standards that will be applied to that neighboring property (which is owned by Stafford Land) where the proposed temporary emergency vehicle access is to be situated. That property owner has submitted an application for a tentative plat approval for the property. While opponents state otherwise, they are mistaken. Such application has been submitted to the City and is currently under consideration.

A permanent NW Shadden Drive connection between the proposed planned development and NW Baker Creek Road will be a required part of that adjacent subdivision (owned by Stafford Land) on which the NW Shadden Drive connection will be located. However, reserving the NW Shadden Drive connection as the exclusive construction access for the proposed planned development, which can be developed over a period of five (5) years, is unreasonable and foreseeably could adversely affect the timing and development of such other property (owned by Stafford land) as well as could improperly limit the City's approval options for that development. Imposition of such a condition also establishes a precedent for other residential developments that they must obtain approval to provide construction access from unowned neighboring undeveloped properties and such a precedent is untenable. The Council declines to impose such a condition. The proposal is consistent with this Plan Policy.

f. Opponents argue that the proposal is inconsistent with Policy 132.35.00 which provides "Transportation facilities in the McMinnville Planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks and walkways." Similar to their arguments under Plan Policy 132.29.00, opponents argue that developing the proposed planned development without the construction of the permanent NW Shadden Drive connection is inconsistent with this standard because it does not mitigate noise and neighborhood disruption and also that the required NW Pinehurst Drive street stub to the Toth property to the east will be disruptive by virtue of its very existence. The Council disagrees and finds that the proposal is consistent with this policy.

First, Council hereby adopts the Applicant's response and Staff Findings regarding PDA 4-18 contained within the May 16, 2018 Planning Commission packet at pages 100-101 regarding this plan policy.

Second, the Council specifically interprets the use of the terms "to the degree possible" in this plan provision to be meaningful. The plan provision is not absolute; it does not require that there be no neighborhood disruption or no noise associated with transportation facilities for a development proposal. Rather, this standard requires that roadways be designed consistently with their functional classifications and meet City level of service and other standards. All McMinnville citizens must expect that vacant land to which they are proximate will develop consistently with its zoning including to have the transportation facilities that would be required by the City code and plan. The proposal is consistent with the functional classifications of affected streets and meets all level of service and other transportation related standards. Moreover, this plan provision focuses on ensuring that residents within planned developments have a variety of transportation options available to them. The proposal includes generous opportunities for walking, and biking, as well as being situated within one mile of planned transit, thus ensuring that there will be adequate vehicle transportation opportunities. Regarding transit, such is located within one-mile of the site as a "Conceptual Bus Route" on the City's adopted "Transit Feasibility Study" and as articulated within the May 16, 2019 Planning Commission packet at pages 88-89.

Finally, the Council notes that neighborhood disruption is not per se established by the Applicant providing a required public street stub to the Toth property at the eastern temporary terminus of NW Pinehurst Drive consistent with the City's adopted TSP. Rather, stubbing to the Toth property as contemplated by the City's TSP demonstrates compliance with this plan policy. The proposal is consistent with this plan policy.

- g. Opponents contend that the proposal is inconsistent with Plan Policy 142.00, which provides "The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required." The Council finds that the proposal is consistent with this Plan Policy as it is properly interpreted. Specifically, this policy does not apply directly to development proposals but rather it is implemented by an Applicant's compliance with the City's Storm Water Management Standards. The Applicant has established that the proposal will comply with the City's Storm Water Management Standards. Accordingly, the proposal is consistent with this Plan Policy.
- h. Opponents contend that the proposal is inconsistent with Policy 143.00, which provides "The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage." They assert that the filling of any wetlands is

inconsistent with this policy. They also contend that development within a 100-year floodplain is inconsistent with this policy. The Council disagrees that the proposal to fill a portion of the wetlands located on the property is inconsistent with the plan policy and also disagrees as explained above that the proposal includes unauthorized development within the City's mapped 100-year floodplain.

The Council begins by noting that opponents' interpretation of this plan policy is absolute; but the plan policy is aspirational and not mandatory (e.g., "The City of McMinnville shall encourage.."). As such, it is not an approval standard for the proposal.

Second, the Council adopts the Applicant's response and Staff Findings regarding PDA 4-18 contained within the May 16, 2018 Planning Commission packet at page 106, regarding this plan policy.

Third, the Council finds that the wetlands proposed to be filled subject to the approval of the Department of State Lands (DSL), are not "drainage ways" within the meaning of this plan policy, in any event. The "drainage way" is Baker Creek. The proposal is not inconsistent with this plan policy.

i. Opponents argue that the proposal is inconsistent with Plan Policies relating to parks. Generally, they argue that there are no funds to maintain the public 5.06 acre park. The Council disagrees. A condition of approval requiring a homeowner's association with maintenance responsibilities for common open space as well as the public open space (the 5.06 acre park) until 2032 has been included in the subdivision approval adopted concurrently herewith as S 3-18. Moreover, the Council finds that by 2032 the City will have adequate funds to maintain this 5.06 acre greenway park. While City Parks Department recommended a condition limiting transfer of maintenance responsibility "until such time as resources are available to maintain and operate it as public open space", the Council declines to impose such an open ended condition. Rather, the County finds that by 2032 the City shall have the means to maintain the 5.06 acre park. Failing to do so means the City fails its citizens and the obligations imposed upon the City in its plan and the Council declines to be so pessimistic. The Council finds that the park will be adequately maintained by the City in 2032 and thereafter.

Specifically with regard to parks, opponents express concerns about the proposal's consistency with the following plan policies.

- A. Opponents argue that the proposal is inconsistent with Plan Policy 160.00, which provides "The City of McMinnville shall encourage the improvement of existing parks and recreation facilities as a priority consideration." The Council finds that this plan policy does not apply to this proposal. No existing parks and recreation facilities exist within or are affected by the proposed planned development.

- B. Opponents argue that the proposal is inconsistent with Plan Policy 161.00 which provides “The City of McMinnville shall encourage cooperation between public and private recreation agencies and groups to provide a full complement of recreational and leisure time activities, to share existing facilities, and to discourage duplication of expenditures and programs.” The Council finds that this plan policy does not apply here and, even if it did, that there is nothing about the proposal that is inconsistent with this plan policy.
- C. Opponents argue that the proposal is inconsistent with Plan Policy 163.00, which provides “The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.” The Council finds that the proposal is consistent with this plan policy because it provides two park amenities and a natural trail walking/jogging pathway system.
- D. Opponents argue that the proposal is inconsistent with Plan Policy 163.05, which provides “The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands.”

First, the Council adopts the Applicant’s response and Staff Findings regarding PDA 4-18 contained within the May 16, 2018 Planning Commission packet at pages 108-109 regarding this standard.

Second, the Council finds that the adopted McMinnville Parks, Recreation, and Open Space Master Plan defines seven park types. Two of those park types are required by Comprehensive Plan Policy 163.05 to be located outside of the 100-year floodplain. Those two park types are Community parks and Neighborhood parks.

Of the two parks proposed as part of the Oak Ridge Meadows Planned Development (PDA 4-18), only one park, the public Greenway Park contains some portion of land identified as being located within the 100-year floodplain. Policy 163.05 states that Greenways are appropriate recreational uses of land in floodplains. The Council finds that the Greenway Park is a greenway within the meaning of this plan policy and that it is not a neighborhood or community park. The Council further finds that the small portion of the Greenway Park that is within the 100-

year floodplain is allowed to be located in the floodplain under this policy. Accordingly, the proposal is consistent with this plan policy.

- E. Opponents argue that the proposal is inconsistent with Plan Policy 164.00 which provides “The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.” The Council recognizes that the McMinnville Parks and Recreation Department determined that the proposal met this plan standard. *See* Planning Commission May 16, 2019 packet at p 76. Regardless, the Council finds that this plan policy does not apply to this application for a planned development, because the City does not acquire floodplain land as a goal of approving a residential development application. Regardless, the Council concurs that the proposal is consistent with this plan policy in the sense that a small amount of the 100-year floodplain is situated within the 5.06 acre park which will be dedicated to the public.
- F. Opponents argue that the proposal is inconsistent with Plan Policy 166.00 which provides “The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.” The Council finds that the proposal is consistent with this plan policy. The proposal includes generous amounts of open space and natural areas amenities reflecting both the Applicant’s and the City’s recognition of the importance of the same to a pleasant living experience in the urban area.
- G. Opponents argue that the proposal is inconsistent with Plan Policy 167.00, which provides “The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.” The Council disagrees that the proposal is inconsistent with this Plan Policy.

First, this plan policy is not a mandatory standard, but rather is aspirational. Accordingly, it is not an approval standard for the proposal.

Second, it largely does not apply to the proposal at all. The proposed project is not at the entrance to the City. There are no existing “open space” areas on the subject property. Rather, the subject property is entirely composed of privately owned property designated as R-2, which has long been subject to planned developments and subdivision approvals that simply never materialized for a variety of reasons. The undeveloped R-2 zoned land at issue in this proposal does provide scenic areas that the developed subdivision in the sense that the wetlands are visually appealing. The Applicant has been encouraged to retain and has

retained many of those scenic wetland areas and has provided specific viewing areas for the enjoyment of all neighbors – new and existing ones. The proposal is consistent with this plan policy.

- H. Opponents argue that the proposal is inconsistent with Plan Policy 168.00, which provides “Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.” The Council finds that the proposal is consistent with this policy, as properly interpreted. First, the Council adopts herein the Applicant’s Response and Staff Findings contained within the May 16, 2019 Planning Commission packet at page 108-109. Second, the Council herein adopts its findings concerning Plan Policies 74.0 and 80.0 as they relate to distinctive natural features. Third, the Council specifically finds that this plan policy is not absolute, but rather contemplates retention of distinctive natural features where it is possible to do so and still achieve other goals and standards in the City’s Plan and zoning ordinance. This means that even if there were distinctive natural features on the subject property, they are retained as much as reasonably possible by the generous provision of park and recreation opportunities, a majority of the wetlands being retained, and the tree protection provisions in Conditions 12 and 13, while still achieving the density of housing contemplated by the R-2 zoning district.

I Opponents argue that the proposal is inconsistent with Plan Policy 169.00 which provides “Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-off”. The Council finds that the proposal is consistent with this Plan Policy. First, the Council adopts the Applicant’s Response and the Staff Findings at the May 16, 2019 Planning Commission Packet at pages 108-09. Second, the Council incorporates herein its findings of consistency with Policy 143.00. Third, the Council finds that this standard contemplates that drainage ways in the City (here, Baker Creek), will be preserved for natural areas and open spaces and to provide a means to accept natural storm water run-off. Baker Creek is untouched under the proposal and will retain its role as a natural area and open space and to accept natural storm water run-off. The proposal is consistent with this plan policy.

- J. Opponents argue that the proposal is inconsistent with Plan Policy 187.050(1)(a) which provides “Neighborhood shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas and landmark trees.” Plan policy 187.50 expresses “Great Neighborhood

Principles.” This policy was adopted by the Council on April 9, 2019, effective on May 9, 2019, and was not in effect at the time the application was first submitted to the City and therefore as a matter of law under ORS 227.178(3) cannot be applied to the proposal. However, even if this plan policy applied, the proposal is not inconsistent with it. The policy requires the preservation of certain described features but not all such certain described natural features. The “neighborhood” created by the proposal preserves many natural features – far more than were approved under the original approvals that would cover the subject property if the proposal were not approved. This plan policy is inapplicable and even if it applied, the proposal is not inconsistent with it.

- j. Opponents argue the proposal is inconsistent with Plan Policy Proposal 29.00 which provides “The City of McMinnville should continue to monitor the location and size of lands acquired through the parkland (subdivision) ordinance. Methods of developing and maintaining the smaller parks in a manner less expensive to the City should be encouraged and explored.” First, the Council finds that this policy is merely “proposed” in the Plan but is not adopted. Further, regardless, the Council also finds that the McMinnville Parks and Recreation Department monitors the location and size of parkland acquired by the City. Additionally, the smaller of the two proposed parks will be privately owned and maintained by a Homeowner’s Association and will not be maintained by the City. Even if the City adopts this policy in the future, this proposal is not inconsistent with this Plan Policy proposal.
11. As an overarching matter, the Council finds that the evidence in the record establishes that the proposal does not develop homes or roads within the City’s adopted 100-year floodplain and is unlikely to cause flooding or other harms to harm to downstream properties.
12. Opponents argue that the proposal does not meet MZO 17.74.070(C) which provides “The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels.” First, Council hereby adopts the Applicant’s response and Staff Findings regarding PDA 4-18 contained within the May 16, 2018 Planning Commission packet at pages 121-123 regarding this standard.

Additionally, the Council finds that the supplemental traffic evaluation performed by DKS Associates and the resulting summary memo dated May 7, 2019, submitted into the record for the May 16, 2019 Planning Commission public hearing on this proposal states: “Neither the analysis reported in the TIA nor the subsequent field observations support the claim of significant vehicle delays while accessing Baker Creek Road from the Oak Ridge neighborhood. These findings (combined with the City’s planned improvements to Baker Creek Road and the anticipated phasing of the Oak Ridge Meadows development) confirm that the traffic impacts related to the Oak Ridge Meadows development will be limited and all facilities will continue to meet the City’s operating and design standards.” The Council finds that this conclusion in the DKS supplemental traffic evaluation is

credible and persuasive. The Council determines that the proposal complies with MCC 17.74.070(C).

Opponents argue that the proposal does not meet MZO 17.74.070(F), which provides the Applicant must demonstrate that “Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.” They are mistaken. First, Council hereby adopts the Applicant’s response and Staff Findings regarding PDA 4-18 contained within the May 16, 2018 Planning Commission packet at page 125 regarding this plan policy. Second, the Council finds that the property is already planned and zoned for the population densities proposed and the type of residential development that is proposed. Public utility and drainage facilities currently exist adjacent to the site and have the capacity to adequately be extended to and sufficiently serve the proposed population density and single-family detached residential development represented by this proposal.

13. Opponents argue that the proposal does not comply with MZO 17.74.0070(D), which requires a finding that “The plan can be completed within a reasonable period of time.” The Council disagrees. Opponents argue that The Council does not agree. As City Associate Planner Fleckenstein explained at the April 18, 2019 public hearing before the Planning Commission (see Minutes at Planning Commission May 16, 2019 Packet, page 616):

“The current zoning of the site for PDA 3-18 was R-2 PD, single family residential. The Oak Ridge Planned Development had approved 107 lots which were reallocated from 3 phases to 4 phases. Phase 4 had 30 lots that were yet to be developed. In the original Planned Development there would be an intersection at Pinot Noir Drive and Pinehurst Drive, and that intersection was moved north into the Oak Ridge Meadows Planned Development. That created a situation where both Oak Ridge Phase 4 and Oak Ridge Meadows would have to be developed at the same time. This became problematic during the recession and neither subdivision was built. The request was to remove the 11.47 acres of undeveloped property that had been planned to be Phase 4 of the Oak Ridge Planned Development and to keep the R-2 PD zoning on the parcel until it was rezoned. Staff noted this request met the Comprehensive Plan policies and code criteria for a Planned Development Amendment. The first 3 phases of Oak Ridge that had been built out met the intent and covenants of the Comprehensive Plan and code requirements. If this land was successfully removed, but not successfully added to the Oak Ridge Meadows, the land would be rezoned from R-2 PD to R-2 and future development would need to be compliant with the R-2 zone. He then discussed the approval criteria for PDA 3-18. The special physical condition was that previously approved plans for Oak Ridge and Oak Ridge Meadows made the simultaneous development necessary and co-dependent on each other. This became problematic in the execution and timing of the build out for both subdivisions. The special objective was to bring the adjacent undeveloped parcels together into one master planned development.”

The Council agrees that this history makes the development posture of the subject properties unique and that coupled with the interposition of the Great Recession explains why the subject property has not developed previously. Joining the undeveloped parts into a single planned development eliminates the “chicken and egg” problem that otherwise plagued the properties and the economic climate is satisfactory for the development of the proposal. Accordingly, the Council agrees with the Applicant’s Response and Staff Findings for PDA 3-18, May 16, 2019 Planning Commission packet at 58, and adopts the Applicant’s Response and Staff Finding at May 16, 2019 Planning Commission packet, page 123, that the evidence establishes that the plan for the proposed planned development can be completed within a reasonable period of time.

12. Opponents argue that the proposal does not meet MCC 17.74.070(G) which provides the Applicant must demonstrate that “The noise, air and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities or the city as a whole.” First, Council hereby adopts the Applicant’s response and Staff Findings regarding PDA 4-18 contained within the May 16, 2018 Planning Commission packet at pages 125-126, regarding this plan policy, with one exception. The staff findings state “the loss of adjacent wetlands would detract from the water quality function of the wetland.” While this is true, Council notes that mitigation required for such losses are proposed which will replace the functionality of the wetlands to be filled. Specifically, the current function of the wetland is to retain and filter storm water into nearby Baker Creek or percolate the water into the ground. Similarly here, the proposal includes a detention pond that will detain and percolate water, treat it to provide water quality and release storm water to Baker Creek at levels required by the City’s Stormwater Management Plan.

The Council finds that the proposal complies with all relevant standards and is approved.

13. New Language is added to CONDITION 14 in PDA 4-18:

At no point will occupancy permits be issued for the approved 108 homes in the planned development approved by this ordinance, unless such homes are constructed in compliance with the requirements of the Oregon Fire Code.

Supplemental Findings

- III. S 3-18. In addition to the other findings supporting the proposal, the following supplemental findings are adopted.

14. Three applications were filed concurrently – two PDA amendment applications (3-18 and 4-18) and one subdivision application (S 3-18). The Planning Commission approved S 3-18 and recommended approval of PDA 3-18 and 4-18. McMinnville Zoning Ordinance (MZO) 17.72.070 provides “When a proposal involves more than one application for the same property, the Applicant may submit concurrent applications *which shall be processed simultaneously*. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice.” (Emphasis

added). Staff understands the italicized language to mean that the Planning Commission's approval of S 3-18 (subdivision) had to be processed simultaneously with the PDA's through Council decision, and that meant that the subdivision decision could not become final after its Planning Commission approval. Rather, the subdivision approval too had to be processed as a recommendation so it could secure Council review and approval. The Council agrees with staff's interpretation that in the situation here, where the three applications were filed concurrently and are interdependent upon one another and two of those concurrent applications require Council approval, that they all then must be processed simultaneously through Council approval, without a party being required to bring the subdivision before the Council by filing an appeal.

15. MZO 17.72.120 lists planned developments and planned development amendment applications as subject to quasi-judicial processes and MZO 17.72.130(5) makes Planning Commission decisions on the same, recommendations for Council decision. MCZO 17.72.130(6) requires the Council to either approve the applications and to adopt findings of approval based upon the Planning Commission record, or to call for a public hearing. The Council has reviewed the Planning Commission record and finds that its professional planning staff did a thorough and commendable job in its review and analysis of the proposals, that the City Planning Commission did a good and thoughtful job in conducting two separate public hearings, considering all of the evidence and arguments of the parties in reaching its decision and the parties presented exhaustive testimony and evidence regarding their positions. In such circumstances, the Council finds that no purpose is served in conducting yet another public hearing. The Council will decide the matter on the record. It adopts these supplemental findings in deference to LUBA's rule that requires where a relevant issue is raised in the local land use proceedings, that the findings supporting the final decision must address the issue and where the findings do not do so, remand is required. *Space Age Fuel, Inc. v. Umatilla County*, 72 Or LUBA 92 (2015). The Council finds that its code does not prevent it from responding to this LUBA command in its final decision. Adopting findings responsive to this LUBA requirement, does not require that parties have a right to rebut those findings. *Rawson v. Hood River Co.* 77 Or LUBA 571, 574-75 (2018).
16. Opponents contend that the subdivision may not be approved without the Department of State Land (DSL)'s concurrence in the wetland delineation that the Applicant submitted to that agency. The Council finds that no approval standard requires DSL's concurrence in the wetland delineation for the property before City approval may be given. DSL must eventually concur in the Applicant's delineation and DSL required mitigation as a matter of state law and so Condition 22 to this subdivision approval requires all required DSL permits to be in place and PDA 4-18 Condition 11 also specifically requires such DSL approval to occur. Relatedly, opponents object to the proposal which will fill 1.06 acres of wetland. The Council finds that no approval standard is violated by the proposal to fill a portion of the wetlands on the site and to mitigate that fill consistent with DSL requirements and subject to DSL approval. The City leaves wetland regulation including fill and mitigation to the expertise of the Oregon DSL. The City lacks expertise in such

matters. Where the proposal to fill wetland potentially bears on a relevant City standard, it is addressed under that standard.

17. Opponents request that an environmental impact study (EIS) be completed for the proposal. No City standard requires an EIS be completed for this proposal. An EIS is required when a major federal action is to be taken that affects natural resources. No federal action of any type is at issue here. This objection provides no basis for denial or any condition of approval.
18. Opponents ask the City to designate the 11.47 acres as a “nature preserve” that would be set aside for public enjoyment. The Council declines to do so. The entire proposal consists of only 35.47 acres. Requiring the Applicant to either dedicate to the public or make undevelopable as a set aside for public enjoyment 32.3% of the developable R-2 zoned area cannot pass the United States Constitution’s Fifth Amendment unconstitutional conditions tests of *Nollan v. California Coastal Commission* 483 US 825 (1987) or *Dolan v. City of Tigard*, 512 US 374 (1994). Such would not pass *Nollan* because there is no legislatively adopted standard that requires such a dedication or set aside for public enjoyment. Such would not comply with *Dolan* because it is not possible to make adequate findings that such a taking of private property for public use is roughly proportional to the impacts of the proposed development.
19. Opponents argue that the City’s recently adopted “Great Neighborhoods Principles” should be applied. The Council declines to apply these principles because they were adopted by the Council on April 9, 2019, effective on May 9, 2019, and were not in effect until after the date that this application was submitted to the city. As a matter of law under ORS 227.178(3), those provisions cannot be applied.
20. Opponents argue that the proposal is contrary to Statewide Planning Goal 10 (Housing). First, the Council finds that Goal 10 does not apply. The proposal is a subdivision and is not one for a comprehensive plan amendment and Goal 10 applies only to comprehensive plan amendments. Regardless, the Council finds that there is nothing about the proposal that adversely affects the City’s housing inventory. Rather, the approval of this subdivision increases the chances that the entire 35.47 acres will be developed for housing consistent with its residential zoning. As explained in other findings, the current land use approval situation that applies to the entire 35.47 acres creates barriers that has made the development of these properties difficult. The Council does not understand how the proposed subdivision could impact or violate Goal 10 in any respect. Goal 10, the City’s Comprehensive Plan, the needed housing statute, and caselaw interpreting these authorities, all encourage the development of housing on land planned and zoned for housing, as is the case here. The totality of the subject 35.47 acre property is planned residential, is zoned R-2, the R-2 zone implements the City’s comprehensive plan and existing housing needs analysis and existing buildable lands analysis as a part of the City’s existing acknowledged strategy to provide needed housing. The City’s R-2 zone in general, and as applied to the subject property, is acknowledged to comply with Goal 10. There is nothing about the proposal that undermines any housing policy or state rule; in fact precisely the opposite is true. There is no need or purpose served in re-justifying

the subject property as R-2 land. The demand to do so is not warranted by Goal 10 or any other applicable standard.

21. Opponents argue that the proposal must comply with McMinnville Zoning Ordinance (MZO) 17.48.005 and fails to do so. MZO 17.48.005 states “Purpose. The purpose of a floodplain is to establish and regulate land uses in those areas designated as hazardous due to periodic flooding in order to protect the community from financial burdens through flood damage losses. Further, this zone is intended to protect natural floodways and drainage ways from encroachment by uses and/or indiscriminate land filling or diking which may adversely affect the overall stream and downstream flood levels. Finally, the floodplain zone shall set aside an area which shall, for the most part, be preserved in its natural state or farmed to provide open spaces, natural habitats, and recreational places.” This zoning requirement is inapplicable because it applies only to the City designated floodplain. No part of the proposed development is located in the City designated floodplain, which is designated consistent with FEMA mapping – that is other than a small amount of the 5.06 acre greenway park which the code allows to be in the floodplain as explained below.
22. Opponents contend that the 11.47 acres that is being removed from ORD 4722 is subject to Oak Ridge subdivision CC&Rs. They are mistaken. The evidence in the record is that the CC&Rs cover only the developed portions of the Oak Ridge phased subdivision, and not the 11.47 acres.
23. Opponents argue that the proposal does not comply with various plan policies. At the outset the Council finds that the proposal is for a subdivision within the UGB which is specifically defined in state law as a limited land use decision. ORS 197.015(12)(a). That means that the City comprehensive plan is inapplicable to the proposed subdivision unless the plan contains individual provisions which are specifically incorporated into the zoning ordinance. ORS 197.195. There are no such plan policies. The McMinnville Comp Plan Volume II, page 1 states “Volume II, Goals and Policies, contains the goal, policy, and proposal statements which shall be applied to all *land use decisions*.” By its express terms it does not apply to limited land use decisions. Regardless, in an abundance of caution, the Council reviews plan policies about which the opponents take issue, but do so without waiver of the fact that these plan standards do not apply.
 - a. Opponents argue that the proposal is inconsistent with Policy 2.00 which provides “The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints including, but not limited to, excessive slope, limiting soil characteristics and natural hazards.” They contend that the “Baker Creek Hydrologic Analysis” (BCHA) they submitted to the Planning Commission for its May 16, 2019 continued public hearing, demonstrates this standard and other standards are not met. This is incorrect.

First, the Council adopts the Applicant’s response and Staff Findings regarding PDA 4-18 contained within the May 16, 2018 Planning Commission packet at page 86 regarding this plan policy.

Second, the Council specifically finds that plan Policy 2.00 requires enforcement of *adopted* City code standards and is not a moving target. Policy 2.00 contemplates that the City will enforce *adopted* City code standards imposing building constraints inclusive of building code requirements and restrictions, the City's adopted standards regulating development in the 100-year floodplain and prohibiting development in the floodway and other standards in the City's code identified by the City's professional staff or in others the public hearings processes. The proposal does not include development within the City's adopted 100-year floodplain, or the Baker Creek floodway, and is not contrary to any other code adopted development constraint that has been identified in the record or that the Council is aware of. Development will occur only in a manner that is consistent with all applicable requirements and development controls.

Moreover, the following findings are relevant to Policy 2.0 and other Plan Policies and standards that opponents' claim should prohibit or restrict the proposal based upon the 100-year floodplain or flooding generally, and their BCHA which purports to show that if an application for a Letter of Map Amendment or "LOMA" were submitted to FEMA at some point in the future, that the 100-year flood plain might be differently mapped. Even if their BCHA showed this, approval of PDA 4-18 is not inconsistent with Policy 2.00 because Policy 2.00 speaks only to enforcement of existing adopted code standards (e.g., "shall continue to enforce") – including the existing mapped 100-year floodplain, not the 100-year floodplain as it might be mapped in the future. Further, the Council notes that the opponents' claim their BCHA shows that the proposal will cause downstream flooding and harm. The Council disagrees that opponents' BCHA demonstrates that the proposal will result in downstream flooding or harms. To the contrary, opponents' BCHA demonstrates that the proposal shows a *decrease* in downstream flood impacts if the proposal is approved. Opponents' BCHA at Page 26, Table 16 shows that the maximum water surface elevation at Cross Section 11843 for existing conditions is 127.42 ft., while water surface elevations for *future* conditions is shown at 127.41 ft.

While opponents BCHA concludes at page 29, second paragraph: "the potential downstream impact of the blockage for the proposed development amounts to less than one hundredth of a foot of *increase* adjacent to existing residences", the math is plain that this is a **decrease** of 0.01 ft. The Council further notes that, as pointed out by the Applicant's attorney's May 15, 2019 letter to the Planning Commission, opponents' BCHA contains other methodological errors that make it unreliable and the Council does not rely upon it. While opponents' attorney asserts that only an engineer can point out faults in the opponents' BCHA, he is mistaken. The errors in the BCHA are plain on their face and also evident from a review of the other evidence in the record. And, regardless, BCHA errors were confirmed at the May 16, 2019 Planning Commission public hearing by the Applicant's engineer, Mr. Wells.

Opponents also contend that the proposal to place a portion of NW Pinehurst Drive in a location partially identified as containing wetland area will cause water pollution and downstream flooding. The proposal to place part of NW Pinehurst Drive in a

filled wetland does not cause water pollution or downstream flooding. Rather, the Council agrees with the Applicant, the City's professional staff and the Planning Commission, that the drainage and water quality effects of the development of NW Pinehurst Drive will be adequately managed in compliance with adopted City standards by an appropriately sized detention pond, water treatment and water discharged to Baker Creek, at a controlled rate of flow, as authorized and governed by the City's Storm Water Management Standards. The Council finds that the proposal complies with Plan Policy 2.00.

b. Opponents assert that the proposal is inconsistent with Plan Policy 74.00 which provides "Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs." The Council finds that this Plan Policy does not apply to the subdivision proposal but rather only to the planned development proposal approved by PDA 4-18.

c. Opponents assert that the proposal is inconsistent with Plan Policy 80.00 which provides "In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible." Opponents contend that the proposal should be re-designed to preserve all of the site's wetlands. The Council incorporates its discussion in the previous findings regarding the meaning of "distinctive" natural areas referring to City inventoried Goal 5 resources and that there are no inventoried Goal 5 resources on the subject property. Moreover, the wetlands on the subject property are not "unique" but rather are typical of wetlands scattered throughout the City. Similarly, there are no other "unique" natural features on the subject 35.47 acre property within the meaning of this Plan Policy. Further, the Council adopts the Applicant's response and Staff Findings regarding S 3-18 contained within the May 16, 2018 Planning Commission packet at pages 155-57 regarding this plan policy. The Council also finds that this plan policy requires preservation of identified natural features where feasible. The use of the term *feasible* in this plan policy recognizes that there are other competing values that are also expressed as plan policies and code standards that must be considered. Further, the use of the term "preservable trees" means those trees that can be preserved while still allowing the proposed development to move forward.

Policy 80.00 is written as a balance to require distinctive or unique natural features be preserved when it is reasonably feasible to do so, while also approving housing contemplated by the zoning designation to enable the City to comply with its housing policies and Statewide Planning Goal 10 (Housing). See McMinnville Goal V2 and Policies 68.00-71.00. ORS 197.307(3) similarly requires that needed housing "shall be permitted." The proposal is for a type of City recognized needed housing. Here the subject property is zoned R-2 and the City has obligations to allow that zone to deliver the intended residential density of that zone as much as is reasonably possible to avoid the need to expand the urban growth boundary in the future. The proposal is already slightly under the density contemplated for the R-2 zone. Additional density reductions would be required for any redesign had no impact on wetlands, trees or steep slopes, and the Council does not wish to see any

further residential density reductions. Further, in this case, it must be recognized that in the absence of the proposal, the existing approved Planned Development Ordinances for the project area, which is comprised of 11.47 acres from the Oak Ridge Planned Development and the entire area of the Oak Ridge Meadows Planned Development, authorize the development of 129 lots versus the proposed 108 proposed lots at issue in this case. The reduced number of lots proposed here, is a direct response to the Applicant, in part, adjusting the alignment of the eastern portion of NW Pinehurst Drive to be located further to the west thereby preserving more natural features, and incorporating public and private parks and walking path amenities which do not exist as a part of the previously approved Planned Development Ordinances that this proposal supersedes. The Council finds that in these circumstances, the proposal preserves natural features – whether distinctive or unique - “wherever feasible” and is consistent with this plan policy.

d. Opponents assert that the proposal is inconsistent with Plan Policy 118.00 which provides “The City of McMinnville shall encourage development of roads that include the following design factors:

“1. Minimal adverse impacts on, and advantageous utilization of, natural features of the land.”

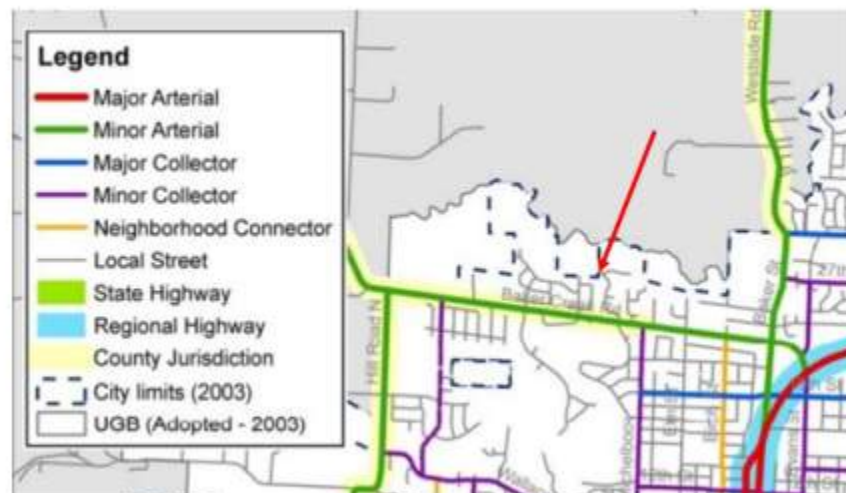
Opponents contend that because the easternmost portion of NW Pinehurst Drive (the portion within the 11.47 acres to be removed from ORD 4722), will be developed in a wetland area requiring some of the wetland to be filled, the proposal is necessarily inconsistent with this plan policy. First, Council hereby adopts the Applicant’s response and Staff Findings regarding PDA 4-18 contained within the May 16, 2018 Planning Commission packet at pages 158-59 regarding this plan policy. Second, the terminus of this portion of NW Pinehurst Drive stubbing to the Toth property is now reflected in the City’s TSP as is explained in later findings. It would not be possible to establish this segment of NW Pinehurst Drive in any location and avoid wetlands and still stub to the Toth property as is contemplated and reflected in the City’s acknowledged TSP. The location of NW Pinehurst Drive within the 11.47 acre area, is directly responsive to the Applicant minimizing adverse impacts on area wetlands, avoiding cutting into steep slopes and stubbing NW Pinehurst in the location that the City’s TSP shows the connecting stub to be located. This demonstrates that the proposal is consistent with Plan Policy 118.00, because it advantageously utilizes natural resources but at the same time minimizes adverse impacts upon them and does so within the acknowledged framework of the City’s TSP location of the existing NW Pinehurst Drive stub at the Toth property.

Finally, the Council expressly interprets this plan policy to be aspirational and to encourage, but not require, minimizing adverse impacts and advantageous utilization of natural features in any event. It is not an approval standard. Minimizing adverse impacts to and the advantageous utilization of natural features has been sufficiently encouraged by the approval of the proposal. The proposal is consistent with this plan policy.

e. Opponents argue that the proposal is inconsistent with Plan Policy 132.029.00 which provides “The construction of transportation facilities in the McMinnville planning area shall be timed to coincide with community needs and shall be implemented so as to minimize impacts on existing development.” They argue that to “minimize impacts on existing development”, that the existing traffic outlets onto Baker Creek Road of NW Merlot Drive and NW Oak Ridge Drive, which the proposal will use, must be supplemented by the public dedication and completion of a NW Shadden Drive right-of-way connection between the subject site and NW Baker Creek Road across property that is not a part of the development proposal and is not owned or controlled by the Applicant.

The Council disagrees. This plan provision has two parts: (1) that transportation facilities be constructed coincidentally at the time when the community needs them, and (2) when such transportation facilities are constructed, that they are implemented in a way that minimizes impacts to existing development. The proposal is consistent with this plan policy.

With one exception, there is no dispute that the construction of the proposed extensions of NW Pinehurst Drive and NW Pinot Noir Drive to serve the proposal will be timely to meet community needs. The exception is that the opponents argue that the proposal is inconsistent with this plan provision because they contend that there is no “community need” to stub out NW Pinehurst Drive to the neighboring property to the east owned by Mr. Toth. They are mistaken. The stubbed connection of NW Pinehurst Drive to the Toth property already exists in City planning documents and is shown on Exhibit 2-3 (Street Functional Classification) the City’s adopted and acknowledged Transportation System Plan (TSP).



Below is an enlarged portion of the above graphic showing the NW Pinehurst Drive street stub in more detail.



Accordingly, a connection stubbed at the Toth property must be presumed to be a community need because it has been legislatively adopted as such in the City's TSP. It is well-established that it is improper to collaterally attack the city's acknowledged planning instruments including the City's TSP.

As to the second prong of the plan provision, the Council finds that impacts of the proposal on existing development are minimized within the meaning of this plan provision by PDA 4-18 Condition 15, limiting the number of lots to 108 lots in the development unless NW Shadden Drive is constructed. This ensures that the number of traffic trips associated with the proposal is consistent with the design capacity of the affected streets as explained by the Applicant's transportation engineer in her TIA and supplemental report in the record.

Moreover, the proposal will involve widening a particularly narrow section of NW Pinot Noir Drive from its intersection with NW Blake Street to improve NW Pinot Noir Drive to current standards, within the existing right-of-way, improving mobility and thus livability in this part of the existing Oak Ridge Subdivision development. Further, the Applicant's Transportation Impact Analysis (TIA) and TIA supplement both demonstrate that all intersections and traffic volumes will function well within applicable city standards as proposed without NW Shadden Drive.

The Council finds that this standard does not require that the Applicant to construct an additional permanent public street connection (NW Shadden Drive) on property that is neither owned nor controlled by the Applicant, where such is otherwise not required by applicable standards, as is the case here. As demonstrated in the Applicant's traffic report and supplemental traffic report, traffic is expected to move in and out of the existing development and move around inside of the existing development, well within the limits of all applicable city standards. The Council further notes that the fire department has determined that a temporary emergency-only vehicular connection between the western temporary terminus of NW Pinehurst

Drive to NW Baker Creek Road for emergency access is adequate to serve emergency needs, as explained in other findings.

Finally opponents requested that the NW Shadden Drive emergency access be used for construction vehicles for the proposal so that construction vehicles are not using the public road system within the existing Oak Ridge subdivision development. The Council finds that this standard does not require that construction vehicles for the proposed planned development be prohibited from using the public road system and be required to use instead only the temporary emergency-only access to be constructed across adjacent land to the west in the approximate alignment of the future extension of NW Shadden Drive. The Council declines to impose such a condition because it is not required by this or any other standard and also the owner of the land (Stafford Land) under the temporary NW Shadden Drive emergency access has not consented to such use. Further, such use of the Stafford Land property may be inconsistent with applicable standards that will be applied to that neighboring property for its residential subdivision development (it too is zoned R-2), where the proposed temporary emergency vehicle access is to be situated. That Stafford Land property owner has submitted an application for a tentative plat approval for that property. While opponents state otherwise, they are mistaken. Such application has been submitted to the city for approval of a residential subdivision and is currently under City consideration.

A permanent NW Shadden Drive public road connection between the proposed planned development and NW Baker Creek Road will be a required part of that adjacent subdivision on which the NW Shadden Drive connection will be located. However, reserving the NW Shadden Drive connection as the exclusive construction access for the proposed planned development, which can be developed over a period of five (5) years, is unreasonable and foreseeably could adversely affect the timing and development of such other property as well as could improperly limit the City's approval options for that development. Imposition of such a condition also establishes a precedent for other residential developments that they must obtain approval to provide construction access from unowned neighboring undeveloped properties and such a precedent is untenable. The Council declines to impose such a condition. The proposal is consistent with this Plan Policy.

f. Opponents argue that the proposal is inconsistent with Policy 132.35.00 which provides "Transportation facilities in the McMinnville Planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks and walkways." Similar to their arguments under Plan Policy 132.29.00, opponents argue that developing the proposed planned development without the construction of the permanent NW Shadden Drive connection is inconsistent with this standard because it does not mitigate noise and neighborhood disruption and also that the required NW Pinehurst Drive street stub to the Toth property to the east will be disruptive by virtue of its very existence. The Council disagrees and finds that the proposal is consistent with this policy.

First, Council hereby adopts the Applicant's response and Staff Findings regarding S 3-18 contained within the May 16, 2018 Planning Commission packet at pages 162-163 regarding this plan policy.

Second, the Council specifically interprets the use of the terms "to the degree possible" in this plan provision to be meaningful. The plan provision is not absolute; it does not require that there be no neighborhood disruption or no noise associated with transportation facilities for a development proposal. Rather, this standard requires that roadways be designed consistently with their functional classifications and meet city level of service and other standards. All McMinnville citizens must expect that vacant land to which they are proximate will develop consistently with its zoning including to have the transportation facilities that would be required by the city code and plan. The proposal is consistent with the functional classifications of affected streets and meets all level of service and other transportation related standards. Moreover, this plan provision focuses on ensuring that residents within planned developments have a variety of transportation options available to them. The proposal includes generous opportunities for walking, and biking, as well as being situated within one mile of planned transit, thus ensuring that there will be adequate vehicle transportation opportunities. Regarding transit, such is located within one-mile of the site as a "Conceptual Bus Route" on the city's adopted "Transit Feasibility Study" and as articulated within the May 16, 2019 Planning Commission packet at pages 88-89.

Finally, the Council notes that neighborhood disruption is not per se established by the Applicant providing a required public street stub to the Toth property at the eastern temporary terminus of NW Pinehurst Drive consistent with the City's adopted TSP. Rather, stubbing to the Toth property as contemplated by the City's TSP demonstrates compliance with this plan policy. The proposal is consistent with this plan policy.

- g. Opponents contend that the proposal is inconsistent with Plan Policy 142.00, which provides "The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required." First, the Council adopts the Applicant's Response and Staff Finding at p 168. Second, the Council finds that the proposal is consistent with this Plan Policy as it is properly interpreted. Specifically, this policy does not apply directly to development proposals but rather it is implemented by an Applicant's compliance with the City's Storm Water Management Standards. The Applicant has established that the proposal will comply with the City's Storm Water Management Standards. Accordingly, the proposal is consistent with this Plan Policy.
- h. Opponents contend that the proposal is inconsistent with Policy 143.00, which provides "The City of McMinnville shall encourage the retention of natural drainage

ways for storm water drainage.” They assert that the filling of any wetlands is inconsistent with this policy. They also contend that development within a 100-year floodplain is inconsistent with this policy. The Council disagrees that the proposal to fill a portion of the wetlands located on the property is inconsistent with the plan policy and also disagrees as explained above that the proposal includes unauthorized development within the City’s mapped 100-year floodplain.

The Council begins by noting that opponents’ interpretation of this plan policy is absolute; but the plan policy is aspirational and not mandatory (e.g., “The City of McMinnville shall encourage..”). As such, it is not an approval standard for the proposal.

Second, the Council adopts the Applicant’s response and Staff Findings regarding S 3-18 contained within the May 16, 2018 Planning Commission packet at page 168 regarding this plan policy.

Third, the Council finds that the wetlands proposed to be filled subject to the approval of the Department of State Lands (DSL), are not “drainage ways” within the meaning of this plan policy, in any event. The “drainage way” is Baker Creek. The proposal is not inconsistent with this plan policy.

- i. Opponents argue that the proposal is inconsistent with Plan Policies relating to parks. Generally, they argue that there are no funds to maintain the public 5.06 acre park. The Council disagrees. A condition of approval requiring a homeowner’s association with maintenance responsibilities for common open space as well as the public open space (the 5.06 acre park) until 2032 has been included at Condition 5. Moreover, the Council finds that by 2032 the City will have adequate funds to maintain this 5.06 acre greenway park. While City Parks Department recommended a condition limiting transfer of maintenance responsibility “until such time as resources are available to maintain and operate it as public open space”, the Council declines to impose such an open ended condition. Rather, the County finds that by 2032 the City shall have the means to maintain the 5.06 acre park. Failing to do so means the City fails its citizens and the obligations imposed upon the City in its plan and the Council declines to be so pessimistic. The Council finds that the park will be adequately maintained by the City in 2032 and thereafter.

Specifically with regard to parks, opponents express concerns about the proposal’s consistency with the following plan policies.

- A. Opponents argue that the proposal is inconsistent with Plan Policy 160.00, which provides “The City of McMinnville shall encourage the improvement of existing parks and recreation facilities as a priority consideration.” The Council finds that this plan policy does not apply to this proposal. No existing parks and recreation facilities exist within or are affected by the proposed planned development.

- B. Opponents argue that the proposal is inconsistent with Plan Policy 161.00 which provides “The City of McMinnville shall encourage cooperation between public and private recreation agencies and groups to provide a full complement of recreational and leisure time activities, to share existing facilities, and to discourage duplication of expenditures and programs.” The Council finds that this plan policy does not apply here and, even if it did, that there is nothing about the proposal that is inconsistent with this plan policy.
- C. Opponents argue that the proposal is inconsistent with Plan Policy 163.00, which provides “The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.” The Council finds that the proposal is consistent with this plan policy because it provides two park amenities and a natural trail walking/jogging pathway system.
- D. Opponents argue that the proposal is inconsistent with Plan Policy 163.05, which provides “The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands.”

First, the Council adopts the Applicant’s response and Staff Findings regarding S 3-18 contained within the May 16, 2018 Planning Commission packet at pages 170-71 regarding this standard.

Second, the Council finds that the adopted McMinnville Parks, Recreation, and Open Space Master Plan defines seven park types. Two of those park types are required by Comprehensive Plan Policy 163.05 to be located outside of the 100-year floodplain. Those two park types are Community parks and Neighborhood parks.

Of the two parks proposed as part of the Oak Ridge Meadows Planned Development (PDA 4-18), only one park, the public Greenway Park contains some portion of land identified as being located within the 100-year floodplain. Policy 163.05 states that Greenways are appropriate recreational uses of land in floodplains. The Council finds that the Greenway Park is a greenway within the meaning of this plan policy and that is it not a neighborhood or community park. The Council further finds that the small portion of the Greenway Park that is within the 100-

year floodplain is allowed to be located in the floodplain under this policy. Accordingly, the proposal is consistent with this plan policy.

- E. Opponents argue that the proposal is inconsistent with Plan Policy 164.00 which provides “The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.” The Council recognizes that the McMinnville Parks and Recreation Department determined that the proposal met this plan standard. *See* Planning Commission May 16, 2019 packet at p 140. Regardless, the Council finds that this plan policy does not apply to this application for a planned development, because the City does not acquire floodplain land as a goal of approving a residential development application. Regardless, the Council concurs that the proposal is consistent with this plan policy in the sense that a small amount of the 100-year floodplain is situated within the 5.06 acre park which will be dedicated to the public.
- F. Opponents argue that the proposal is inconsistent with Plan Policy 166.00 which provides “The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.” The Council finds that the proposal is consistent with this plan policy. The proposal includes generous amounts of open space and natural areas amenities reflecting both the Applicant’s and the City’s recognition of the importance of the same to a pleasant living experience in the urban area.
- G. Opponents argue that the proposal is inconsistent with Plan Policy 167.00, which provides “The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.” The Council disagrees that the proposal is inconsistent with this Plan Policy.

First, this plan policy is not a mandatory standard, but rather is aspirational. First, this plan policy is not a mandatory standard, but rather is aspirational. Accordingly, it is not an approval standard for the proposal.

Second, it largely does not apply to the proposal at all. The proposed project is not at the entrance to the City. There are no existing “open space” areas on the subject property. Rather, the subject property is entirely composed of privately owned property designated as R-2, which has long been subject to planned developments and subdivision approvals that simply never materialized for a variety of reasons. The undeveloped R-2 zoned land at issue in this proposal does provide scenic areas that the developed subdivision in the sense that the wetlands are

visually appealing. The Applicant has been encouraged to retain and has retained many of those scenic wetland areas and has provided specific viewing areas for the enjoyment of all neighbors – new and existing ones. The proposal is consistent with this plan policy.

- H. Opponents argue that the proposal is inconsistent with Plan Policy 168.00, which provides “Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.” The Council finds that the proposal is consistent with this policy, as properly interpreted. First, the Council adopts herein the Applicant’s Response and Staff Findings contained within the May 16, 2019 Planning Commission packet at page 170-71. Second, the Council herein adopts its findings concerning Plan Policies 74.0 and 80.0 as they relate to distinctive natural features. Third, the Council specifically finds that this plan policy is not absolute, but rather contemplates retention of distinctive natural features where it is possible to do so and still achieve other goals and standards in the City’s Plan and zoning ordinance. This means that even if there were distinctive natural features on the subject property, they are retained as much as reasonably possible by the generous provision of park and recreation opportunities, a majority of the wetlands being retained, and the tree protection provisions in Condition 2, while still achieving the density of housing contemplated by the R-2 zoning district.
- I. Opponents argue that the proposal is inconsistent with Plan Policy 169.00 which provides “Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-off”. The Council finds that the proposal is consistent with this Plan Policy. First, the Council adopts the Applicant’s Response and the Staff Findings at the May 16, 2019 Planning Commission Packet at pages 170-71. Second, the Council incorporates herein its findings of consistency with Policy 143.00. Third, the Council finds that this standard contemplates that drainage ways in the City (here, Baker Creek), will be preserved for natural areas and open spaces and to provide a means to accept natural storm water run-off. Baker Creek is untouched under the proposal and will retain its role as a natural area and open space and to accept natural storm water run-off. The proposal is consistent with this plan policy.
- j. Opponents argue that the proposal is inconsistent with Plan Policy 187.050(1)(a) which provides “Neighborhood shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas and landmark trees.” Plan policy 187.50 expresses “Great Neighborhood Principles.” This policy was adopted by the Council on April 9, 2019, effective on May 9, 2019, and was not in effect at the time the application was first

submitted to the City and therefore as a matter of law under ORS 227.178(3) cannot be applied to the proposal. However, even if this plan policy applied, the proposal is not inconsistent with it. The policy requires the preservation of certain described features but not all such certain described natural features. The “neighborhood” created by the proposal preserves many natural features – far more than were approved under the original approvals that would cover the subject property if the proposal were not approved. This plan policy is inapplicable and even if it applied, the proposal is not inconsistent with it.

k. Opponents argue the proposal is inconsistent with Plan Policy Proposal 29.00 which provides “The City of McMinnville should continue to monitor the location and size of lands acquired through the parkland (subdivision) ordinance. Methods of developing and maintaining the smaller parks in a manner less expensive to the City should be encouraged and explored.” First, the Council finds that this policy is merely “proposed” in the Plan, but is not adopted. Unadopted plan provisions cannot be applied to development proposals. ORS 227.178(3). Further, regardless, the Council also finds that the McMinnville Parks and Recreation Department monitors the location and size of parkland acquired by the City. Additionally, the smaller of the two proposed parks will be privately owned and maintained by a Homeowner’s Association and will not be maintained by the City. Even if the City adopts this policy in the future, this proposal is not inconsistent with this Plan Policy proposal.

24. As an overarching matter, the Council finds that the evidence in the record establishes that the proposal does not develop homes or roads within the City’s adopted 100-year floodplain and is unlikely to cause flooding or other harms to harm to downstream properties.

The Council finds that S 3-18 complies with all relevant standards and is therefore approved.



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MINUTES

April 18, 2019
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Gary Langenwalter, Roger Lizut, Amanda Perron, and Lori Schanche

Members Absent: Christopher Knapp

Staff Present: Mike Bisset – City Engineer, Jamie Fleckenstein – Associate Planner, David Koch – City Attorney, and Heather Richards – Planning Director

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Citizen Comments

None

3. Approval of Minutes

- **March 21, 2019 Work Session Minutes**
- **March 21, 2019 Planning Commission Minutes**

6:32 Commissioner Lizut moved to approve the March 21, 2019 Work Session and Regular Meeting minutes. The motion was seconded by Commissioner Chroust-Masin and passed unanimously.

4. Public Hearing:

A. Quasi-Judicial Hearing. PDA 3-18/PDA 4-18/S 3-18 (Planned Development Amendments & Subdivision) - (Exhibit 2)

Request: **PDA 3-18:** Approval to amend Planned Development Ordinance 4722 (Oak Ridge Planned Development) to remove the unplatted fourth phase of the Oak Ridge phased subdivision from the boundary of the Oak Ridge Planned Development Overlay District.

PDA 4-18: Approval to amend Planned Development Ordinance 4822 (Oak Ridge Meadows Planned Development) to add the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned

Development; allow for lot size averaging; allow for modified setbacks; allow for some lots with side lot lines oriented other than at right angles to the street upon which the lots face; allow for some lots to exceed the recommended lot depth to width ratio; allow some block lengths to exceed the recommended maximum block length standard; allow for the designation of an approximately 0.85-acre active private neighborhood park; and allow for dedication of an approximately 5.6-acre public open-space greenway dedication along Baker Creek.

S 3-18: Approval of a 108 lot tentative two-phased single-family residential subdivision plan on approximately 35.47 acres of land with lots ranging from 4,950 to 14,315 square feet in size and averaging 7,771 square feet in size, referred to as Oak Ridge Meadows. In addition, an approximately 0.85-acre active private neighborhood park and an approximately 5.6-acre public open-space greenway dedication along Baker Creek are proposed.

Location: The subject site located generally north of Baker Creek Road and the multi-phased Oak Ridge residential development and south of Baker Creek. It is more specifically described as Tax Lot 602, Section 07 and Tax Lot 1300, Section 17, T.4 S., R. 4 W., W.M.

Applicant: Premier Development, LLC

- 6:32 **Hearing Introduction:** Chair Hall introduced PDA 3-18/PDA 4-18/S 3-18 (Planned Development Amendments & Subdivision)
- 6:34 **Public Hearing Process:** David Koch, City Attorney, reviewed the hearing procedures.
- 6:39 **Opening Statement:** Chair Hall read the opening statement and described the application.
- 6:45 **Disclosures:** Chair Hall opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Several members of the Commission had visited the site.

Commissioner Langenwaller visited the site yesterday, however he did not have a clear delineation of what was going to go where.

- 6:47 **Staff Presentation:** Associate Planner Fleckenstein presented the three applications to the Commission, PDA 3-18, PDA 4-18, and S 3-18. The Oak Ridge Planned Development was adopted in 2000 and the Oak Ridge Meadows Planned Development was adopted in 2005. The existing development plans would accommodate a total of 129 lots, and the proposal tonight was for 108 lots. The existing plans showed a common tract with preserved wetlands on the property, which was also proposed in the applications tonight. The wetlands would impact development both in the form of the extension of Pinehurst Drive to the southeast of the property and to some residential lots. The existing plans also showed private development and lots extending right to Baker Creek, and the proposed plans tonight had a public greenway along Baker Creek instead of the private development against the waterway. A recreational open space was also being proposed through 6.45 acres of park. There were additional protections

for environmentally sensitive areas that were being proposed that were not found in the original plans. The large lots proposed around the exterior and perimeter of the properties minimized impact to steep slopes and groves of mature Oak trees. The riparian corridor and floodplain was protected through the dedication of the public open space.

Associate Planner Fleckenstein summarized the applications. PDA 3-18 would amend the Oak Ridge Planned Development by removing 11.47 acres of undeveloped, unplatted property from the Planned Development. PDA 4-18 would amend the Oak Ridge Meadows Planned Development by adding 11.47 acres of property subject to the approval of PDA 3-18 to the boundary of the Planned Development, requesting additional zoning departures, and requiring public and community amenities. One of the goals of PDA 4-18 was to master plan the two parcels. S 3-18 was an application for 108 single family residential lots on the 35.47 acres. The properties were north of Baker Creek Road and south of Baker Creek itself. There was a floodplain associated with Baker Creek and he explained the portions where there was a 1% annual chance of flooding in the 100 year floodplain and the .2% annual chance of flooding in the 500 year floodplain. The floodplain areas were located in the open space areas of the subdivision layout and there would be no development in those areas. The property was east of undeveloped land owned by Stafford Development Company and it was anticipated that future development would add an additional 300-350 dwelling units to the area. The Baker Creek East and West developments had a total of 278 dwelling units. The 2010 Transportation System Plan considered the full build out of this area based on the density allowed per zone and the local street network was designed to accommodate the traffic. There were 3.09 acres of natural wetlands found on the 11.47 acre parcel and 1.06 acres were proposed to be impacted by the development and the other portion would remain untouched. The current zoning of the site for PDA 3-18 was R-2 PD, single family residential. The Oak Ridge Planned Development had approved 107 lots which were reallocated from 3 phases to 4 phases. Phase 4 had 30 lots that were yet to be developed. In the original Planned Development there would be an intersection at Pinot Noir Drive and Pinehurst Drive, and that intersection was moved north into the Oak Ridge Meadows Planned Development. That created a situation where both Oak Ridge Phase 4 and Oak Ridge Meadows would have to be developed at the same time. This became problematic during the recession and neither subdivision was built. The request was to remove the 11.47 acres of undeveloped property that had been planned to be Phase 4 of the Oak Ridge Planned Development and to keep the R-2 PD zoning on the parcel until it was rezoned. Staff noted this request met the Comprehensive Plan policies and code criteria for a Planned Development Amendment. The first 3 phases of Oak Ridge that had been built out met the intent and covenants of the Comprehensive Plan and code requirements. If this land was successfully removed, but not successfully added to the Oak Ridge Meadows, the land would be rezoned from R-2 PD to R-2 and future development would need to be compliant with the R-2 zone. He then discussed the approval criteria for PDA 3-18. The special physical condition was that previously approved plans for Oak Ridge and Oak Ridge Meadows made the simultaneous development necessary and co-dependent on each other. This became problematic in the execution and timing of the build out for both subdivisions. The special objective was to bring the adjacent undeveloped parcels together into one master planned development. No development was planned for PDA 3-18 and removal of the parcel would not cause inconsistency between the existing Oak Ridge development and Comprehensive Plan policies or zoning standards. Any future development on this property would be subject to review under the applicable criteria at that time. Staff thought PDA 3-18 met the criteria and recommended approval with conditions.

Associate Planner Fleckenstein explained PDA 4-18. This was a 24 acre parcel for Oak Ridge Meadows and the request was to add the adjacent undeveloped 11.47 acre parcel to make a total area of 35.47 acres. Zoning departures and public amenities were also being requested.

The applicant would like to change the average lot size from 7,500 square feet to 7,770 square feet and to amend the setbacks for the side yards to 5 feet and exterior side yards to 10 feet. The applicant would also like the ability to have side lot lines that were not at right angles to the street on which the lot sat to better respond to the topographical challenges of the site. There was also a request that the maximum block length be 2,305 feet with a maximum of 800 feet between pedestrian and bicycle ways at the mid-blocks. Also requested was a maximum lot depth to width ratio of 2.75 to 1 instead of 2 to 1. A minimum .85 acre private active neighborhood park would be provided, a minimum 5.6 acre public greenway would be dedicated, and a wetland preservation would also be provided. He thought these requests met the purposes of a Planned Development. The addition of the 11.47 acres allowed for efficient use of the land and open space and greater freedom and flexibility to develop the land as well as preservation of significant natural features and establishment of a private neighborhood park for the benefit of the community. The lot size averaging would allow the applicant to create larger lots on environmentally sensitive areas and to avoid the natural features and would allow a variety of housing products and price points. The modified setbacks would allow development flexibility to move a building footprint around on the individual lot. The non-standard lot lines and non-standard block lengths would respond to the geographical features of the site. The lot depth to width ratio would allow longer lots on the perimeter of the site that predominately had steep slopes and significant native Oak tree stands. The establishment of a private park and public greenway park would encourage mixed use in the area and provide open space. The preservation of wetlands and the establishment of viewing areas would encourage mixed use and provide open space as well. He thought the trade-offs for the zoning variances were warranted due to the public and private open spaces and wetlands preservation. A variance for right angle intersections was requested and this met with the Comprehensive Plan policies and City Code. The depth to width ratio and block length responded to the unique site characteristics and the open space met the Parks Master Plan policies and Comprehensive Plan policies. The wetland delineation was updated and needed to be approved by the Department of State Lands prior to platting. Any wetland mitigation required would need to be submitted and approved by the Department of State Lands prior to any construction that would impact the wetland. There were increased protections for trees greater than 9 inches in diameter which were included in the conditions. A traffic impact analysis was conducted and it indicated that Pinot Noir Drive could accommodate the amount of trips generated by the 108 lots prior to a second public access being constructed. A permitted use in the R-2 zone was Accessory Dwelling Units which could increase the number of units and the density of the development, however the traffic analysis said the 108 lots would max out the design threshold of Pinot Noir Drive. Staff included a condition of approval that limited the number of dwelling units that could be constructed to 108 until the second street access was completed. He then discussed the review criteria. The special physical conditions included the unique site topographical and natural features and how the applicant proposed to protect them. The special objective was to bring the adjacent undeveloped parcels together into one planned development that could be master planned together. The applicant also wanted to provide additional open space amenities to an area in McMinnville that was sorely lacking in amenities. McMinnville relied on state and federal agencies for wetland regulations. No development was allowed in the FEMA flood hazard zone, and no development was being proposed in the 1% annual floodplain. Any wetland impact would need to be reviewed and approved by state and federal agencies. McMinnville had policies to provide a variety of housing types, densities, and price ranges to meet present and future needs and to include innovative land development techniques to achieve that. PDA 4-18 allowed for lot size averaging with varied densities that would provide different housing types and prices. There were policies related to the density of land that would have an impact on floodplains or other environmentally sensitive areas. The R-2 zoning was allowed on those lands and the higher the potential impact on the environmentally sensitive areas the lower the allowed density should be. The Planned Development Amendment requested an average lot size of 7,770 square feet which was less

dense than standard subdivisions. Lot size averaging allowed higher density to be clustered in areas outside of the environmentally sensitive areas. There were specific policies relative to planned developments. The social savings could be found in the community open space that would be provided. The economic savings could be found in the burden of public improvements placed on the developer. There was a condition of approval that required maintenance of the publicly dedicated greenway until the year 2032. The environmental savings could be found through the protection of the Baker Creek riparian corridor and floodplain, the wetlands, slopes, and trees. The traffic systems would be compatible with adjoining properties and the traffic impact analysis showed the development met the traffic standards. All internal traffic systems would be required to be built to City standards. The residential design policies in the Comprehensive Plan were met through the preservation of natural features of the site where possible. The pedestrian and bikeways were found in the recreational open space and in the bikeways located mid-block. The allowed density was responded to by having the smallest lots and most dense development in the interior of the site and the larger lots were on the perimeter of the site where the topography challenges were present. The street layout preserved the development potential of adjacent properties through the extension of Pinehurst Drive. The policies related to the transportation system were met through the roads proposed that would avoid the steep slopes and would have minimum impact on the wetland area. Emphasis was placed on existing and future needs of the area to be serviced and the street network as proposed would meet the needs of the development. The traffic impact analysis showed that the interim build out of the street network was within the standards of traffic volumes and level of service until the final build out of the second access was provided. Prior to the opening of Shadden Drive, the analysis showed the volume to capacity ratio of the existing streets was well below the City's standards and level of service for the intersections would be at Level C, which meant that traffic would move without significant delay at peak times. The analysis also showed that the average daily trips on Pinot Noir Drive would be 1,200 trips which was the design capacity of that street. This was the reason for the condition to limit the development to 108 units. The land where Pinehurst Drive would terminate was a buildable parcel for future development. The sidewalks and pedestrian ways would all provide access to the open space areas. Emergency service providers had reviewed the applications and provision of a temporary emergency access easement that would connect to Phase 2 of the proposed subdivision was approved by the Fire Department. The streets had been designed to avoid steep slopes as much as possible and to have minimal impact on the wetlands in order to provide the required access to proposed lots. The Parks Master Plan identified a greenway trail along Baker Creek as a high priority for an underserved area and this proposal would help begin that vision. McMinnville would continue to acquire land for parks and natural areas and the parks and open spaces proposed met that policy. The floodplain area would be dedicated to the City as well. The extension of Pinehurst Drive would provide future access to land currently inside the Urban Growth Boundary and would provide maintenance access to an existing sewer service and future access to the Baker Creek North development and temporary emergency access easement. The applicant stated development would begin immediately following permitting and an estimated 5 year plan for platting the two phases would be the goal. The anticipated density of the proposed development would increase the average daily trips of Pinot Noir Drive to its designed limit, but not over that limit. At the time of full build out of the connection to Baker Creek Road, the traffic levels would reduce significantly. Additionally there were improvements planned to Baker Creek Road to restripe it, add a center turn lane, and add bike lanes. An adequate level of utilities could serve the site. Noise, air, and water pollutants were not expected to be a result of the residential development and a significant percentage of the wetland would be preserved and protected. Staff thought the review criteria for PDA 4-18 were met and recommended approval with conditions.

Associate Planner Fleckenstein then discussed S 3-18, which requested the zoning of the subdivision would be governed by the Oak Ridge Meadows Planned Development as amended by PDA 4-18. This would be a 108 lot single family residential subdivision on 35.47 acres. The average lot size would be 7,770 square feet and the minimum lot size would be 4,950 square feet and maximum lot size would be 14,314 square feet. There would be 54 lots that would be less than 7,000 square feet. The proposed subdivision would have open space provided including a .85 acre private park, 5.6 acre public greenway, and 2.03 acre preserved wetlands and viewing areas. The proposed subdivision met all of the zone standards in PDA 4-18. He then explained the review criteria. The layout and design of the streets responded to the unique topographic conditions on the site and avoided steep slopes and minimized the impact on the wetlands. It would be in compliance with PDA 4-18. The standards to extend Pinot Noir Drive and Pinehurst Drive were met and all of the proposed streets would meet the requirements for width, alignment, and grade. There was one proposed cul-de-sac in the subdivision, and it met City standards with a length of 200 feet and service to 7 lots. Sidewalks and park strips would be provided on all streets. The maximum block length would be 2,305 feet. There was no opportunity to provide through street connectivity in the area due to the topography and other constraints. Bike and pedestrian ways every 800 feet would be provided. Public utility easements would be provided along all rights-of-way and an existing drainage facility adjacent to the wetlands would remain in an easement for maintenance and access. The lots would conform to the zoning requirements of PDA 4-18. The size and shapes of the lots were appropriate for the proposed use and responded to the topographical conditions of the site. Street access provided to each proposed lot met City standards. Staff thought it met the zoning requirements and recommended approval with conditions.

The Planning Department received six public testimonies that were noted in the record and six new testimonies received after the meeting materials were published which staff provided a response to. Just this afternoon two more testimonies had been received that staff had not provided a response to due to the late hour of receiving them. The letter from Tim and Margaret Rogers [correction: staff misidentified Tim and Margaret Roberts during the presentation] expressed concerns about revisiting past land use decisions and the impact of fill on downstream development. In response staff noted that the prior land use decisions had been approved by both the Planning Commission and City Council. There was no proposal to disturb Baker Creek or use fill to alter the route of the water. An email from 1,000 Friends of Yamhill County cited concerns about impact to the wetland area and suggested increasing density in other areas of the development. Staff noted the Comprehensive Plan policy required R-2 zoning in areas in proximity to floodplains or wetlands as the highest density and due to the creative approach, the densest development was in the interior of the site away from the wetlands. An email from Yamhill County Soil and Water Conservation District stated concerns about the impact on the wetlands and downstream impacts and loss of trees and shrubs along Baker Creek. The City did allow for wetland impact mitigation when it complied with state and federal regulations, and the trees and shrubs along Baker Creek would be preserved in this proposal and protected by the dedicated public greenway. An email from Jan and Randy Hartzel spoke about concerns about the accuracy of the FEMA floodplain maps and downstream impact of development on communities downstream. The FEMA maps were updated for this area in 2010. An email was received from the Fair Housing Council of Oregon and Housing Land Advocates who recommended deferring the decision until findings relative to Statewide Planning Goal 10 were provided that demonstrated that the proposals did not leave the City with less than adequate residential land supplies. Staff noted there was no change to the R-2 zoning of the property and the 2001 housing needs analysis showed the need for R-2 dwelling units. An email from Glenn Westland discussed concerns regarding the loss of 12 acres of wetlands and loss of wildlife habitat. Staff noted there was 3.9 acres of wetlands on the site, and 1.06 acres would be impacted by the proposed development and the rest would be preserved. The dedication of

the public greenway would protect the riparian corridor and wildlife habitat along Baker Creek. The .85 acre park would also preserve habitat in the Oak tree groves.

Associate Planner Fleckenstein reiterated that staff recommended approval of all three applications with conditions.

- 8:03 Commission Questions: Commissioner Dirks asked about the conditions for PDA 4-18. For Condition 14, temporary emergency access, there would be a locked gate on that gravel access. She asked about how long it would be until this would be a paved road for residents to use.

Associate Planner Fleckenstein said the Fire and Police Departments knew about the locked gate. Planning Director Richards said Stafford Development was working on an application for the adjacent property, and she couldn't put a timeframe on when it would be done.

Commissioner Dirks asked about Condition 11, wetland mitigation plan. The condition was no construction permits would be issued until the plan was approved by the Department of State Lands, however if there were problems with the plan the layout might need to be changed. Who would review the layout changes?

Planning Director Richards clarified if the plan required only minor tweaks it could be an administrative review. If the tweaks changed the layout significantly it would come back to the Planning Commission.

Commissioner Langenwaller said the Great Neighborhood Principles were not in effect when this application was submitted and those standards did not apply. If they had been in effect, would that have changed staff's recommendations or conditions?

Planning Director Richards did not know, however there were several things in these applications that followed the principles such as a variety of housing types, bicycle and pedestrian paths, and open space.

Commissioner Perron asked about the traffic on Pinot Noir Drive and how even though the street was built to accommodate 1,200 vehicles per day, the livability threshold was 1,000 vehicles per day.

Associate Planner Fleckenstein said McMinnville did not have an adopted standard for livability. The traffic impact analysis showed that it met the threshold.

Planning Director Richards said if Commissioner Perron could find a criterion in which livability could be applied to the project, they could look at it further. They had standards that were adopted in the Transportation System Plan for 1,200 daily trips on this type of street.

Commissioner Butler said in 2000 and 2005 it was intended to build 129 homes in this area. Was it Stafford property at that time? Was Pinot Noir Drive always planned to be the only access to that area?

Associate Planner Fleckenstein said no, it was not Stafford property at the time. Pinot Noir Drive had always been planned this way.

- 8:20 Applicant's Testimony: Lori Zumwalt, Premier Development, introduced her team members in attendance.

Ron Pomeroy, Planning Consultant, said this proposal sought to remove 11.47 acres out of the Oak Ridge Planned Development and to add 11.47 acres to the Oak Ridge Meadows Planned Development. The total would be 35.47 acres to be developed through a subdivision application for 108 single family residential lots. He noted the underlying zone was R-2 and without the planned development, the lots would be 7,000 square feet or larger and they could be single family attached and detached housing with Class A manufactured homes on individual lots, duplexes on corner lots, and establishment of social relief facilities. The proposal was to develop 108 lots for single family detached housing. The lots ranged in size from less than 5,000 square feet to over 14,000 square feet, with the average lot size of 7,770 square feet. The lots towards the southern portion of the site were designed to be complimentary in size to the adjacent existing development. North of that there were smaller, more affordable homes on the interior of the property and the largest lots were around the perimeter of the site for protection of the steep slopes and mature trees. There were amenities that this area had not seen before, such as the .85 acre private park and connecting pathways from Pinot Noir Drive to Pinehurst Drive and to the public greenspace. This would be the first dedication of the park land along the south side of Baker Creek to bring into fruition the City's decades long vision for a connecting greenway from Tice Park to the western edge of the City. Regarding the 1,000 average daily trips and livability, that was a livability concept but was not something that was adopted as a standard in McMinnville. The City's standard was residential streets were designed for 1,200 average daily trips and this application met that standard.

Commissioner Schanche asked about connecting the trail to the east side of the property.

Mr. Pomeroy would take that under advisement. He explained the pedestrian access points that were proposed.

Commissioner Chroust-Masin asked if the greenway would only be used by residents or could it be used by the general public.

Mr. Pomeroy said it would be owned by the City and open to the public.

Commissioner Dirks asked about Accessory Dwelling Units or other types of multi-family housing on any of the larger lots.

Mr. Pomeroy said they were limited to 108 homes and currently there was no capacity for ADUs in this proposal.

Planning Director Richards said by state law they had to allow ADUs in single family lots. The threshold for the condition of approval for this proposal was only to allow 108 units until Shadden Drive was built and was a public accessway.

Caroline Rim, wetlands consultant with Pacific Habitat Services, conducted the wetland delineation for this site. It was a typical wetland delineation and she explained the process. She anticipated the state would approve the boundary. She would be working on the permit application and mitigation plan as well.

Commissioner Schanche asked about the mitigation plan as the last one had failed.

Ms. Rim said the mitigation area that was previously part of the earlier permit had failed. It was not possible to transform that one acre area to the condition of a wetland. For this application they planned to go to the Mud Slough Mitigation Bank and would buy credits from them to help

create a wetland there through a 1 to 1 ratio. Mud Slough was west of Salem. None of this wetland was in the floodplain.

Commissioner Butler asked what was originally planned for the wetland area.

Ms. Rim replied it was supposed to be used for a road.

Commissioner Langenwaller asked about the flooding of Baker Creek and updating the FEMA map for the 100 year floodplain. He thought it should reflect the reality.

Associate Planner Fleckenstein said the 100 year floodplain was only a 1% chance of a high flow happening every year. To update the map they would have to get cross sections of the whole basin and run a new hydraulic model. It would take about a year and a half.

City Attorney Koch said they had to apply the code as it was today and if they wanted to amend the code to better determine what the floodplain was that was a different process.

Commissioner Perron asked if the Mud Slough was in the same watershed as Baker Creek.

Ms. Rim confirmed it was in the same drainage basin.

Josh Wells, Engineer with WesTech Engineering, clarified where the temporary emergency access was located and how they planned to widen Pinot Noir Drive to 28 feet. He also noted the public seating areas that would be placed around the wetlands. Regarding stormwater runoff, the subdivision would have to meet the City's standards for flow control as well as National Marine Fishery Slopes 5 standards which required treatment and additional flow control. Regarding the FEMA floodplain, they were not proposing any floodplain fill.

Commissioner Butler asked about the park which would be maintained by an HOA until 2032. The City did not have enough funds to take care of current parks.

Mr. Wells clarified the HOA would maintain the park and bark chip path next to the floodplain and creek. When they had discussions with City staff that was the point of delaying it until 2032, as the City thought by that point there would be sufficient funds to maintain the park and path.

Mr. Wells then discussed the preservation of the floodplain area and where things would be located on the site.

Public Testimony:

8:55 Proponents: None

8:56 Opponents: Sandi Colvin, McMinnville resident, was a part of Friends of Baker Creek Wetlands. It was a group of three neighborhoods joining together to protect the wetlands. The Friends did not have an issue with development, their only concern was to protect the Baker Creek basin and wetlands and the neighborhoods downstream which recent floodings indicated the water was getting higher.

Catherine Olsen, McMinnville resident, was also a part of the Friends group. The Commission had a report recommending approval of a proposed development based on outdated and incomplete information. The Friends' greatest concern was the 11.47 acres. If it was developed, the homes built would irreparably change the wetlands from a vital ecosystem to wet land.

Because this proposal affected homes outside of the mapped area, the Commission could not look at only what was in front of them and ignore everything else. The McMinnville residential design policies called for distinctive and unique natural features to be preserved. The wetlands area was vibrant and its health depended on the current boundaries. If they shrank the boundaries with homes, it would stagnate. She questioned whether DSL, DEQ, or the Army Corps of Engineers would permit building on these lands. She thought they needed reports from these agencies. The FEMA maps were updated 9 years ago and the land use changes since then could render them inaccurate. The Friends wanted accurate, updated FEMA maps. The application said mitigation had been completed, but it had failed and the wetlands had reestablished themselves on top of the fill. At the neighborhood meeting they had been told that 5 to 7 feet of fill would be used to build Pinehurst Drive. She thought using fill and asphalt would flood the homes in Crestbrook. The Oak tree on Lot 1 should be preserved. As a piece of the greenway it would be a jewel but only if it was left as a nature preserve, not as a housing development with a few benches scattered over left over ground too wet to build on.

Tim Roberts, McMinnville resident, had lived by Baker Creek for 25 years. He showed a picture that was taken in December of 2018 which was the last high water event and other pictures that showed how fast the water came up during certain times of the year. His house had never been damaged by flood waters. He was downstream from this proposed development and his property was in the 100 year floodplain.

Commissioner Chroust-Masin pointed out that this property was lower in elevation than the proposed development area.

Mike Colvin, McMinnville resident, discussed the Comprehensive Plan and how it encouraged citizen input, however since most of the engineering had already been done attempting positive changes was a challenge. The Friends group suggested a Shadden Drive access to Oak Ridge Meadows instead of Pinehurst. The flooding pictures also showed that the FEMA 500 year flood plan had flooded 3 times in the last 5 years. It showed how inaccurate the FEMA maps were. He strongly urged a new FEMA study to find out if the 11 acres in the wetlands area was buildable or not. Shadden Drive was only available as a temporary emergency street. He had attended Stafford Development's neighborhood meeting and the layout they showed used Shadden Drive as an access street in the future. Stafford's plan also showed that future Oak Ridge Meadows residents would have three through access streets. There were no through access roads for Compton Crest or Oak Ridge developments which was where Oak Ridge Meadows residents would be directed for up to five years. It was difficult to get out during rush hour currently. Pinehurst was the only access street 14 years ago, but that had changed as Shadden had been connected to Cottonwood last year and would be the closest, quickest, and safest access to Oak Ridge Meadows residents. He would turn in a separate report showing the Comprehensive Plan goals and policies that using Shadden would meet and that using Pinehurst did not meet. He asked that they not trash the environment and quality of life in the current neighborhoods to gain 10-15 houses and a dead end road to nowhere. He asked the Commission to name Shadden as a primary access street to Oak Ridge Meadows.

Scott Wellman, McMinnville resident, addressed what was distinctive about the Baker Creek wetlands and keeping with the City's resource policy. Distinctive natural features were to be retained wherever possible. He lived in Oak Ridge, and below him was the basin that had been carved out of the earth by the action of Baker Creek. The basin was integral to the dynamics of the creek because it absorbed the flood waters when rain overwhelmed the creek's shallow bed. Over time the flooding created a wetland out of this basin. Water also accumulated as a result of drainage from the ridge above and springs below. These forces had created a refuge for

animals. Rare colonies of birds lived here and would seriously be threatened by the loss of the Oak trees.

Bill Kabeiseman, attorney in Portland, was representing the Friends group. The two main concerns of the group were preserving the wetlands and making sure the transportation system still worked. He asked that the hearing be continued to allow for more public testimony. The Friends recommended denial of the applications. The applicant wanted to amend a previously approved Planned Development and develop a subdivision through those amendments. Planned Developments were designed to have more flexibility and in return the City got preservation of a natural area. This application would destroy a third of the wetlands, and the City would lose a significant portion of a natural area. The City did not get a benefit with this development. Eliminating the homes that planned to be developed along Pinehurst Road would go a long way in eliminating the problem. There was a LUBA opinion filed on an appeal by this developer about this development in 2005. The concern was about a condition the City had placed on the development limiting development to 76 lots until new access was provided. Even though those lots were approved, there was a limit on development of 76 lots. He did not think this was an approvable Planned Development until the Commission amended Ordinance 4822.

Commissioner Dirks asked about the location of the trees and the birds that were mentioned in the previous testimony.

Mr. Wellman clarified it was the slopes on the existing Pinot Noir Drive.

Commissioner Chroust-Masin asked what happened to the LUBA remand. Planning Director Richards said it went back to City Council and the Council amended their finding based on the remand.

Mr. Kabeiseman said the Council adopted Ordinance 4845 in response to the LUBA remand. The ordinance reiterated the limitation on the number of lots that could be developed.

Planning Director Richards explained it amended the finding for that particular condition. Ordinance 4822 had the condition of approval in it and this ordinance was recommended to be repealed by the decision document. Based on the traffic impact analysis that was submitted, the applicant was asking for 108 units.

Mr. Kabeiseman disagreed as he thought Ordinance 4845 imposed that condition and it was something this current application did not address and could not be approved without dealing with Ordinance 4845.

Steve Fox, McMinnville resident, lived on the corner of Oak Ridge and Pinot Noir. There were many families on this corner with children. He moved to McMinnville in 2017 and found it a very friendly community. That summer several dump trucks went by his home and were dumping fill onto a nearby slope. The applicant had stated they would not use any landfill, but he questioned whether it had already been done. Was there a permit for the dumping that was going on in 2017? There was approval of a plan in 2000, but regulations had changed since then and he questioned if the same permits were still valid. There was a 2010 FEMA wetlands study, but things had happened in the last 9 years. He asked if there were other alternatives to the design of this area. He also asked why Shadden Drive was not selected to be developed first and if they were willing to approve a plan that might require use of eminent domain to have enough land to widen Pinot Noir.

Gail Norby, McMinnville resident, was appalled that there was no written documentation about the idea that Pinot Noir was going to be expanded from 21 feet to 28 feet wide. She thought the applications needed to be denied. McMinnville prided itself on safety and livability and this development did not address those kinds of issues. Pinot Noir would be the primary access for up to five years of this build out. The extra 1,000 vehicles per day did not count the current traffic flow. Pinot Noir was currently 21 feet wide and if a car was parked on the road, an emergency vehicle could not get by it. Because Pinot Noir was so narrow, there would be a bottleneck and it would impact the livability and safety of the neighborhood.

Commissioner Chroust-Masin asked if there was right-of-way for the Pinot Noir widening. Mr. Wells said there was enough right-of-way to widen the street to 28 feet which was a standard City street width.

Ms. Norby said the widening would mean removal of ten trees and ten feet of property removed on each side. Commissioner Chroust-Masin clarified eminent domain would not be needed because there was enough right-of-way.

Ms. Norby asked at whose expense would the widening happen.

Mark Bierly, McMinnville resident, lived in the developed Oak Ridge subdivision. He thought the impact on wetlands needed to be addressed as well as the traffic access. For the first five years there would only be one access to the 108 lot subdivision. There were a lot of Oak trees in this area and he was concerned that a tree could fall over in a windstorm and block the road. There would be no way for people to get in or out until the tree was removed. During the construction period all of the construction equipment, vehicles, and workers would use the same Pinot Noir Drive and the construction traffic would be added to the current residential traffic. He recommended requiring an immediate second public access to the subdivision, not waiting five years from now.

Lon Skene, McMinnville resident, lived near the intersection of Pinot Noir and Merlot. He asked what type of financial analysis was done on Premier Homes and their viability to complete the project if another recession happened. He questioned how sustainable they would be through another recession.

Ray Clevidence, McMinnville resident, concurred with the testimony given by the Colvins.

Andrew Grasley, McMinnville resident, thought the issues regarding an extra 1,000 vehicles per day on Pinot Noir could be easily alleviated through building a second access road. Pinot Noir was a busy, narrow road and livability would be greatly decreased due to the extra traffic.

- 9:45 Rebuttal: Lacy Brown, Traffic Engineer with DKS Associates, said regarding the volume of traffic, it would be 1,200 trips per day total. Currently there were about 200 trips per day, so this new development would add about 1,000 more trips. The portion of Pinot Noir Drive that would be at that capacity was about 500 feet before it connected to other roadways or the traffic would split. It would not be the entire section of Pinot Noir Drive that would be at capacity. Regarding livability, the main body of the traffic impact study was looking at intersection operations and using standard methodology. The only reason they included the livability study was because DKS had done the traffic study for this area in 2004 and at that time the Oak Ridge development was not complete and there was not sufficient traffic data to conduct the analysis. The closest they could get was the livability evaluation and it was included in the study for this application as an update now they had actual numbers. It was not a typical piece of information they would use to evaluate the impact of development. The traffic count was for complete build out of the

area and prior to Shadden Drive going in. It did not count the construction vehicles, however the number of trips would not increase because not every home would be occupied while construction was going on.

Wendie Kellington, Land Use Attorney, clarified there would be no widening of roads on private land. All of the widening would be done within the existing right-of-way. Regarding the concern that stormwater impacts of the fill, asphalt, and grading would flood downstream properties, the reports in the record indicated that the applicant had designed a stormwater management system to be consistent with the City's Stormwater Management Plan that involved detention and pretreatment and water being released to pre-development conditions on the site. Regarding the photographs of the floodplain doing what floodplains did, they were not talking about development that would be within the floodplain. The photographs were not relevant to what was being proposed. Staff had discussed what was allowed now with the existing regulatory regime that covered this property. This proposal was less intense than what was currently allowed and added greenway, a park, and natural features that were not otherwise required or available under a use provided outright. Ordinance 4845 that was cited earlier did not change the terms of Ordinance 4822; it only amended the findings. This application would supersede Ordinance 4822 and would impose new regulations on Oak Ridge Meadows. The Fire Department said the secondary access was not needed as long as the houses had fire sprinklers. They would be providing a temporary emergency access, which could be used if trees fell down or there was an emergency. Sometimes trees did fall down, and in other places it was the same, that people could not get out until the tree was removed. What was currently allowed on the property was far more intensive and far less beneficial to the neighborhood than what was being proposed. It would be the first one to dedicate this much open space and parks. She asked that the Commission approve the proposal tonight.

Jeff Zumwalt, applicant, explained the road widening would be at the end of Pinot Noir and the existing right-of-way would be used for the widening.

Commissioner Dirks asked who was paying for the benches and play equipment at the .85 acre pocket park. It was a steep area and she asked if other locations had been considered for the park that were more central.

Ms. Zumwalt said the park would be built by the developer. There would be some excavation for the park and the playground would be on the top of the area and the trail would lead down. They did not consider other locations.

Chair Hall asked if those who testified wanted to request the opportunity to present additional evidence, arguments, or testimony regarding this application. There was consensus that those who testified wanted that opportunity.

Chair Hall said the hearing could be continued or it could be closed and the record could be left open for more testimony.

Commissioner Schanche was concerned that some people left the meeting and were not able to testify. She would like to continue the hearing.

Commissioner Dirks agreed.

There was consensus to continue the hearing to May 16, 2019.

5. Action Item:

A. MP 1-17 (Minor Partition) Approval Extension Request - (Exhibit 3)

Request: Approval of a request for an extension of a previously approved tentative partition plan (MP 1-17). The tentative partition was originally approved by the Planning Director on April 5, 2017. The applicant was not able to complete the required conditions of approval prior to submitting a final plat, and requested a one year extension of the tentative partition approval. That one year extension request was approved by the Planning Director with a new deadline of April 5, 2019. Due to extenuating circumstances, the applicant was not able to complete the required conditions of approval, and has requested an additional extension of the tentative partition approval to June 30, 2019. Additional extensions beyond one year require the approval of the Planning Commission.

Location: The subject site is located at 2950 NE Hembree Street and more specifically described as Tax Lot 800, Section 09CD, T.4 S., R. 4 W., W.M.

Applicant: Terry Duckett

10:07 Agenda Item Introduction: Chair Hall introduced the item.

10:08 Staff Presentation: Planning Director Richards said this minor partition had been approved in April 2017 and the applicant had asked for an extension to April 2019. In the meantime, the applicant had passed away and the family was trying to decide how to move forward and had asked for more time. Staff recommended extending the application for another year.

Commissioner Schanche moved to approve the extension request for MP 1-17. The motion was seconded by Commissioner Perron and passed 7-1 with Commissioner Dirks opposed.

6. Commissioner/Committee Member Comments

10:09 Commissioner Chroust-Masin asked what would be on next month's meeting agenda. Planning Director Richards said there would be the continued hearing and a hearing for a third Planned Development Amendment.

Commissioner Langenwalter asked if the Commission voted no on the continued hearing, would that allow the developer to go back to the original approved plans. Planning Director Richards explained the developer's options. She then discussed the process if one or more of the applications were denied.

7. Staff Comments

None

8. Adjournment

Chair Hall adjourned the meeting at 10:13 p.m.

Heather Richards
Secretary



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MINUTES

May 16, 2019
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Christopher Knapp, Gary Langenwalter, Roger Lizut, Amanda Perron, and Lori Schanche

Members Absent: None

Staff Present: Mike Bisset – City Engineer, Chuck Darnell – Senior Planner, Jamie Fleckenstein – Associate Planner, David Koch – City Attorney, and Heather Richards – Planning Director

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Citizen Comments

None

3. Approval of Minutes

6:31 April 18, 2019 Planning Commission Minutes

Commissioner Langenwalter moved to approve the April 18, 2019 meeting minutes. The motion was seconded by Commissioner Schanche and passed unanimously.

4. Public Hearing:

A. Quasi-Judicial Hearing. PDA 3-18/PDA 4-18/S 3-18 (Planned Development Amendments & Subdivision) – *Continued from the April 18, 2019 Hearing*

Request: **PDA 3-18:** Approval to amend Planned Development Ordinance 4722 (Oak Ridge Planned Development) to remove the unplatted fourth phase of the Oak Ridge phased subdivision from the boundary of the Oak Ridge Planned Development Overlay District.

PDA 4-18: Approval to amend Planned Development Ordinance 4822 (Oak Ridge Meadows Planned Development) to add the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned Development; allow for lot size averaging; allow for modified setbacks; allow for some

lots with side lot lines oriented other than at right angles to the street upon which the lots face; allow for some lots to exceed the recommended lot depth to width ratio; allow some block lengths to exceed the recommended maximum block length standard; allow for the designation of an approximately 0.85-acre active private neighborhood park; and allow for dedication of an approximately 5.6-acre public open-space greenway dedication along Baker Creek.

S 3-18: Approval of a 108 lot tentative two-phased single-family residential subdivision plan on approximately 35.47 acres of land with lots ranging from 4,950 to 14,315 square feet in size and averaging 7,771 square feet in size, referred to as Oak Ridge Meadows. In addition, an approximately 0.85-acre active private neighborhood park and an approximately 5.6-acre public open-space greenway dedication along Baker Creek are proposed.

Location: The subject site located generally north of Baker Creek Road and the multi-phased Oak Ridge residential development and south of Baker Creek. It is more specifically described as Tax Lot 602, Section 07 and Tax Lot 1300, Section 17, T.4 S., R. 4 W., W.M.

Applicant: Premier Development, LLC

- 6:32 **Hearing Introduction:** Chair Hall introduced the application and explained the hearing process and role of the Planning Commission.
- 6:36 **Public Hearing Conduct Reminder:** City Attorney Koch reviewed the hearing procedures.
- 6:38 **Opening Statement:** Chair Hall read the opening statement.
- 6:44 **Disclosures:** Chair Hall opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Several members of the Commission had visited the site, but had no comments to make on the visits.
- 6:45 **Staff Presentation:** Associate Planner Fleckenstein reviewed the three applications, PDA 3-18, PDA 4-18, and S 3-18. The request was to amend existing planned developments by removing 11.47 acres from the Oak Ridge Planned Development and adding it to the Oak Ridge Meadows Planned Development as well as approving the subdivision development. He explained the differences between the existing planned developments and the amended planned developments which were: reducing the originally proposed 129 lots to 108 lots, less impact to the wetlands, creation of a public greenway on Baker Creek, new 6.45 acre park space, and additional protections for environmentally sensitive areas. The subdivision would have an average lot size of 7,770 square feet, amended setbacks, non-standard side lot lines, a maximum block length of 2,300 feet, a maximum 800 feet between pedestrian ways, a maximum lot depth to width ratio of 2.75 to 1, a minimum .85 acre private active neighborhood park, a minimum 5.6 acre public greenway along Baker Creek, wetland preservation, and public viewing areas. Staff thought the applicable criteria had been met for all three applications. He described the subject site including the floodplain and wetland areas. There

were 3.09 acres of wetland on the site and 1.06 acres would be impacted by the development and 2.03 acres would be left untouched. He then reviewed the new documents that had been submitted since the first public hearing. Revised decision documents for each application had been sent to the Planning Commission which were largely editorial and a few conditions had been revised for better clarity. Condition #9 of PDA 4-18 had been revised to better define the intent and limit of the pedestrian access ways to the public greenway park. Condition #10 of PDA 4-18 was revised to allow wetland viewing areas in the rights-of-way and to provide a revocable license agreement for the viewing areas in the rights-of-way and to be maintained by the HOA. Condition #21 of S 3-18 added the requirement for widening a portion of Pinot Noir Drive north of Blake. The wetland delineation report had been provided to the Commission and the Department of State Lands wetland use notification and response. A frequently asked question sheet from Premier Development was also provided in response to issues raised at the first public hearing. One of those was related to Ordinance 4845 and whether Ordinance 4822 could be repealed. Ordinance 4845 amended findings relative to a condition found in Ordinance 4822, and only contained those amended findings not the condition. Staff thought Ordinance 4822 could be repealed and replaced without consequence to Ordinance 4845. A supplemental traffic evaluation memo was also provided which evaluated the intersection of Oak Ridge Drive and Baker Creek Road at the a.m. peak period to address the concerns of public testimony at the last hearing. The report showed the intersection would operate within City standards. A hydrologic analysis of Baker Creek was commissioned by Friends of Baker Creek which evaluated the potential floodplain impact of the proposal. The conclusions were that the floodplains in the lower Baker Creek Watershed could change with new special flood hazard area mapping and impact from potential blockages from the proposed development would not propagate downstream. McMinnville's zoning ordinance specified the March 2010 flood insurance study as the current and applicable floodplain maps for consideration of these applications. A memo was provided by Navigation Land Use Consulting that further reviewed the goal post rule. A memo from Kellington Law Group also discussed the goal post rule. There was some dispute about the methodology for the Baker Creek hydrologic analysis, discussion of traffic, and a further claim that the existing proposed traffic systems functioned with or without Shadden Drive. Ordinance 4845 was also a topic of that memo how it did not prevent the amendment of Ordinance 4822. The memo also pointed out what was possible in the proposed applications versus under the existing Planned Developments. The Kellington Law Group offered an approach to the resolution of the 100 year floodplain issue which would be to remove 5 potentially impacted lots by a potentially updated floodplain to be replaced with 5 smaller lots elsewhere in the subdivision. Ten new public testimonies had been received since the last hearing and were all entered into the record. He reviewed the letters that had been submitted which expressed opposition due to the impact to the wetlands and traffic impacts to the neighborhood. He pointed out that as adopted by the 2010 Transportation System Plan that local roads were designed for an average 1,200 daily trip capacity and the traffic analysis indicated that the proposed and existing street networks would function within City standards with or without Shadden Drive being developed. Staff recommended approval of all three applications with conditions.

7:04 Commission Questions: Commissioner Dirks asked about the Kellington Law Group's recommended change to Condition #3. She thought they were saying that if FEMA's reevaluation of the 100 year floodplain could be completed prior to the final plat of Phase 1, then they would do the trade of the 5 lots. How would those timeframes fit together?

Planning Director Richards clarified the question was if the City moved forward with making the request to FEMA to update the floodplain maps, what would be the timeframe for it to be completed. It was creating a condition that approved a future development that had not been

on the table for review by the public for an amendment to the planned development. It was a lengthy process to update the FEMA maps and could impact a lot of property owners. She explained the options for the developer if the maps were updated. The lots along Pinehurst Drive adjacent to the wetlands were a new addition to the proposal and were submitted yesterday. There had not been opportunity for public review and to condition it was a concern. She thought the Commission could make the requested change to the condition, but if this came as an amendment to an existing planned development, they would not make the decision in a 24 hour period as to whether it was a major or minor amendment. She was concerned that the public had not had the chance to review and respond to it.

Commissioner Dirks asked if they were out of time as far as the 120 day rule. Planning Director Richards said yes, but this was based on the assumption of a hydrology report that had not been vetted and a FEMA process that had not been initiated and a discussion that had not taken place in the community. FEMA did not think the maps were outdated and there were other communities in a priority position for that work. Updating the FEMA maps could impact people's home insurance if they were found to be in the floodplain.

Commissioner Butler asked what was meant where it stated lots with less than 40 feet of street frontage shall be alley-loaded. Where would that happen?

Associate Planner Fleckenstein clarified that was a condition that showed the trend towards smaller lots. While there were no lots that were less than 40 feet in this subdivision, this condition was added as a preventative measure should the planned development move forward and the subdivision did not move forward.

7:14

Applicant's Testimony: Wendie Kellington, attorney representing the applicant, stated the reason they added the condition about the lots by the floodplain was because of the report from the opponents and they were trying to alleviate the opponents' concerns. The opponents' consultant flood report confirmed that there were no downstream impacts from the proposal. There would be a downstream decrease in flood impacts. However in another part of the report the opponents misread their data and they concluded that there was a slight increase. These methodological errors were pervasive in the report, and it showed that the concerns expressed in the report were not supported by best engineering practices, FEMA handbooks, proper math, or proper data. She gave another example of the elevation data that was taken at a time when the stream channel was high and how that made the channel depth number off and they were missing the carrying capacity of the channel. There was also a math error on how the model was calibrated. They had also used the wrong rainfall data.

Josh Wells, WesTech Engineering, showed the 100 and 500 year floodplains in relation to the proposed development site. He had surveyed the creek and compared it to the opponents' report. The survey data was 2 to 8.5 feet lower than the opponents' data which underestimated flow capacity of the channel and overestimated water service elevation by quite a bit. The report was based on incorrect data for elevation. The opponents also used the wrong time of concentration equation to calculate peak flow. They underestimated it by an hour which further increased the estimated peak flow which overestimated the water service elevation in the model. The opponents used the Lake Oswego rainfall data instead of the local McMinnville data. The report showed that there was no impact from this development.

Lacy Brown, DKS Associates, said in response to the comments at the last public hearing, she did a field visit to observe vehicle operations, delays, and queues during the morning peak hour on Baker Creek Road. She found that delays were lower than what had been

reported in the traffic study. The longest delay she observed was 37 seconds when a bus stopped and traffic was blocked. She thought the traffic operated very well currently.

Commissioner Schanche said there had been a lot of comments about construction traffic in the neighborhoods. Did she know of any conditions that restricted construction traffic? Ms. Brown did not know as that usually came from the City's Public Works department.

Commissioner Schanche asked if this was a sedimentary basin by the 5 lots. Mr. Wells said yes, it was a water quality treatment and detention facility that was required to meet the standards. It would discharge into the creek.

Commissioner Dirks asked about the applicant having a hydrologic analysis being done. When was that due and what would they do with the results? Ms. Kellington said it should be completed in three weeks as the property owner was interested in finding out if there was a different flood profile for Baker Creek than what FEMA reported. She was not sure what would be done with the results.

Commissioner Dirks asked about the detention pond and who paid for the treatment of the water. Mr. Wells said it would be the HOA who would pay for the maintenance of the facility.

Commissioner Dirks asked about extending Shadden Drive north. It was not property that belonged to Premier, but she wondered if they were aware that there was a City ordinance that would allow them to voluntarily develop that road through a reimbursement district. Ms. Kellington was not aware of this. The property owner's application for that land was still under staff review. She did not think it was a possibility as she had talked with the property owner about Shadden Drive. Mr. Wells said it was also a logistics problem for building the road and putting in the utilities on an application that was not approved yet.

Public Testimony:

7:32 Proponents: None

7:33 Opponents: Kathryn Jernstedt, Friends of Yamhill County, said the Friends worked to protect natural resources through the implementation of land use planning goals, policies, and laws that would maintain and improve present and future quality of life in Yamhill County. There were elements to this project that could be improved, specifically related to the issue of protecting the wetlands and issues around density. The project documents talk about the fill in order to site homes in an area where there had been regular flooding. It was not designated as floodplain on the FEMA maps. The federal evaluation process was slow, but there had been increased instances of visible, standing, and flowing water in these areas. When there was heavy rainfall, the water was migrating. As the rain patterns continued to change and existing and proposed developments were creating more impervious surfaces, this situation would be aggravated. It was significantly more cost effective to preserve existing wetlands than recreating them or building flood mitigation facilities. Wetlands had value beyond the flood control and did a great deal for water quality. She thought they should not add the extra 5 lots because it would overload the roads.

Jim Tyker, McMinnville resident, disagreed with the traffic analysis about the morning peak hour. He thought there was already too much traffic and it was affecting the quality of life in the neighborhood. He was also concerned about construction traffic and heavy equipment damaging the road. He thought there needed to be another ingress and egress so everyone would not use Oak Ridge. He discussed the traffic flow issues on Baker Creek Road.

Commissioner Butler asked what hour in the morning had the most traffic. Mr. Tyser said 7:30 to 8:30 a.m.

Mark Davis, McMinnville resident, supported the original planned development, not the changes proposed. The City did not have enough buildable land, and he thought the number of lots should not be reduced. He studied meteorology in college and knew some about hydrology. There were dramatically different amounts of rainfall in one area versus another. He did not think either side made a strong case for what the hydrology was in this area.

Melba Smith, McMinnville resident, shared pictures of flooding in this area after heavy rainfall. There was a lot of flooding where Pinehurst Drive was supposed to go. She was concerned about how they planned to stop the flooding and how the water would go into neighboring homes. She was also concerned about the wildlife and waterfowl in the area.

Commissioner Butler said it had been planned for a long time for houses to go in that area.

Ms. Smith said it never crossed her mind that someone would build there because of the flooding.

Amie Loop-Frison, Yamhill Soil and Water Conservation District, was there on behalf of her Board of Directors. She was disappointed about how their concerns were portrayed in the staff report. She explained their concerns regarding the potential impacts to wetland habitat and floodplain function along Baker Creek. This parcel had flooded on numerous occasions and further restrictions in the available floodplain had the potential to cause downstream damage due to larger and faster flows. The wetlands were a rare habitat type in the City and should be preserved. The District was also concerned about removing native trees and shrubs along Baker Creek.

Daniel Jackson, McMinnville resident, agreed with what was said by Friends of Yamhill County and Yamhill Soil and Water Conservation District. His main concern was the fact that they were allowing more development along Baker Creek and putting more flood waters downstream. He asked how they planned to reduce the impacts downstream and the potential flooding of Westside Road. He did not want the burden to be put on the tax payers to solve a for-profit development issue.

Sarah Hadfield, McMinnville resident, was concerned about traffic and the wetland. She was surprised that development had been planned here after watching the area flood numerous times.

Mark Bierly, McMinnville resident, addressed the wetlands issue and access issue. Right now there would only be one access in and out of the new subdivision on Pinot Noir Drive. He recommended requiring as a condition a second access be put in immediately. He thought a second access would take care of the concern about the construction vehicles. He did not think it was an unreasonable burden to require Shadden Drive to be put in right away for use for construction vehicles and for the new subdivision.

Sarah Fox, McMinnville resident, invited the Commission to come to this area from 7:30 to 8 a.m. to see the traffic. It was dangerous for pedestrians and children in the neighborhood.

Steve Fox, McMinnville resident, discussed how in 2017 when he moved in, he saw dump trucks going through the neighborhood with fill to this site. The current plan said there was no

fill activity, but it had happened earlier with at least three fill areas, one that was permitted. They were filling in the slope along the creek and he questioned if that was permitted and if any environmental studies were done. He also questioned why the alternative design of opening Shadden Road before construction was not considered. Widening the road would impact property owners who didn't know it would be widened in the future. He thought this plan would unnecessarily impact the community when there was another option. He thought Shadden should be built first since it was going to be an emergency access anyway.

City Attorney Koch asked if Mr. Fox contacted the Oregon Department of State Lands or the Army Corps of Engineers that had jurisdiction over wetland fill permits to see if there were permits. Mr. Fox had not.

Commissioner Schanche asked what City department people should call if they notice fill activity.

Community Development Director Bisset said there were no grading or fill permits required by the City. Property owners needed to make sure the work they were doing was in compliance with any environmental regulations, which were regulated and enforced through State agencies.

8:12-8:17 The Commission took a short break.

Sandi Colvin submitted testimony for a neighbor, Ray Clevidence.

Catherine Olsen, Friends of Baker Creek, read a letter from Justin Maynard who did the hydrology research on May 8, 2019 and summarized the analysis that was done. The analysis indicated that FEMA maps were in need of revision as the flood frequency of a two year return period was not documented. The development currently planned in the vicinity of the floodplain could potentially place residential lots in an area of flood risk without a FEMA map designation. Further development and agricultural activity would increase run off volume and peak intensity could have a much greater impact on the floodplain.

Bill Kabeiseman, Attorney for Friends of Baker Creek, agreed that there were goal post rules and they had to judge the application by the criteria in the code. The attorney for the applicant was not a hydrologist or engineer. They had a certified, stamped document from an engineer who explained his rationale and showed his work. There might be disputes about professional judgment, but there was an engineer stating there was a flooding problem here. There had been comments about updating the flood maps having implications for property owners and flood insurance. If the maps were not updated, there were significant impacts for people who lived in those areas who were subject to inundation and they did not know it. He pointed out that it was required that this application be consistent with the Comprehensive Plan policies and he thought it fit the policy that stated the construction of transportation facilities needed to be timed to coincide with community needs and to minimize impacts on existing development. He thought the Commission should add a condition that this subdivision not be built until Shadden Road was developed. The policies also stated that they could put controls on lands with natural hazards. He thought the Commission should put in controls to protect future residents, existing neighbors, and the City from future liability. The Comprehensive Plan had policies that addressed natural areas including wetlands and stated that distinctive natural topographic and aesthetic features within planned developments shall be retained in all development designs. Roads shall have minimal adverse effects on an advantageous utilization of natural features of land and destroying a third of the wetlands was not a minimal adverse effect. He thought the project needed to be redesigned without the lower road. In the

Comprehensive Plan it stated neighborhoods shall be designed to preserve significant natural features and this application was not designed to preserve the wetland. He did not think this application complied with the Comprehensive Plan and recommended approving PDA 3-18 and denying PDA 4-18 and S 3-18.

Sandi Colvin, Friends of Baker Creek, said the road would not connect through the private land owned by Les Toth if he was not in favor of it. Giving weight to something that was not part of this proposal and would probably never happen should not dismiss their qualifying objections to the road through the wetlands and lower 11 acres. There were currently three acres of wetlands, however the delineation studied only a portion of the area proposed for development and that number might change. There was a trend of flooding in this area and the 2010 FEMA map used the data from a 1983 FEMA map, satellite topography, and rainfall averages. She thought 2010 was a misleading date as it was really a 36 year old map. Their hydrology report showed that parts of the basin were now in the floodplain which was a potential risk to life and property. Currently the lots where the houses were going to be built were not flooding, but who would be responsible when the flooding came. The report should be taken in its entirety, not a small piece that supported the desired outcome. The Friends asked that the lower plat not be joined with the upper proposed development. The 11 acres should be left to stand on their own and an environmental impact study should be done on the property. She thought there were agencies who would want to purchase this land to help minimize the loss of not building on the property.

Mike Roberts, McMinnville resident, was concerned about the construction traffic. These were narrow residential streets that often had cars parking on both sides and two cars could not pass each other on the road. The additional new residents from this development would only have one access and those vehicles plus construction and emergency vehicles would make it very difficult. There was a secondary access that was planned for the future and he thought it should be built first before the subdivision. He asked the City to move up the timeline for the Baker Creek Road upgrade with a center turn lane which would help with the traffic issues.

Commissioner Langenwaller asked if the center turn lane was going to be put in this summer. Community Development Director Bisset said they planned to restripe Baker Creek Road to add a center turn lane and bike lanes from Elm Street to Hill Road and to have the work done by this September.

Mike Colvin, McMinnville resident, said these two planned developments were totally different, both physically and environmentally, and should not be combined. He gave a few examples of how the lower property would accomplish the opposite of what each policy intended. It would not encourage the development of roads that had minimal adverse effects on natural features as the lower road that was being proposed would tear up the most critical habitat in the whole basin. The road proposed was a quarter mile, dead end road that served only 7 houses. The application proposed to destroy a very scenic open space instead of retaining it. The proposal to fill and block part of the basin would increase flooding risk. The applicant's attempt to join these planned developments was a technical gimmick to claim the lower property qualified for approval. He suggested approval of PDA 4-18 without the property from PDA 3-18 connected to it.

Catherine Olsen, McMinnville resident, asked the Commission to preserve the 11.47 wetlands and drainage basin acreage as a nature preserve. These acres were a unique feature in the urban ecosystem and would anchor a piece of nature in the City's proposed nature trail. She listed the policies in the Comprehensive Plan that supported the request. This area would be difficult and costly to maintain by the HOA as a playground and nature

trails. While the City's Parks Department hoped to have funding by 2032 to take over the maintenance, there were no guarantees that it would become part of the parks system. She did not think the park and trails would preserve the wildlife habitat, and there would be no point for the benches because there would be nothing to see. There was an Oak tree over 80 years old that it and surrounding trees provided a valuable habitat and should be preserved. The development of a few homes on these wetlands and drainage basins would have an impact on property's stormwater drainage. She suggested denying this application as the natural area should be preserved for future generations.

Scott Wellman, McMinnville resident, discussed the three W's, wetland, wildlife, and well-being. It had been said that there was only 3 acres of wetlands, and only 1 acre would be developed, however he thought it was a trivializing tactic for promoting development at any cost. Wetlands were very rarely equally wet and he thought the whole area could be considered wetlands. He thought they needed to consider the entire 11 acres as part of a larger ecosystem which consisted of Baker Creek, riparian forest, wetland basin, slopes, and Oak Ridge. All of these components contributed in making a functioning ecosystem that benefitted wildlife and human beings. This biodiversity would be fatally compromised by developing homes on the slopes of the basin and near the creek.

Cathy Goekler, McMinnville resident, said there were problems with this proposal, some having to do with unfulfilled promises made with the original development 19 years ago. What they did tonight could leave the City and neighborhood with a mess if the economy tanked again. They had to go with the outdated FEMA maps, ignore real time flooding and change from wetlands to floodplain, acres of fill had been dumped on Baker Creek, mitigation had failed, and the DSL permitting had expired. The only testimony in favor of the application was from the applicant's consultants and the opposition had a broad base and the majority of the testimony had not been paid for. They were asking the Commission to approve the development of the 24 acres of the Oak Ridge Meadows Planned Development with Shadden being the primary access for all construction. They were also asking the Commission to deny the request for moving the 11.47 acres from the Oak Ridge Planned Development to the Oak Ridge Meadows Planned Development. They would like that property to be left under the HOA and a complete update of the FEMA maps be ordered and to save the Oak tree.

9:01

Rebuttal: Ron Pomeroy, consultant, said without approval of this proposal there were two active Planned Developments for the property. These plans included more houses, no parks, and would have the same extension of Pinehurst but further to the east which would impact more trees, and homes would be in the same location. Regarding Mr. Kabeiseman's testimony, there was flexibility in the transportation policies that were referenced. They were relative to building, not wildland preservation. These were putting things in place that the Urban Growth Boundary was designed to allow to occur within it.

Ms. Kellington said there was no basis for denial of the applications. This was residentially zoned land with an approved residential plan attending it. It met every Comprehensive Plan policy and City Code standard. The opponents were residents of a residential subdivision for which 11.47 acres was a developable part of the approved subdivision to be developed at the time they made the decision to invest in their properties. Their homes were constructed on these very streets and they did not fall apart. Their homes had been remodeled and the streets had not fallen apart and no children or animals had been hurt. She did not think the City could be compelled to set aside one-third of the residentially zoned land to hold it as a nature preserve as it would violate one of the City's most sacred obligations, the obligation to provide housing at all levels that all people could afford on land that was designated for housing. She thought it would be unconstitutional to require the land to be preserved and she

referenced the Nolan and Dolan cases. Taxpayers had made large investments in public infrastructure for residential development in this area. The project would not fill 11.47 acres of wetlands and they were not removing any trees in riparian areas. The property did not flood and fully complied with all City transportation standards. Development of this property would not result in an increase of downstream flooding and the hydrology report was fatally flawed and not based on best practices. This was a residential subdivision on residentially zoned land that met all of the transportation, planning, and zoning standards and was recommended by staff for approval.

Commissioner Chroust-Masin asked if the land proposed for Shadden Drive was in their control. Ms. Kellington said no, it was not.

Commissioner Chroust-Masin asked if she could address the fill question. Ms. Kellington had asked the property owner and was told that the land was leased to someone who farmed it and from time to time brought in dirt to level it for that purpose. That would stop when it was developed residentially.

Commissioner Perron asked why they were proposing fewer residential units than the current planned development. Ms. Kellington said ten years had passed and a lot of trees had grown up in areas that were going to be developed. It would be expensive to remove them and in today's market people liked walking and jogging paths and parks. It was a more economical way to develop the site and be more appealing in the marketplace.

Commissioner Butler asked what would happen if they removed the 11.47 acres from the Oak Ridge Planned Development, but did not add them to the Oak Ridge Meadows Planned Development. Could they still develop the upper part of Oak Ridge Meadows? Mr. Pomeroy answered no, because the connecting street that was needed was part of that 11.47 acres. If they did not approve the applications, the land would return to its base R-2 zoning in the original Planned Developments with cookie cutter sized lots with no parks.

Planning Director Richards clarified the three applications and how if one was denied, all three would be denied.

Commissioner Langenwaller asked about the CC&Rs from 2001 that stated homes could not be built so as to impede another owner's view. Ms. Kellington said those CC&Rs did not cover the 11.47 acres because that area had never been platted.

Commissioner Dirks said the Department of State Lands stated their study only covered a portion of the land and there would need to be a predevelopment meeting between the applicant and Department of State Lands about the wetland delineation.

Caroline Rim, Pacific Habitat Services, did the wetland delineation. She had looked at all of the land in the study area boundary which was the project boundary and all the wetlands were delineated in that boundary. There was a misunderstanding about what a portion meant. They did not look at the wetlands in the whole drainage basin, but those within the study area. That was what the Department of State Lands would review and concur with. She thought the meeting had to do with the permit application to discuss alternative designs and to choose the best design for the site.

Commissioner Chroust-Masin asked when the 120 day deadline ended. Planning Director Richards said it ended on July 23, however because they had to allow the opportunity for an appeal of the Planning Commission's decision within the 120 day period, City Council would

need to make a decision by July 8. If the Commission wanted to continue the hearing, an interim meeting would need to be scheduled in the next two weeks.

9:28 Chair Hall closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

9:30 Commission Deliberation: Commissioner Schanche discussed Condition #9 for PDA 4-18. She did not think the easement for the public greenway would work as it was written. She suggested the language read, "A public open space greenway along the length of Baker Creek, a minimum of 5.6 acres in area, be dedicated to the City. The public greenway shall generally follow Baker Creek and its drainages along the perimeter of the site from Lot 56 to Lot 41 then along the northern side of Lots 40, 39, and 38." This way the greenway could connect to any future public open space along Baker Creek to the east and west from the site.

Planning Director Richards clarified the desire was not to dead end the nature trail on the property so it could be extended further in the future. The City would be in ownership of the greenway.

Commissioner Langenwalter suggested an alternative route for the construction traffic and proposed a condition to require construction traffic use the Shadden Drive emergency access road which would be a gravel road. This would keep the construction traffic off of Pinot Noir Drive.

Planning Director Richards asked if Commissioner Langenwalter had data to support that condition. This would set a precedent, and would have to be defensible. Since the applicant did not own that land, the applicant would need to enter into an agreement with the property owner for use of the road for construction equipment.

There was discussion regarding what standard could be tied to the proposed condition and how to mitigate the construction traffic impacts on the neighborhood.

Commissioner Perron was fine with the plan except for the Shadden Drive and street to the Toth property, which were problematic.

Planning Director Richards said regarding the dead end street to the Toth property, the City had to preplan how everything would connect to serve the residents to be ready when that property developed sometime in the future.

Commissioner Lizut was not pleased with the conflicting data sources, some of the cherry picking that had been done, and lack of further rigorous analysis in terms of possibilities. They had all these models, but there were still unknowns. He thought it was too convoluted with conflicting information and they needed to decide what made sense.

Commissioner Schanche agreed there was confusion with the data. This would have to go through the permitting process with the Corps of Engineers and Department of State Lands and they would not approve a development that had flooding issues. She was in support of the applications. They were not in the floodplain, had minimal wetland involvement, and there would need to be mitigation. They would be getting parkland out of the project and the trail by Baker Creek.

Commissioner Langenwaller asked if they did not approve these applications, the applicant was allowed to execute the original planned developments. City Attorney Koch said the original planned developments were still on the books and had not expired. Right now they were what governed the development of this property. Those plans would not come before the Commission again. The subdivision would come back to the Commission under the original plans.

Commissioner Chroust-Masin thought the applications met the criteria.

Commissioner Dirks was sympathetic to the concerns about building on the wetlands. There were many advantages to the new proposal, but she still had concerns about the wetlands. If the City did not have regulations regarding wetlands, but used the guidelines in the Comprehensive Plan that could be interpreted as ways to protect the wetlands, would that be defensible?

City Attorney Koch said whatever decision the Commission made needed to be tied to criteria that existed today in the Comprehensive Plan and City ordinances.

Commissioner Chroust-Masin suggested a condition on the properties that had partial wetlands that the property owners would protect the wetlands.

Commissioner Schanche clarified there would not be any wetlands on the properties once they were developed. They would be losing some wetlands, but she thought the benefits of the proposal outweighed that fact.

There was discussion regarding wetland mitigation.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to RECOMMEND the City Council APPROVE PDA 3-18 subject to the conditions of approval provided in the decision document. SECONDED by Commissioner Langenwaller. The motion PASSED 9-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Langenwaller MOVED to RECOMMEND the City Council APPROVE PDA 4-18 subject to the conditions of approval provided in Section 2 of the decision document. SECONDED by Commissioner Chroust-Masin. The motion PASSED 8-1 with Commissioner Dirks opposed.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Langenwaller MOVED to APPROVE S 3-18 subject to the conditions of approval provided in Section 2 of the decision document. SECONDED by Commissioner Schanche. The motion PASSED 7-2 with Commissioners Dirks and Butler opposed.

B. Quasi-Judicial Hearing. PDA 6-18 (Planned Development Amendment)

Request: Approval to amend Planned Development Overlay Ordinances 4863 and 4709 by amending a condition of approval that currently limits use of the site to professional office, medical office, senior condominiums, senior apartments, assisted living facilities, and other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. The requested amendment is to add multiple-family residential apartments to that list of allowable uses in the existing Planned Development Overlay

condition of approval. The base C-3 zone allows multiple-family residential as a permitted use.

Location: The subject site located generally west of SE Norton Lane, near the termination of SE Norton Lane at the existing city limits. It is more specifically described as Tax Lot 701, Section 27, T.4 S., R. 4 W., W.M.

Applicant: Kim McAvoy on behalf of KWDS, LLS

- 10:18 Opening Statement: Chair Hall introduced the agenda item.
- 10:19 Disclosures: Chair Hall opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Several members of the Commission had visited the site, but had no comments to make on the visits.
- 10:20 Staff Presentation: Senior Planner Darnell discussed the request for a Planned Development Amendment for property on SE Norton Lane. The current site was zoned C-3 PD, General Commercial Planned Development. The Planned Development was first adopted in 1999. There were a number of conditions and development restrictions on the site. The Planned Development was amended in 2006 to add some uses to the already allowed office uses, including senior condominiums, apartments, and assisted living facilities. The request tonight was to amend the Planned Development to allow an additional use, multiple family residential. All other provisions of the Planned Development would be retained. He then summarized the review criteria. The application included the need for residential in the City, specifically higher density residential use, as a reason for approval. The current C-3 zone did allow multi-family residential, and this change would be adding a permitted use. It would increase the ability of the City to provide additional housing in this area. There were a number of policies in the Comprehensive Plan that addressed housing and residential development. It was within one half mile of public transit and one quarter mile of neighborhood and general commercial shopping centers, however it was not adjacent to open space. Staff recommended a condition of approval that would require 10% usable open space on the site. There were also conditions of approval for right-of-way improvements at the time of development. The applicant included a traffic study that analyzed a trip generation based on the most intense use for the site, medical office, and compared it to the multi-family use. There was a substantial difference in the number of trips as multi-family would be a lot lower. Once there was a development plan, it would be subject to ODOT's review because it fronted Norton Lane which was an ODOT facility. There would be utility and drainage facilities to serve the site. No public testimony had been received before the meeting packet went out. He did receive one testimony on May 14 from the Housing Land Advocates and Fair Housing Council of Oregon. They referenced there was no finding for Statewide Goal 10 in the staff report. He noted that findings were provided that called out the Buildable Lands Inventory and Housing Needs Analysis in the decision document and thought that issue was addressed. Staff recommended approval of the application.
- 10:31 Commission Questions: Commissioner Lizut did not understand the Fair Housing Council's issue. Senior Planner Darnell said the City had received a similar letter on other projects. It

appeared the Council wanted to make sure they were addressing Goal 10. He thought the City was addressing it. Planning Director Richards said the City had received this on every housing development that was noticed to DLCD.

Commissioner Knapp asked how hard it was to cross the highway to get to the commercial shops. Senior Planner Darnell said there was a pedestrian crossing light.

Commissioner Chroust-Masin asked if there would be a problem with the future residential use and the nearby hospital since there was only one access. Senior Planner Darnell said the TSP had plans for a more robust street network south of the highway and they were currently looking at the Three Mile Lane traffic. Right now it would access onto Norton Lane, but it would likely be part of the review process for the development to look at how the accesses aligned with the surrounding network.

Commissioner Perron disclosed a potential conflict of interest as her husband owned a diner.

- 10:36 Applicant's Testimony: Ben Altman, Pioneer Design Group, was representing the applicant. He thought this was a logical amendment to add into the right to use the residential portion of the C-3 zone. He agreed with the staff report, recommendation for approval, and condition for the open space.

Commissioner Butler asked how many units were they thinking of putting in. Mr. Altman thought it would be about 120. He had held a neighborhood meeting and the CEO of the hospital was there and he was supportive of the project, especially for hospital staff housing. He thought it was compatible with the area.

Commissioner Langenwaller asked if there was affordable housing planned in the development. Mr. Altman answered no.

Commissioner Chroust-Masin asked about the timing of the project. Mr. Altman said they had to get approval of this application, then do a land development and design review. He thought it would be developed sometime next year.

Public Testimony:

- 10:39 Proponents: Mark Davis, McMinnville resident, was in favor of this project as the City needed more apartments built. However, this was a poor location for an apartment complex as crossing the highway was dangerous. It was no place for children. He was frustrated that some R-4 land was not being developed as residential, but as offices, and now they were taking C-3 land for offices and building apartments. He thought Norton Lane was supposed to be closed and the access would be on the overpass and Evergreen entrances. Community Development Director Bisset said the Three Mile Lane corridor did anticipate interchanges at both ends of the corridor and serving both sides of the highway. That area was currently being planned and it might be revised.
- 10:43 Opponents: None
- 10:44 Chair Hall closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commissioner Dirks also questioned this location for an apartment complex. She cautioned the Commission about sticking apartments out in the middle of nowhere. As the Three Mile Lane area developed, they needed to work towards making this an area that was livable.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Chroust Masin MOVED to RECOMMEND the City Council APPROVE PDA 6-18 subject to the conditions of approval provided in the decision document. SECONDED by Commissioner Lizut. The motion PASSED 9-0.

5. Commissioner/Committee Member Comments

None

6. Staff Comments

10:48 Planning Director Richards announced on May 21 there would be a Project Advisory Committee meeting for the Buildable Lands Inventory/Housing Needs Analysis project. On May 22 there would be a Project Advisory Committee meeting for the City Center Housing Strategy project. On June 12 there would be a Project Advisory Committee meeting for the Three Mile Lane project and on June 26 there would be a meeting for everyone to review the Three Mile Lane plan.

Chair Hall requested that staff research what it would take to create a process to compel a developer to work with other developers such as what the Commission wanted to do for the first hearing that night.

Planning Director Richards said she could look into it, but they had to have a nexus for the requirement. She suggested having a work session on the Dolan case.

Commissioner Butler suggested reviewing past Commission decisions to see how they were developed.

Commissioner Langenwaller thought they should get the word out to other communities about the Great Neighborhood Principles.

There was discussion regarding the procedures for site visits.

7. Adjournment

Chair Hall adjourned the meeting at 10:57 p.m.

Heather Richards
Secretary



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STAFF REPORT

DATE: June 25, 2019
TO: Mayor and City Councilors
FROM: Chuck Darnell, Senior Planner
SUBJECT: Ordinance No. 5072 - Planned Development Amendment (PDA 6-18)

STRATEGIC PRIORITY & GOAL:

 GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character. OBJECTIVE: Strategically plan for short and long-term growth and development that will create enduring value for the community.	 HOUSING OPPORTUNITIES <small>[ACROSS THE INCOME SPECTRUM]</small> Create diverse housing opportunities that support great neighborhoods. OBJECTIVE: Collaborate to improve the financial feasibility of diverse housing development opportunities.
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Report in Brief:

This action is the consideration of Ordinance No. 5072, an ordinance approving a Planned Development Amendment request related to an existing Planned Development Overlay District.

The property in question is currently designated as Commercial on the Comprehensive Plan Map and zoned C-3 PD (General Commercial Planned Development). The existing Planned Development Overlay District that applies to the property was originally adopted in 1999 by Ordinance 4709, and was later amended in 2006 by Ordinance 4863. The applicant, KWDS, LLC, on behalf of property owners Gene A. McMullin (representing McMullin Family Residual Trust) and Phyllis A. Moyer (representing Phyllis Moyer Living Trust), is requesting to amend Planned Development Overlay District Ordinance 4709, as amended by Ordinance 4863, by amending a condition of approval that currently limits use of the site to professional office, medical office, senior condominiums, senior apartments, assisted living facilities, and other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. The requested amendment is to add multiple-family residential dwellings to that list of allowable uses in the existing Planned Development Overlay condition of approval.

The subject site is located west of SE Norton Lane, near the termination of SE Norton Lane at the existing city limits. The property is more specifically described as Parcel 1, Partition Plat 99-47. The property is also identified as Tax Lot 701, Section 27, T. 4 S., R. 4 W., W.M.

Attachments:

Attachment A: Ordinance No. 5072 including:
Exhibit A – PDA 6-18 Decision Document
Attachment B: PDA 6-18 Application Materials
Attachment C: Planning Commission Minutes, 5-16-19

This land use request was considered in a public hearing by the McMinnville Planning Commission on May 16, 2019. The public hearing was closed at the same meeting, following which the Planning Commission deliberated and then voted to recommend that the Council consider and approve the Planned Development Amendment request subject to conditions of approval outlined in Ordinance No. 5702.

Background:

The subject site and existing planned development (Ordinance 4709) boundary is provided in Figure 1 below:

Figure 1. Subject Site and Existing Planned Development Boundary



In 1999, the City adopted Ordinance 4709, which amended the Comprehensive Plan Map designation and zoning of the subject site, and also adopted a Planned Development Overlay District on the subject site. The adoption of Ordinance 4709 resulted in the zoning of the subject site being C-3 PD (General Commercial Planned Development). Ordinance 4709 included 20 Conditions applicable to

Attachments:

Attachment A: Ordinance No. 5072 including:

Exhibit A – PDA 6-18 Decision Document

Attachment B: PDA 6-18 Application Materials

Attachment C: Planning Commission Minutes, 5-16-19

development within the planned development boundary. These conditions remain in effect, and Condition 15 specifically limited uses as follows:

“Condition 15. That the subject site is limited to professional office use or medical office use, or other compatible, small scale commercial uses such as delicatessen, florist, or day care facility. Uses other than professional office use or medical office use may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the site.”

In 2006, the Planned Development (Ordinance 4709) was amended by Ordinance 4863. This amendment added senior condominiums, senior apartments, or assisted living facilities as permitted uses to Condition 15. The amended condition of approval by Ordinance 4863 remains in effect, and the allowed uses for the subject site are limited as follows:

*“Condition 15. That the subject site is limited to professional office use or medical office use, **or senior condominiums, senior apartments, or assisted living facilities**, or other compatible, small scale commercial uses such as delicatessen, florist, or day care facility. Uses other than professional office use, medical office use, **or senior condominiums, senior apartments, or assisted living facilities**, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the site.”*

The applicant is now requesting to amend Condition 15 again to add multiple family residential uses to the list of allowed uses in the Planned Development Overlay District.

Discussion:

The decision for this land-use application is dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan, and the McMinnville Municipal Code. The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached is Ordinance No. 5072, which includes a Decision Document that provides the Findings of Fact and Conclusionary Findings for the requested Planned Development Amendment. This Decision Document outlines the legal findings on whether or not the application meets the applicable criteria and whether or not there are conditions of approval that, if achieved, put the application in compliance with the criteria.

A Planned Development Overlay District is a method of adopting a specialized zone for specific property that has refined design and development standards to allow for better development within the City of McMinnville than would normally occur with just strict interpretation of the Zoning Ordinance.

Generally, the purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create

Attachments:

Attachment A: Ordinance No. 5072 including:

Exhibit A – PDA 6-18 Decision Document

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Attachment C: Planning Commission Minutes, 5-16-19

public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

The Planned Development Amendment application (PDA 6-18) is subject to the Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan or planned development regulation may be approved by the Planning Director. Major changes to an adopted site plan or planned development regulation shall be processed in accordance with Section 17.72.120. The Planning Director has determined that the request to change the allowable uses on the site is a major change, and thus the application was reviewed by the Planning Commission in accordance with Section 17.72.120, and is now before the City Council for final review and decision. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

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

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

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

The applicant has provided a narrative and findings to support the request for the Planned Development Amendment based on their proposed additional benefits to the community that would be provided through the amendment, mainly in their argument that the amendment would allow for the provision a housing type that is needed in the community and that the proposed use is permitted in the underlying C-3 (General Commercial) zoning district.

Attachments:

Attachment A: Ordinance No. 5072 including:

Exhibit A – PDA 6-18 Decision Document

Attachment B: PDA 6-18 Application Materials

Attachment C: Planning Commission Minutes, 5-16-19

Overall, the Planning Commission concurred with the applicant's arguments. The Planning Commission found that the proposed Planned Development Amendment would provide additional benefits to the community and the City as a whole by expanding the allowable uses on the subject site and providing an opportunity for a variety of land uses in the area of the planned development overlay district. The proposal would provide greater flexibility in the development of land, encourage mixed uses in the planned area, and allow for the development of a housing type that is needed in the community. A condition of approval is included (supported by findings for applicable Comprehensive Plan policies in the attached Decision Document) to require that, if the site is developed with multiple family dwellings, the owner or developer will create private common open space within the site for the benefit of future residents. Also, there are existing conditions of approval on the Planned Development Overlay District (Conditions 2, 3, and 4 of Ordinance 4709) that require site plan and landscape plan review and approval by the Planning Commission and Landscape Review Committee, respectively, prior to any development of the subject site. These conditions would ensure review of any future site design for compliance with Comprehensive Plan policies and conditions of approval that are more specific to the development of the site, such as architectural standards, internal traffic and circulation, pedestrian amenities, and required open space.

Below is a table summarizing the application's compliance with critical criteria. The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

PDA 6-18 (Planned Development Amendment, Ordinance No. 4709)

Issue	Notes	Condition to Help Meet Criteria
Addition of Multiple-Family Residential as an allowed use in the Planned Development Overlay District	Meets numerous Comp Plan Policies and Code Criteria: <ul style="list-style-type: none"> Chapter V (Housing and Residential Development) policies supporting high density housing and multiple family uses C-3 zone allows multiple family dwellings as a permitted use 	Condition of Approval #1 – Amends Condition 15 of Ordinance 4709 to allow multiple family dwellings as an allowed use
Subject site meeting all locational factors to be considered for high density residential use	Site is not adjacent or near any public or private open space, as required by Comprehensive Plan Policies 71.13, 75.00, and 76.00	Condition of Approval #1 – Requires a minimum of 10% of the area of the site to be set aside for usable open space, if the site is developed with multiple family residential uses

Attachments:

1. Ordinance No. 5072, including:
Exhibit A – PDA 6-18 Decision Document
2. PDA 6-18 Application Materials
3. Draft Planning Commission Minutes, 5-16-19

Attachments:

Attachment A: Ordinance No. 5072 including:

Exhibit A – PDA 6-18 Decision Document

Attachment B: PDA 6-18 Application Materials

Attachment C: Planning Commission Minutes, 5-16-19

Fiscal Impact:

None.

Alternative Courses of Action:

1. **ADOPT** Ordinance No. 5072 approving PDA 6-18 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting. However, the 120 day land use decision time limit expires on July 20, 2019. In order to hold a public hearing and meet all necessary noticing requirements, the 120 day land use decision time limit would need to be voluntarily extended by the applicant.
3. **DO NOT ADOPT** Ordinance No. 5072, providing findings of fact based upon specific code criteria to deny the application in the motion to not approve Ordinance No. 5072.

Recommendation:

Staff recommends that the Council adopt Ordinance No. 5072 which would approve PDA 6-18, subject to conditions of approval as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5072.”

Attachments:

Attachment A: Ordinance No. 5072 including:

Exhibit A – PDA 6-18 Decision Document

Attachment B: PDA 6-18 Application Materials

Attachment C: Planning Commission Minutes, 5-16-19

ORDINANCE NO. 5072

AN ORDINANCE AMENDING AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT TO ADD MULTIPLE FAMILY RESIDENTIAL AS AN ALLOWABLE USE IN THE PLANNED DEVELOPMENT OVERLAY DISTRICT

RECITALS:

The Planning Department received an application (PDA 6-18) from KWDS, LLC, on behalf of property owners Gene A. McMullin (representing McMullin Family Residual Trust) and Phyllis A. Moyer (representing Phyllis Moyer Living Trust), requesting approval of a Planned Development Amendment. The existing Planned Development Overlay District limits uses, and the Planned Development Amendment request was to add multiple family residential as an allowable use on the subject site; and

The subject site is located west of SE Norton Lane, near the termination of SE Norton Lane at the existing city limits. The property is more specifically described as Parcel 1, Partition Plat 99-47. The property is also identified as Tax Lot 701, Section 27, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on May 16, 2019 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on May 7, 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 planned development amendment review criteria listing in Section 17.74.070 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 planned development amendment to the Council;

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

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, Decision and Conditions of Approval as documented in Exhibit A; and
2. That the requested amendment to the existing Planned Development Overlay District is approved, subject to the following conditions:
 - 1) That Condition 15 of Ordinance 4709, as amended by Ordinance 4863, be amended as follows (text to be removed is shown with ~~strikeout~~, text to be added is **bold and underlined**):

“That the subject site is limited to professional office use or medical office use, or **multiple family dwellings**, senior condominiums, senior apartments, or assisted living facilities, or other compatible, small scale commercial uses such as delicatessen, florist, or day care facility. Uses other than professional office use, medical office use, **multiple family dwellings**, or senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the site.

If the site is developed as multiple family dwellings, an area equivalent to 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The usable open space area shall be a contiguous area with each dimension being at least 25 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.”

- 2) All other requirements and conditions of approval from Planned Development Ordinance 4709 shall remain in effect.

Passed by the Council this 25th day of June, 2019, by the following votes:

Ayes: _____

Nays: _____

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

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE
APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT TO ADD MULTIPLE FAMILY
RESIDENTIAL AS AN ALLOWABLE USE WITHIN AN EXISTING PLANNED DEVELOPMENT
OVERLAY DISTRICT**

DOCKET: PDA 6-18 (Planned Development Amendment)

REQUEST: Approval to amend Planned Development Overlay Ordinance 4709, as amended by Ordinance 4863, by amending a condition of approval that currently limits use of the site to professional office, medical office, senior condominiums, senior apartments, assisted living facilities, and other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. The requested amendment is to add multiple-family residential apartments to that list of allowable uses in the existing Planned Development Overlay condition of approval. The base C-3 zone allows multiple-family residential as a permitted use.

LOCATION: West of SE Norton Lane, near the termination of SE Norton Lane at the existing city limits. The property is more specifically described as Parcel 1, Partition Plat 99-47. The property is also identified as Tax Lot 701, Section 27, T. 4 S., R. 4 W., W.M.

ZONING: C-3 PD (General Commercial Planned Development)

APPLICANT: KWDS, LLC, on behalf of property owners Gene A. McMullin (representing McMullin Family Residual Trust) and Phyllis A. Moyer (representing Phyllis Moyer Living Trust)

STAFF: Chuck Darnell, Senior Planner

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

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

**HEARING DATE
& LOCATION:** May 16, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

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. City has found the information provided to accurately reflect the current Planned Development Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

Subject Property & Request

The application (PDA 6-18) is a request for a Planned Development Amendment to amend a condition of approval from Ordinances 4709 and 4863 that currently limits use of the site to professional office, medical office, senior condominiums, senior apartments, assisted living facilities, and other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. The requested amendment is to add multiple-family residential apartments to that list of allowable uses in the existing Planned Development Overlay condition of approval. The base C-3 zone allows multiple-family residential as a permitted use.

The subject property is located west of SE Norton Lane, near the termination of SE Norton Lane at the existing city limits and urban growth boundary. The property is more specifically described as Parcel 1, Partition Plat 99-47. The property is also identified as Tax Lot 701, Section 27, T. 4 S., R. 4 W., W.M.

Excerpts from Land Use Application Narrative and Findings:

Existing Conditions

The Subject Site is currently undeveloped, and used for farming. The site is generally flat, with a minor slope to the northwest. There are no significant or distinguishing natural features associated with this property.

Access to the property is from Highway 18 via the intersection with Norton Lane. There is a signalized intersection of Norton Lane (SE & NE) with Highway 18. Immediately south of the highway, there is a three-way stop intersection of SE Norton Lane and SE Stratus Avenue. Stratus Avenue loops around the Medical Center and intersects back with SE Norton Lane across from the subject site.

Access and Utilities

The property fronts on west side of SE Norton Lane, just south of the Altimus Plaza medical offices. The existing right-of-way for SE Norton Lane is 60 feet down to and through the Stratus Avenue Loop intersection, south of the Medical Center. The existing improvements extend through this intersection. The street is currently improved with curb and gutter and 28 foot paved section.

SE Norton Lane is improved to City standard south to the intersection with the Stratus Avenue loop. The street improvements extend approximately 180 feet along the frontage of the Subject Site [Staff would note that the street along the subject site's frontage do not include sidewalks, but sidewalks constructed to City standards would be required at the time of development of the site – see Conditions 18 and 20 of Ordinance 4709]. There is an additional 280 feet of site frontage that is currently not improved.

There are existing urban services and utilities within SE Norton Lane. These facilities are all available and were adequately sized to serve development of the subject property, consistent with the allowed commercial uses.

Surrounding Uses

North – The property immediately north of the subject property is the Altimus Plaza medical offices. Further to the north at the Stratus Avenue intersection are the Comfort Inn & Suites and the Diner restaurant. The land west of the motel is vacant land, designated for professional and medical offices, or other compatible uses.

East – The property immediately east of the subject property is developed with medical offices, specifically Willamette Valley Medical Center, including a Heliport. To the south of the medical center is vacant farm land, outside of the city limits and UGB.

The Evergreen Aviation Museum, north of Hwy 18, and Municipal Airport, south of Hwy 18, are located just over a mile to the east.

South – The property immediately south of the subject property is vacant farm land, outside of the city limits and UGB.

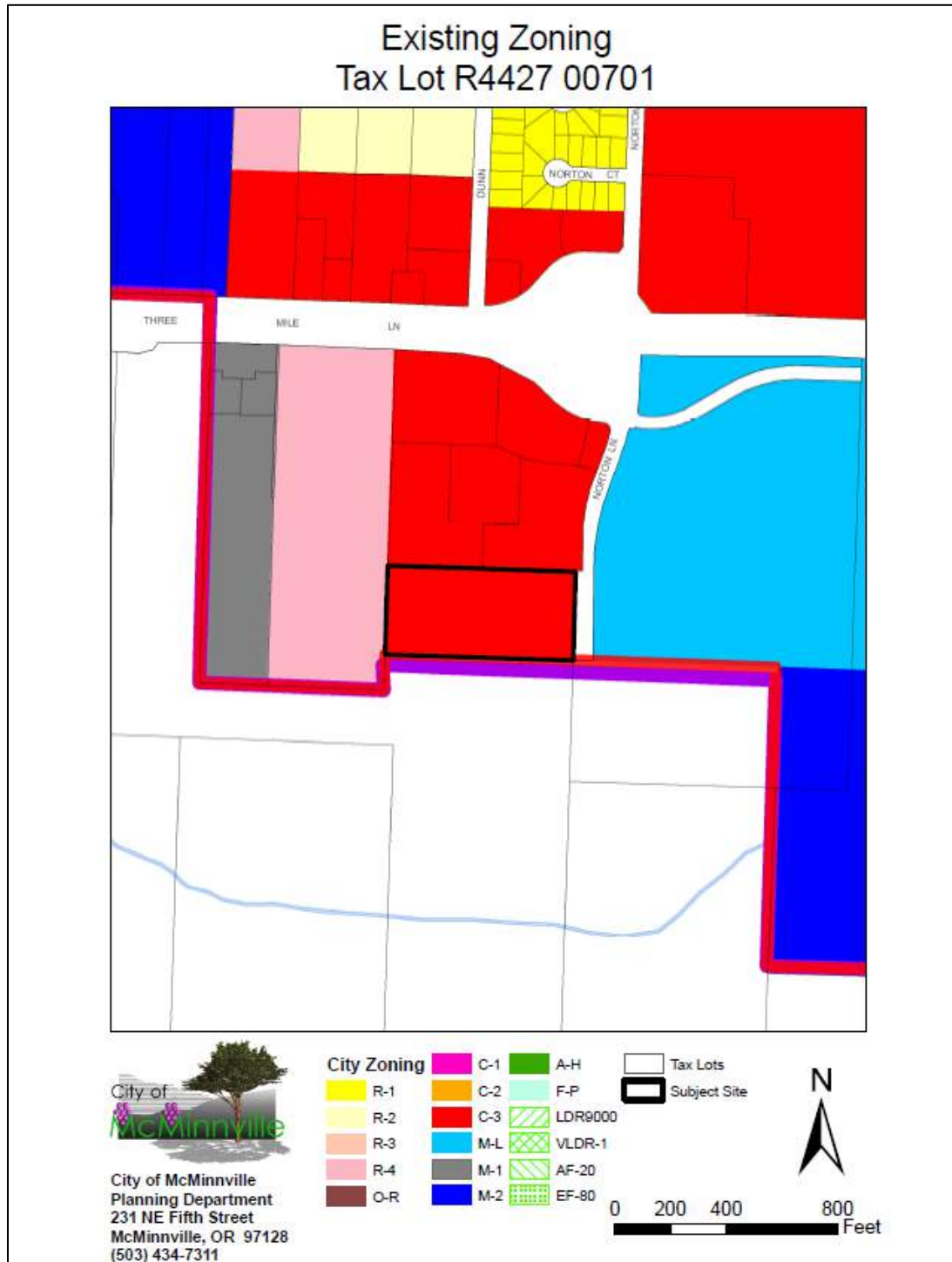
West – The property immediately west of the subject property is the Evergreen Estates Mobile Home Park, which is zoned R-4.

See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.

Figure 1. Vicinity Map



Figure 2. Zoning Map



Background

Excerpts from Land Use Application Narrative and Findings:

The subject site is within the Three Mile Lane Planned Development Overlay area, originally established by Ordinance 4131 in 1981

By Ordinance 4131, the City of McMinnville established Planned Development requirements for the Three Mile Lane area (Oregon Highway 18 Corridor). The area covered by this requirement extends north and south of Highway 18 from the eastern city limits west to the vicinity of the Three Mile Lane Spur intersection with Highway 18.

In 1994, Ordinance 4131 was amended to add specific development policies (Section 4) and signage regulations for Commercial lands (Section 5) by Ordinance 4572.

In 1999, the City amended the Comprehensive Plan re-designating a 5 acre industrial area south of Stratus Avenue for commercial use. With this Plan amendment, the 5 acre area, which is the Subject Site, was zoned C-3 PD, General Commercial Planned Development by Ordinance 4709.

Ordinance 4709 included 20 Conditions applicable to development within the PD boundary. These conditions remain in effect. However Condition 15 specifically limited uses as follows:

“Condition 15. That the subject site is limited to professional office use or medical office use, or other compatible, small scale commercial uses such as delicatessen, florist, or day care facility. Uses other than professional office use or medical office use may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the site.”

The record indicates the City’s general intent in limiting uses in this area was to avoid creation of strip commercial development, by restricting retail uses.

In 2006, the Three Mile Lane Planned Development (Ord. 4709) was amended, by Ordinance 4863. This amendment added senior condominiums, senior apartments, or assisted living facilities as permitted uses. Under Ordinance 4863 the current allowed uses for the subject property are limited as follows:

*“Condition 15. That the subject site is limited to professional office use or medical office use, **or senior condominiums, senior apartments, or assisted living facilities**, or other compatible, small scale commercial uses such as delicatessen, florist, or day care facility. Uses other than professional office use, medical office use, or senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the site.”*

The revised Condition 15 applies specifically to Tax Lot 701. In addition to the use restrictions per amended Condition 15, the specific development policies (Section 4) and signage regulations for Commercial lands (Section 5) established in Ordinance 4572 are applicable to the development of the Subject Property, as well as the other 19 Conditions set in Ordinance 4709.

The existing Planned Development originally adopted by Ordinance 4709 in 1999, and later amended by Ordinance 4863 in 2006, contains 19 other conditions of approval. Those conditions of approval are

still applicable to the property and are provided in Ordinance 4709, which is included as Attachment 2 to this Decision Document.

Summary of Criteria & Issues

The application (PDA 6-18) is subject to Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

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

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

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

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

Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard land use application against the applicable zoning requirements. It should be noted in this case that the subject site is already regulated by an existing Planned Development (Ordinance No. 4709), and the request is only to expand the list of uses that are listed as permitted on the subject site. Overall, the proposed planned development amendment would

provide additional benefits to the community and the City as a whole. The proposal would provide an opportunity for increased variety in the development pattern of the community, and would encourage mixed uses in a planned area, specifically allowing for the incorporation of a use that is identified as needed in the community.

II. CONDITIONS:

1. That Condition 15 of Ordinance 4709, as amended by Ordinance 4863, be amended as follows (text to be removed is shown with ~~strikeout~~, text to be added is **bold and underlined**:

“That the subject site is limited to professional office use or medical office use, or **multiple family dwellings**, senior condominiums, senior apartments, or assisted living facilities, or other compatible, small scale commercial uses such as delicatessen, florist, or day care facility. Uses other than professional office use, medical office use, **multiple family dwellings**, or senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the site.

If the site is developed as multiple family dwellings, an area equivalent to 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The usable open space area shall be a contiguous area with each dimension being at least 25 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.”

2. All other requirements and conditions of approval from Planned Development Ordinance 4709 shall remain in effect.

III. ATTACHMENTS:

1. PDA 6-18 Application and Attachments (on file with the Planning Department)
2. Ordinance No. 4709 (on file with the Planning Department)
3. Ordinance No. 4863 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

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

- McMinnville Engineering Department

We have completed our review of PDA 6-18. A recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposal.

Thus, we have no comments re: the proposed planned development amendment.

At the time of development, the applicant will need to acquire all necessary permits (including any required by the Oregon Department of Transportation), and will need to construct the appropriate street and utility improvements necessary to support the development.

- McMinnville Fire Department

No comments received

- McMinnville Water and Light

Regarding the above planning development amendment there are no comments from the water or power side on our end.

- Oregon Department of Transportation

Since the site isn't adjacent to state highway, the only thing we would consider are impacts to a state highway intersection. Normally our threshold for a TIA is 50 peak hour trips or 300 ADT at a state highway intersection. This would potentially include the intersections at Stratus/Norton, OR-18/Norton, and maybe farther down OR-18 depending on what the trip distribution looks like.

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, May 7, 2019. As of the date of the Planning Commission public hearing on May 16, 2019, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

- A. The applicant, KWDS, LLC, held a neighborhood meeting on November 7, 2018.
- B. The applicant submitted the Planned Development Amendment application (PDA 6-18) on December 20, 2018.
- C. During the completeness review, it was determined that the neighborhood meeting had not be held in accordance with Section 17.72.095 of the McMinnville Municipal Code. It was also determined that findings had not been provided for all applicable Comprehensive Plan goals and policies. The application was deemed incomplete on January 18, 2019.
- D. The applicant held a second neighborhood meeting in accordance with Section 17.72.095 of the McMinnville Municipal Code on February 13, 2019.
- E. The applicant submitted a revised application on March 14, 2019 that included evidence of the neighborhood meeting held on February 13, 2019 and the applicable Comprehensive Plan goals and policies identified in the incomplete notification.
- F. The application was deemed complete on March 22, 2019. Based on that date, the 120 day land use decision time limit expires on July 20, 2019.

- G. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation.
Comments received from agencies are addressed in the Decision Document.
- H. Notice of the application and the May 16, 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 Tuesday, April 23, 2019.
- I. Notice of the application and the May 16, 2019 Planning Commission public hearing was published in the News Register on Tuesday, May 7, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
- J. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
- K. On May 16, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

- 1. **Location:** West of SE Norton Lane, near the termination of SE Norton Lane at the existing city limits. The property is more specifically described as Parcel 1, Partition Plat 99-47. The property is also identified as Tax Lot 701, Section 27, T. 4 S., R. 4 W., W.M.
- 2. **Size:** Approximately 4.93 acres.
- 3. **Comprehensive Plan Map Designation:** Commercial
- 4. **Zoning:** C-3 PD (General Commercial Planned Development)
- 5. **Overlay Zones/Special Districts:** Three Mile Lane Planned Development Overlay District (Ordinance No. 4131 and Ordinance No. 4572)
- 6. **Current Use:** Undeveloped
- 7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
- 8. **Other Features:** The site is described by the applicant as being generally flat, with a minor slope to the northwest. There are no significant or distinguishing natural features associated with this property.
- 9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.

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

10. **Transportation:** The site is adjacent to SE Norton Lane, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 56 feet (with no bike lane) or 66 feet (with bike lane). The existing right-of-way width of SE Norton Lane adjacent to the subject site is 71.47 feet, as shown on Partition Plat 99-47. Therefore, no additional right-of-way dedications are necessary. Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development.

VII. CONCLUSIONARY FINDINGS:

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

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

Comprehensive Plan Volume II:

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

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

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

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

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

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

purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)

APPLICANT'S RESPONSE: The comprehensive plan map is already consistent with these Goals and this Policy. The subject site and surrounding properties to the north and east are designated commercial and zoned C-3PD.

The proposed amendment does not change this designation, and the property remains zoned C-3PD. Additional vacant commercial land remains north and east of the subject property, to accommodate additional office or senior housing uses. The amendment only adds multi-family apartments to the list of allowed uses, which already includes senior apartments.

FINDING: SATISFIED. City concurs with the applicant's findings, and adds that the proposed amendment to Condition 15 would not remove any ability to develop commercial uses on the subject site. Currently, and after the proposed amendment, professional office, medical office, senior condominiums, senior apartments, assisted living facilities, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility, as allowed under the revised condition of approval that was approved by Ordinance No. 4863.

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

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

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.

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: As noted, the Subject Property is designated commercial, consistent with these policies. The designation does not change with this proposed amendment. In approving the prior amendment (Ordinance 4863) the City has already determined that residential use, in the form of senior housing, would be compatible with the underlying C-3 commercial zoning, which allows multi-family housing. The applicant is simply requesting that the residential use not be restricted to senior housing, by also allowing traditional multi-family apartment.

The provisions of Policy 29.00 remain in effect, and have been implemented by the existing transportation improvements in the immediate area. As demonstrated by the traffic impact report attached with this application, the proposed multi-family use will generate less traffic impacts than the base commercial office uses.

FINDING: SATISFIED. The existing property is already designated on the Comprehensive Plan as Commercial, and is zoned C-3 PD (General Commercial Planned Development) as determined to meet Goal IV 3 and Policies 24.50 and 25.00 by the previous actions to amend the Comprehensive Plan (CPA 6-99) and adopt the existing Planned Development (ZC 11-99) by Ordinance 4709. The proposed amendment to add multiple family residential as an allowed use would not remove any ability to develop commercial uses on the subject site. Currently, and after the proposed amendment, professional office, medical office, senior condominiums, senior apartments, assisted living facilities, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility, would still be allowed on the subject site under the revised condition of approval that was approved by Ordinance No. 4863.

The existing property has frontage on SE Norton Lane, which is identified as a minor collector in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010. Therefore, the consideration of the impacts of a new direct access on land uses and traffic patterns in the area of the development is not required by Policy 29.00 because the adjacent roadway is not an arterial. However, the applicant provided a traffic impact analysis report that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use.

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 Three Mile Lane Planned Development is consistent with this proposal. The PD Overlay remains in effect, the amendment simply adds multi-family apartments as an allowed uses, and will maintain consistency with the underlying C-3 zoning.

FINDING: SATISFIED. City concurs with the applicant's findings, and adds that the existing conditions of approval from Ordinance No. 4709 remain in effect. Conditions 2, 3, and 4 require site plan and landscape plan review and approval by the Planning Commission and Landscape Review Committee, respectively, prior to any development of the subject site. These reviews would ensure review of site design, on-site and off-site circulation, parking, and landscaping.

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.

Policy 61.00 The City of McMinnville shall monitor the conversion of lands to residential use to ensure that adequate opportunities for development of all housing types are assured. Annual reports on the housing development pattern, housing density and mix shall be prepared for city review.

APPLICANT'S RESPONSE: The City has implemented these Policies through adoption of the Zoning Code, which includes residential zones accommodating various densities and housing types. Further, the underlying C-3 zone allows multi-family development, consistent with R-4 standards, per Section 17.33.010.3. The proposed amendment simply adds this allowed use, maintaining consistency with the C-3 code.

As addressed herein, the evidence provided demonstrates that there is no greater need for senior housing over other type of housing. In fact, the City's Code does not even distinguish senior housing as a separate use category. Any senior housing built would be approved consistent with the C-3 and R-4 zoning for multi-family housing.

Further, there is residential R-4 land immediately to the west of the subject site, so there is a basis for concluding that R-4 residential is compatible with the professional and medical office commercial designation for the remainder of the Planned Development Area.

The requested change will not alter the current density allocated for the property. The allowed density will remain consistent with the R-4 standards for multi-family housing.

Therefore the requested amendment maintains consistency with the applicable zoning.

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

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

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

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

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

APPLICANT'S RESPONSE: The area of the proposed amendment is zoned C-3 Commercial and therefore is not committed to low density development. The existing C-3 zoning is consistent with Goal V2 and the Policies 68, 71.05 and 71.09.

FINDING: SATISFIED. The proposed Planned Development Amendment would result in the addition of multiple family residential to the list of allowed uses in the existing Planned Development area. The subject property is not designated as residential, but has an underlying zone of C-3 (General Commercial). The underlying C-3 zone allows multiple family residential uses as a permitted use, so the proposed amendment is not inconsistent with the underlying zone and provides an opportunity for the development of residential uses.

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 deficit of over 1,000 acres of land for housing in Table B-11 of Appendix B. More specifically, the analysis identified a need of 162 acres of R-4 (higher density) zoned land. The proposed amendment to allow multiple family residential on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an existing, underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

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 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. 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.

- 1. Areas that are not committed to low density development;*

APPLICANT’S RESPONSE: The area of the proposed amendment is zoned C-3 Commercial and therefore is not committed to low density development. The existing C-3 zoning is consistent with Goal V2 and the Policies 68, 71.03, and 71.09.

The current Planned Development Overlay is consistent with the criteria for location of medium and high density residential, which is allowed under Policy 71.09 and also specifically allowed in the C-3 zone.

However, Ordinance 4863 imposed a specific limitation restricting residential development to various types of senior housing, per Condition 15. Except for this specific conditioned limitation, the C-3 zone would otherwise allow multi-family development, consistent with R-4 standards, as a permitted use.

The applicant’s intent is to develop high density apartments consistent with the R-4 standards, as required by the C-3 zone. So technically, under the C-3 zoning, the density is not being increased, as the R-4 standards will be applied.

FINDING: SATISFIED. City concurs with the applicant’s findings, specifically that the existing underlying zone of C-3 (General Commercial) is not committed to low density development.

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

APPLICANT’S RESPONSE: The subject site has direct access from the Highway (E. Salmon River) via SE Norton Lane. Therefore this criterion is met.

FINDING: SATISFIED. The subject site has frontage on SE Norton Lane, which is identified as a minor collector in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010. Therefore, the subject site has direct access from a collector street.

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

APPLICANT'S RESPONSE: The subject site is an open generally flat field, with no development restrictions. Therefore this criterion is met.

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

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

APPLICANT'S RESPONSE (Provided December 20, 2018): The commercial area along Norton Lane is served by a full range of urban services including sanitary sewer, water, storm drainage and franchise utilities. All of these services generally have sufficient capacity to serve the proposed development.

However, the City Engineer indicated that the existing sanitary sewer line serving the subject site was designed based on, *"an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre."*

Consequently, in coordination with the City Engineer, CH2M has conducted an analysis of the sewer system capacity for the immediate area to determine that there is capacity. The system was designed based on medium density residential calculated to serve 59 units (4.93 acres x 12 units per acre).

The applicant has agreed to cover the cost for CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development.

CH2M findings will be submitted separately.

Revised Response from Applicant (Provided March 14, 2019): The applicant agreed to cover the cost of CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development

However, Mike Bisset, City Engineer, has informed us that the City has engaged CH2M to conduct a system-wide analysis, rather than just to Norton Lane area.

FINDING: SATISFIED. The Engineering Department provided comments (provided on April 5, 2019) on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site. Existing conditions of approval from Ordinance No. 4709, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 5), a detailed sanitary sewer collection plan (Condition 6), provision of water and power services (Condition 9), and right-of-way improvements (Conditions 4, 18, and 20). At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction.

Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

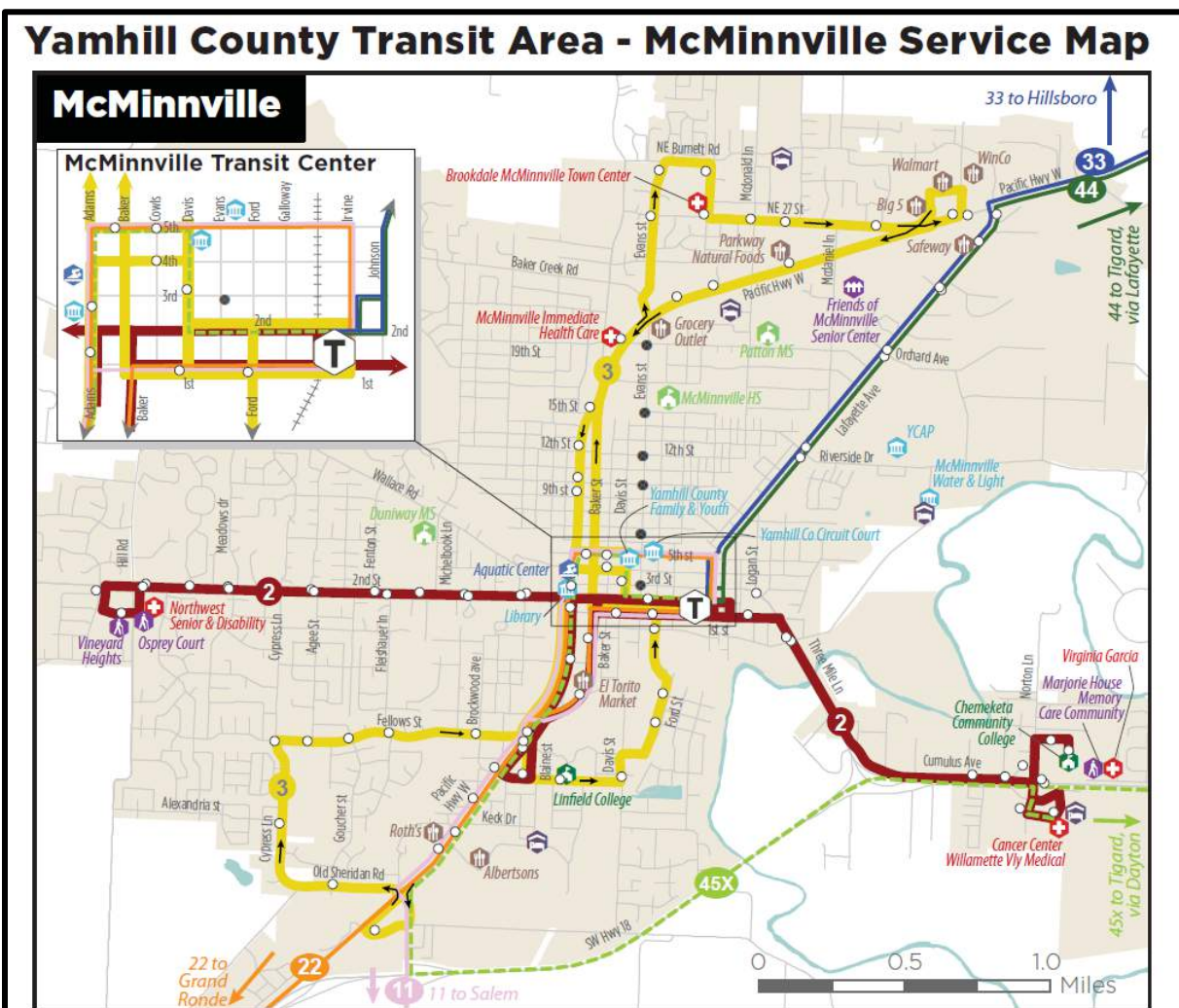
5. Areas within one-quarter mile of existing or planned public transportation; and,

APPLICANT'S RESPONSE: Local Transit Routes 2 runs on the Highway and on SE Norton Lane to the Willamette Valley Medical Center, which is located across the street from the subject site. See the attached Route Map and Schedule, at the end of this Compliance Narrative.

Route 2 provides regularly scheduled weekday service. This route connects to the Transit Center for connection to the Yamhill County Transit route for access to the other parts of town. Therefore this criterion is met.

FINDING: SATISFIED. City concurs with the applicant's findings. City would add that Route 2 provides roughly hourly weekday service, and connects to the McMinnville Transit Center, where riders could transfer to other routes, including commuter routes to surrounding cities.

A view of the McMinnville transit map, which identifies Routes 2 near the Willamette Valley Medical Center, is provided below:



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: And, there is residential R-4 land immediately to the west of the subject site, which establishes the buffer of lower density residential per criteria 6.

The requested change will not alter the current density allocated to the property. The density will remain as is consistent with the R-4 standards for multi-family housing.

Therefore all of the criteria in Policy 71.09 are met.

FINDING: SATISFIED. The subject site is not located adjacent to any existing low density residential areas. Therefore the subject site and area does not require any buffering from low density residential areas.

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: The subject property is zoned C-3 General Commercial with a PD overlay. The C-3 zone allows high density residential use. Therefore it is not committed to low or medium density development.

FINDING: SATISFIED. City concurs with the applicant's findings, specifically that the existing underlying zone of C-3 (General Commercial) is not committed to low density 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: There is no designated low density residential in the surrounding neighborhood. There is R-4 zoning to the west, which provides a buffer between the site and other zoning. Therefore this criterion is met.

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

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

APPLICANT'S RESPONSE: The subject site has direct access from the Highway (E. Salmon River) via SE Norton Lane. Therefore this criterion is met.

FINDING: SATISFIED. While Highway 18 (Three Mile Lane) is identified as a major arterial in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010, the subject site does not have direct access from Highway 18. The subject site has frontage and direct access only onto SE Norton Lane, which is identified as a minor collector in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010. However, the applicant provided a traffic impact analysis report that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development

conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use. Therefore, the use allowed by the proposed amendment would not be more detrimental to the surrounding street network or transportation system than other uses currently allowed on the subject site by Ordinance No. 4709 and Ordinance No. 4863.

4. Areas which are not subject to development limitations;

APPLICANT'S RESPONSE: The subject site is an open generally flat field, with no development restrictions. Therefore this criterion is met.

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

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

APPLICANT'S RESPONSE (Provided December 20, 2018): The City Engineer indicates that the existing sanitary sewer line serving the subject site was designed based on, "*an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre.*" Whereas, the applicant is proposing high density multi-family development up to 120 units.

Consequently, in coordination with the City Engineer, CH2M has conducted an analysis of the sewer system capacity for the immediate area to determine that there is capacity. The system was designed based on medium density residential calculated to serve 59 units (4.93 acres x 12 units per acre).

The applicant has agreed to cover the cost for CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development.

CH2M findings will be submitted separately.

Revised Response from Applicant (Provided March 14, 2019): The applicant agreed to cover the cost of CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development

However, Mike Bisset, City Engineer, has informed us that the City has engaged CH2M to conduct a system-wide analysis, rather than just to Norton Lane area.

FINDING: SATISFIED. The Engineering Department provided comments (provided on April 5, 2019) on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site. Existing conditions of approval from Ordinance No. 4709, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 5), a detailed sanitary sewer collection plan (Condition 6), provision of water and power services (Condition 9), and right-of-way improvements (Conditions 4, 18, and 20). At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction.

Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

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

APPLICANT'S RESPONSE: Local Transit Route 2 runs on the Highway and on SE Norton Lane to the Willamette Valley Medical Center. The Medical Center is located across the street from the subject site. See the attached Route Map and Schedule, at the end of this Compliance Narrative. Route 2 provides regularly scheduled weekday service. Therefore this criterion is met.

FINDING: SATISFIED. City concurs with the applicant's findings. City would add that Route 2 provides roughly hourly weekday service, and connects to the McMinnville Transit Center, where riders could transfer to other routes, including commuter routes to surrounding cities.

A view of the McMinnville transit map, which identifies Routes 2 near the Willamette Valley Medical Center, is provided in the finding for Policy 71.09 above.

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

APPLICANT'S RESPONSE: The City's zoning for Neighborhood Commercial is C-1, which General Commercial is C-2.

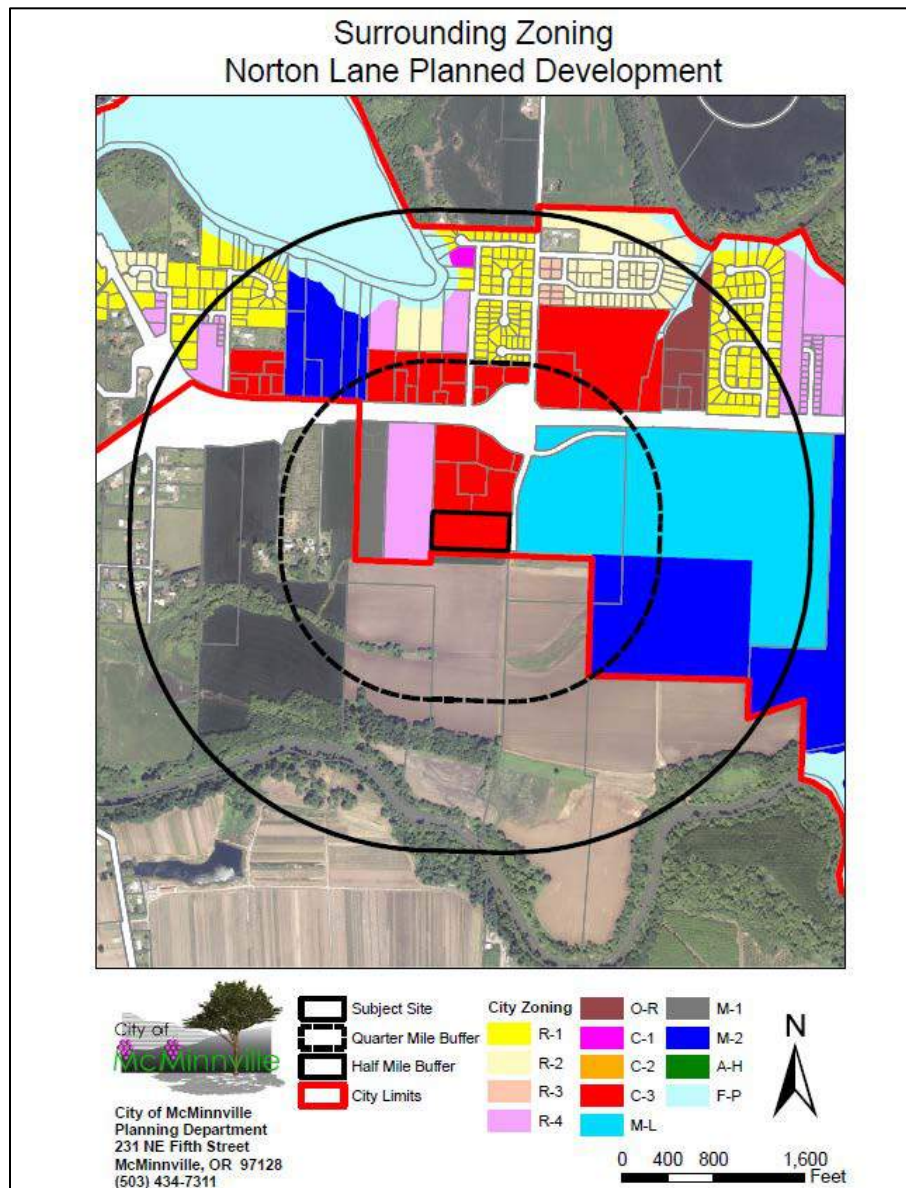
The subject property and adjacent property to the north (770 feet) to Stratus Avenue is zoned C-2, General Commercial, with a PD overlay. There is also C-2 zoning on the north side of the highway on both sides of NE Norton Lane.

The closest C-1 zoning is approximately ¼ mile east of the Norton Lane intersection with the Highway.

Therefore this criterion is met.

FINDING: SATISFIED. While the McMinnville Municipal Code (MMC) does have a Neighborhood Business Zone (C-1), that zoning district has been applied very narrowly and is only designated on two parcels in the entire city limits (the two parcels that the applicant notes approximately ¼ mile east of the Norton Lane intersection with Highway 18). Also, the MMC does not have any definition of neighborhood or general commercial shopping centers. Therefore, the commercial designation of property is used in analyzing this Comprehensive Plan policy and high density residential locational factor. The subject site is located within one-quarter mile of commercially zoned property. The commercially zoned property within one-quarter mile of the subject site is zoned C-3 (General Commercial) – which is a correction on the applicant's response where General Commercial is identified as C-2 – to allow general retail, service, and shopping type uses.

A map identifying the subject site and the distances to commercially zoned properties is provided below:



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

APPLICANT'S RESPONSE: The closest public open space to the site is Joe Dancer Park, which is located on E. Brooks Street, approximately 1.4 miles to the northwest.

The proposed development will however be designed to provide on-site open space for passive and active recreation for tenants. Therefore this criterion is met.

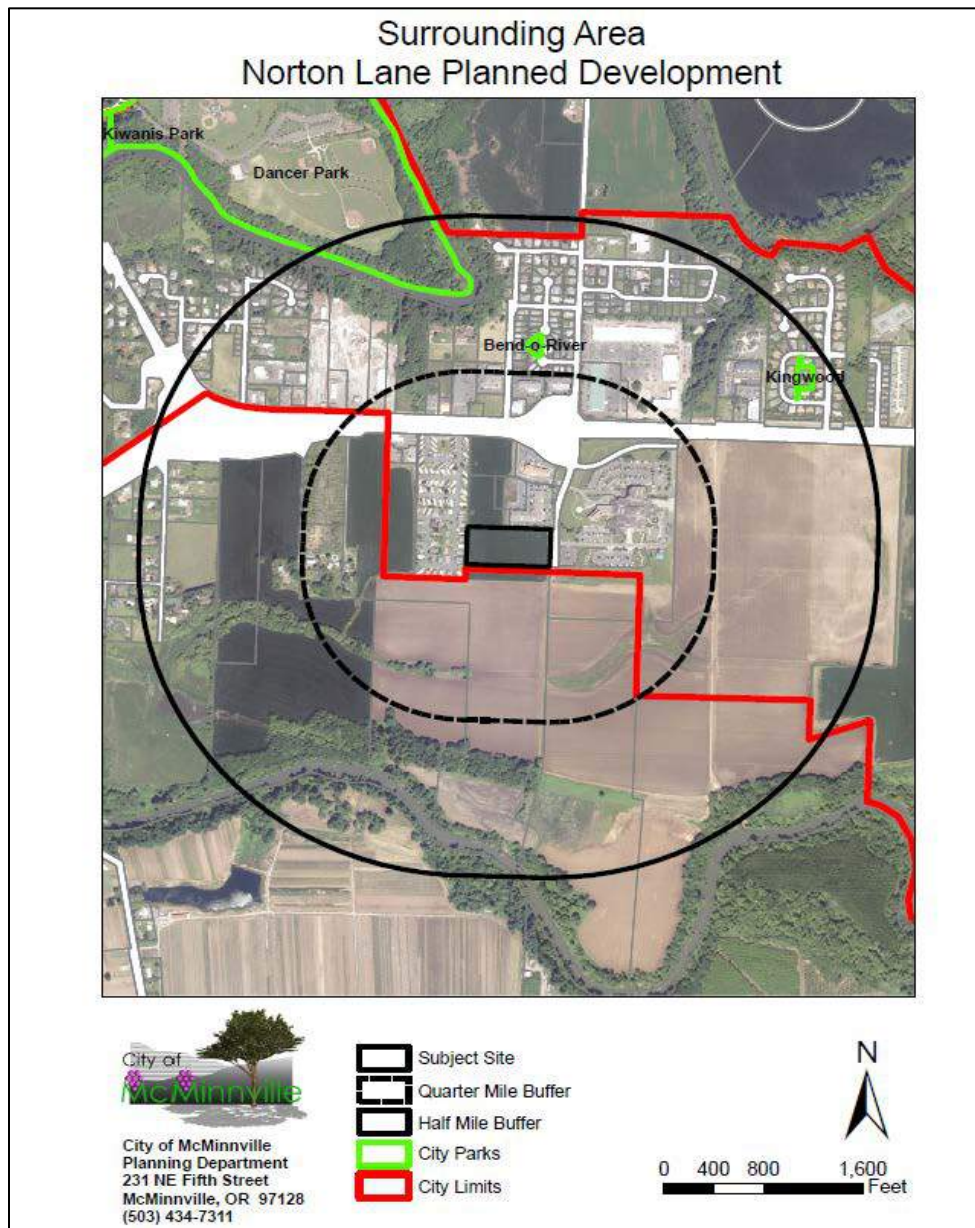
Therefore all of the criteria in Policy 71.13 are met.

FINDING: SATISFIED WITH CONDITION #1. The subject site is not located adjacent to private or public open space. There are only three public parks within ½ mile of the subject site, and two of those parks (Bend-o-River and Kingwood) are what would be classified as Mini-Parks in the McMinnville Parks, Recreation, and Open Space Master Plan. The other park within ½ mile of the subject site is Joe Dancer Park, which is identified as a Community Park in the McMinnville

Parks, Recreation, and Open Space Master Plan. However, Joe Dancer Park is located across the Yamhill River and is not actually accessible within a ½ mile distance of the subject site.

The factor for high density residential development calls for open space to be adjacent to the site, not within a certain distance. While there some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Not only is there no open space adjacent to the site, there is a lack of connectivity to open space in the surrounding area. As a planned development, open space needs to be provided that provides a benefit to the residents of the site. Therefore, language is included in the amended condition of approval to require that, if the site is developed with multiple-family residential uses, an area equivalent to 10 percent of the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval states that the usable open space area shall be a contiguous area with each dimension being at least 25 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

A map identifying the subject site and the distances to surrounding parks is provided below:



Planned Development Policies

Policy 72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

APPLICANT'S RESPONSE: The existing Three Mile Lane Planned Development has been established consistent with these Planned Development Policies, per Ordinance 4709. The 20 conditions included with the ordinance remain in effect, and are applicable to any development of the Subject Site.

FINDING: SATISFIED. City concurs with the applicant's findings. The existing Planned Development overlay, approved by Ordinance No. 4709, is not specifically residential, but is of an underlying commercial zone that allows for some types of residential uses, including the proposed multiple family residential use. The proposed amendment to allow multiple family

residential use, along with the other commercial and senior living residential uses currently allowed by the existing Planned Development condition of approval, which would provide an opportunity for a wider variety of housing types than is currently allowed.

Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

APPLICANT'S RESPONSE: The requested amendment will add opportunity for a wider variety of housing types, than is currently allowed. However, this general area is not identified by the City for lower density housing alternatives, just medium and high density residential, consistent with the C-3 zoning.

FINDING: SATISFIED. City concurs with the applicant's findings. City would add that the existing Planned Development overlay, approved by Ordinance No. 4709, is not specifically residential, but is of an underlying commercial zone that allows for some types of residential uses, including the proposed multiple family residential use. The proposed amendment to allow multiple family residential use, along with the other commercial and senior living residential uses currently allowed by the existing Planned Development condition of approval, which would provide an opportunity for a wider variety of housing types than is currently allowed.

Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

APPLICANT'S RESPONSE: There are no particularly distinctive natural, topographic or aesthetic features associated with the Subject Site. The property is relatively flat, and currently abuts farm land to the south, which is outside of the city limits and UGB.

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

Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.

APPLICANT'S RESPONSE: No specific development plans are being proposed at this time. However, the applicant is proposing an apartment complex. Their typical development plans provide landscaped open space for passive recreational use, and depending upon the specific target market, other amenities may be provided. Two examples of the applicant's most recent apartment projects have been provided to show how open space and amenities are typically provided.

Specific details regarding site amenities will be provided at the time of development review, assuming this requested PD amendment is approved. Such facilities or amenities are always located for convenient use of the tenants, as reflected in the site plan examples.

The applicant will maintain ownership and management of the facilities, with costs covered by rents. Therefore no HOA, assessment district or escrow funds are necessary to ensure proper maintenance.

FINDING: SATISFIED WITH CONDITION #1. City concurs with the applicant's findings. City would add that, while there are some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Not only is there no

open space adjacent to the site, there is a lack of connectivity to open space in the surrounding area. As a planned development, open space needs to be provided that provides a benefit to the residents of the site. Therefore, a condition of approval related to Policy 71.13 will require that, if the site is developed with multiple-family residential uses, an area equivalent to 10 percent of the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval states that the usable open space area shall be a contiguous area with each dimension being at least 25 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #1. While there some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Not only is there no open space adjacent to the site, there is a lack of connectivity to open space in the surrounding area. As a planned development, open space needs to be provided that provides a benefit to the residents of the site, and in areas readily accessible to all occupants. Therefore, a condition of approval related to Policy 71.13 will require that, if the site is developed with multiple-family residential uses, an area equivalent to 10 percent of the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval states that the usable open space area shall be a contiguous area with each dimension being at least 25 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

Further, the existing conditions of approval from Ordinance No. 4709 remain in effect. Conditions 2, 3, and 4 require site plan and landscape plan review and approval by the Planning Commission and Landscape Review Committee, respectively, prior to any development of the subject site. These reviews would ensure review of site design, on-site and off-site circulation, parking, and landscaping, which will allow an opportunity to review whether the required open space is located in an area readily accessible to all occupants.

Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

APPLICANT'S RESPONSE: Any development of the subject property will be required to meet these design criteria. So this policy will be equally implemented with or without the proposed amendment. Again, the two site plans provided show how site circulation is typically provided.

FINDING: SATISFIED. The existing conditions of approval from Ordinance No. 4709 remain in effect. Conditions 2, 3, and 4 require site plan and landscape plan review and approval by the Planning Commission and Landscape Review Committee, respectively, prior to any development of the subject site. These reviews would ensure review of site design, on-site and off-site circulation, parking, and landscaping, which will allow an opportunity to review whether the internal traffic system promotes safe and efficient traffic flow and gives consideration to providing pedestrian and bicycle pathways.

Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

APPLICANT'S RESPONSE: Traffic system improvements have been developed in the immediate neighborhood, including the Highway 18 intersection with Norton Lane, and the SE Norton Lane intersection with SE Stratus Avenue. These improvements provide basic and adequate circulation into, out of, and throughout the immediate neighborhood. These street improvements were made to meet the anticipated development within the Three Mile Lane Planned Development area.

As reflected in Table 1 herein, and the accompanying Traffic Impact Report, the traffic impacts of the proposed multi-family development will be slightly more than those associated with senior housing, but will be considerably lower than traffic generated by allowed professional and medical offices, thereby maintaining consistency with this criterion.

FINDING: SATISFIED. The site is adjacent to SE Norton Lane, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 56 feet (with no bike lane) or 66 feet (with bike lane). The existing right-of-way width of SE Norton Lane adjacent to the subject site is 71.47 feet, as shown on Partition Plat 99-47. Therefore, no additional right-of-way dedications are necessary. Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will ensure the traffic system within planned developments will be compatible with adjoining properties. In addition, the applicant provided a traffic impact analysis report that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

Residential Design Policies

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. (Ord. 4796, October 14, 2003)

APPLICANT'S RESPONSE: The requested amendment to allow multi-family development, only amends Condition 15 of Ord. 4709, and does not alter the allowed density, which will remain consistent with the R-4 standards and the base C-3 zoning.

FINDING: SATISFIED. City concurs with the applicant's findings. The proposed amendment to the existing Planned Development condition would add multiple family residential as an allowed use. Multiple family residential is a permitted use in the underlying C-3 (General Commercial) zone, subject to the standards and provisions of the R-4 (Multiple Family Residential) zone. Therefore, the future development, if it includes multiple family residential dwelling units, will be subject to the density requirements of the R-4 zone.

Further, existing conditions of approval from Ordinance No. 4709, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 5), a detailed sanitary sewer collection plan (Condition 6), provision of water and power services (Condition 9), and right-of-way improvements (Conditions 4, 18, and 20). This will ensure that the density of the future development is shown to be able to be served by public services.

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: None.

FINDING: SATISFIED. Existing conditions of approval from Ordinance No. 4709, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 5), a detailed sanitary sewer collection plan (Condition 6), provision of water and power services (Condition 9), and right-of-way improvements (Conditions 4, 18, and 20). This will ensure that the density of the future development is shown to be able to be served by public services. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

Specifically related to sanitary sewer service, the Engineering Department provided comments on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site.

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

Streets

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

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

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

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

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

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

APPLICANT'S RESPONSE: The City's transportation Goal and Policies are further refined and implemented through the Transportation System Plan (TSP). The TSP provides the functional classification of streets, including arterial, collector and local designations.

The TSP identifies corridor improvements for the Highway 18 Corridor:

ODOT, the City of McMinnville and Yamhill County have mutually approved the Highway 18 Corridor Refinement Plan, which was completed in 1996. The Plan includes a series of traffic control and frontage roads improvements north and south of Highway 18, to include closing of the existing Norton Lane intersection, construction of a new interchange near the Evergreen Air Museum, and redesign of the current East McMinnville (Three Mile Lane) interchange for full, directional access.

Some frontage road improvements have been completed since the 1996 Plan was adopted. Exhibit 4-10 illustrates the current state of the Plan. It is important to note, however, that the northernmost collector access road depicted in the Highway 18 Corridor Refinement Plan is not shown in the TSP due to the fact that it is located outside of McMinnville's current urban growth boundary. Under Oregon Administrative Rule (OAR 660-012), transportation facilities outside of urban growth boundaries are not permitted as part of a TSP unless a "reasons" exception to the applicable goal(s) has been approved by the City. In this case, McMinnville finds such action premature due to the lack of certainty as to the street corridor's location and design. An

amendment to this plan, and a Goal 2 (Land Use) exception, would be part of any future proposal to add this element to the TSP and permit its construction and use for urban purposes.

Some of the corridor improvements have already been completed, including the Norton Lane intersection and Stratus Avenue frontage road. The future interchange discussed is further to the east, at Cumulus Avenue. However, no decision regarding an interchange has yet been made.

The proposed amendment does not substantially alter the demand for transportation and public service improvement to any greater degree than the currently allowed uses.

Primary access to the property is from Salmon River Highway 18, designated as an arterial street. SE Norton Lane intersects with Highway 18 north of the subject property. The property fronts on the west side of SE Norton Lane, just south of the intersection with SE Stratus Avenue. Stratus Avenue is classified as a collector.

FINDING: SATISFIED. City concurs with the applicant's findings. City would clarify that the site is adjacent to SE Norton Lane, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 56 feet (with no bike lane) or 66 feet (with bike lane). The existing right-of-way width of SE Norton Lane adjacent to the subject site is 71.47 feet, as shown on Partition Plat 99-47. Therefore, no additional right-of-way dedications are necessary.

Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

Further, Conditions 2 and 3 of Ordinance 4709 require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design and on-site and off-site circulation to ensure that the proposed access to serve future development will be compatible with the surrounding transportation system.

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

2. Major, minor collectors.

-Designs should minimize impacts on existing neighborhoods.

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

-On-street parking should be limited wherever necessary.

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

-As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

Parking

Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

Bike Paths

Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. (Ord.4922, February 23, 2010)

Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.

Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)

Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Conditions 2 and 3 of Ordinance 4709 require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design, including off-street parking and bike and pedestrian connections associated with the future development plan.

Supportive of General Land Use Plan Designations and Development Patterns

Policy 132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and

services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: See response to Policies 117.00 – 121.00 above.

FINDING: SATISFIED. City concurs with the applicant's findings, along with the additional findings provided for Policies 117.00 – 121.00 above.

Public Safety

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that allows for required movements for fire, medical, and police vehicles.

Livability

Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways. (Ord. 4922, February 23, 2010)

Policy 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)

Policy 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)

Pedestrian Programs

Policy 132.54.00 Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards.

Further, Conditions 2 and 3 of Ordinance 4709 require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design and on-site and off-site circulation to ensure that the proposed access to serve future development will be compatible with the surrounding transportation system.

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

Sanitary Sewer System

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

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

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

Storm Drainage

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

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

Water System

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

APPLICANT'S RESPONSE: The surrounding development along SE Norton Lane has been constructed consistent with the Public Facilities Goal and these Policies for specific utilities. All required urban services are currently available and adequate to support development of the

property consistent with these policies, assuming that CH2M makes positive findings with their sewer system analysis, being paid for by the applicant.

The proposed amendment will not result in development that will create substantially greater demands on the available services than the types of development that is already allowed.

The City has confirmed that the sanitary sewer line has sufficient capacity to accommodate the proposed increase in density from senior housing to apartments. The net difference is 61 units.

Revised Response from Applicant: The applicant agreed to cover the cost of CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development

However, Mike Bisset, City Engineer, has informed us that the City has engaged CH2M to conduct a system-wide analysis, rather than just to Norton Lane area.

FINDING: SATISFIED. Existing conditions of approval from Ordinance No. 4709, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 5), a detailed sanitary sewer collection plan (Condition 6), provision of water and power services (Condition 9), and right-of-way improvements (Conditions 4, 18, and 20). This will ensure that the density of the future development is shown to be able to be served by public services. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

Specifically related to sanitary sewer service, the Engineering Department provided comments on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site.

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

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

Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure

the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

Water and Sewer – Land Development Criteria

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

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

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. An existing conditions of approval from Ordinance No. 4709, which remains in effect, will require that final development plans include the provision of water and power services (Condition 9). This will ensure that the density of the future development is shown to be able to be served by McMinnville Water and Light services. McMinnville Water and Light was provided an opportunity to review the proposal, and offered no comments or objections to the proposed amendment to the allowable uses on the subject site.

Police and Fire Protection

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

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

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Emergency services departments were provided an opportunity to review the proposal, and offered no comments or objections to the proposed amendment to the allowable uses on the subject site.

Parks and Recreation

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

Energy Conservation

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

Energy Supply Distribution

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

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. McMinnville Water and Light and Northwest Natural Gas were provided an opportunity to review the proposal, and offered no comments or objections to the proposed amendment to the allowable uses on the subject site.

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

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

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a planned development amendment provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are

opportunities for the public to review and obtain copies of the application materials and the completed City report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. General Provisions

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

APPLICANT’S RESPONSE: None.

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

Chapter 17.06. Definitions

17.06.015 General Definitions

Apartment House – See “Dwelling, Multifamily.”

Assisted Living – A living arrangement where the elderly or other persons are provided assistance with daily activities such as dressing, grooming and bathing.

Condominium – Ownership of a single unit in a multi-unit structure that includes common areas and facilities; includes residential, commercial, and industrial condominiums and regulated, in part, by Oregon State Law (ORS Chapter 100). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Dwelling, Multi-Family – A building containing three or more dwelling units. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Dwelling Unit – A residence containing one or more rooms designed for occupancy by one family and having not more than one cooking facility. This includes both buildings constructed on-site and off-site, such as manufactured homes. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Family – For the purpose of this Zoning Ordinance, “family” refers to:
An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or other duly-authorized custodial relationship, living together as one housekeeping unit using one kitchen, and providing means of lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen. (Ord. 4988 §1, 2015; Ord. 4479A §1, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT'S RESPONSE: A general definition of senior housing is as follows (factfinder2.census.gov):

Senior housing definition

Senior Housing Definition. Senior housing is housing that is suitable for the needs of an aging population. It ranges from independent living to 24-hour care. In senior housing there is an emphasis on safety, accessibility, adaptability, and longevity that many conventional housing options may lack.

Relative to the proposed amendment, there are a few general factors that affect site development and potential impacts when comparing senior housing to general multi-family housing, as follows:

- Senior housing typically provides smaller 1 and 2 bedroom units, while multi-family facilities may include 3 or more bedroom units in the mix.
- Seniors (retired or assisted living) tend to have fewer cars, relying upon public transit or family to making necessary trips. Those seniors that do still drive tend to make fewer trips than younger tenants, particularly families with children and/or two working adults. Consequently senior housing typically has a lower demand for off-street parking, and tends to generate lower trip volumes, both daily and during peak hours, as reflected in Table 1 above [See Table 1 from Traffic Impact Report].
- The lower parking demand for senior housing, combined with smaller units, tends to yield a slightly higher density than general multi-family apartments.

While multi-family development will result in slightly higher trip generation, than senior housing, it is important to recognize that the office commercial uses allowed under the C-3PD zoning generally have higher trip generation than either form of housing.

FINDING: SATISFIED. City concurs with the applicant's clarification that senior condominiums or senior apartments, which are currently listed as allowed uses in Condition 15, are not specifically defined in the Section 17.06.015 of the McMinnville Zoning Ordinance. Section 17.60.060(A)(4) of the McMinnville Zoning Ordinance does regulate off-street parking differently for dwelling units that are "expressly reserved for senior or handicapped persons". However, the same development standards, including setbacks, density, and height, would apply to the development of apartments on the site, whether they were age-restricted or not.

The use that is added to the amended Condition 15 of Ordinance 4709 is "multiple-family dwelling" because that is the specific use that is listed as permitted in the C-3 (General Commercial) zone in Section 17.33.010 of the McMinnville Zoning Ordinance.

Chapter 17.21. R-4 Multiple-Family Residential Zone

17.21.030 Lot size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;

- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020(M) are utilized. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT'S RESPONSE: The base C-3 zone allows for multi-family apartments as a permitted use, subject to the R-4 zoning standards and density, per Chapter 17.21.

Under Ordinance 4863, senior housing, including apartments and condominiums are an allowed use. However, the City's code does not specifically define senior housing, differentiated from multi-family apartments, other than assisted living, per Chapter 17.06.015.

No specific site development plan is proposed at this time. Any housing development of the Subject Property will be subject to the R-4 zoning provisions, including density, and will be subject to Site Plan review for compliance with these standards.

FINDING: SATISFIED. City concurs with the applicant's clarification that senior condominiums or senior apartments, which are currently listed as allowed uses in Condition 15, are not specifically defined in the Section 17.06.015 of the McMinnville Zoning Ordinance. Therefore, the same development standards, including setbacks, density, and height, would apply to the development of apartments on the site, whether they were age-restricted or not. Conditions 2 and 3 of Ordinance 4709 require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure that any future development of multiple family residential uses would meet the necessary R-4 development standards.

Chapter 17.33. C-3 General Commercial Zone

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

- 3. Multiple-family dwelling subject to the provisions of the R-4 zone; [..]

APPLICANT'S RESPONSE: The property is zoned C-3 PD. The underlying C-3 zone allows multi-family development, per 17.33.010.3, consistent with the R-4 standards.

There is residential R-4 land immediately to the west of the subject site, so there is a basis for concluding that R-4 residential is compatible with the medical commercial designation for the remainder of the Planned Area.

The requested change will not alter the current density allocated to the property. It will remain as is consistent with the R-4 standards, as set forth below.

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

Chapter 17.51. Planned Development Overlay

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed amendment to allow multiple family residential use on the subject site would provide for greater flexibility and greater freedom of design in the development of the subject site than is currently allowed by the existing condition of approval. The proposed amendment to add multiple family residential as an allowed use would not remove any ability to develop other uses on the subject site. Currently, and after the proposed amendment, professional office, medical office, senior condominiums, senior apartments, assisted living facilities, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility, would still be allowed on the subject site under the revised condition of approval that was approved by Ordinance No. 4863, along with multiple family residential. This increases the opportunity for mixed uses in the planned development area. The proposed amendment to allow multiple family residential use on the subject site is also not a guise to circumvent the intent of the zoning ordinance, because multiple family residential is a permitted use in the existing, underlying C-3 (General Commercial) zoning district.

17.51.020 Standards and requirements. The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:

- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;
- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed amendment to allow multiple family residential use on the subject site will not be inconsistent with the comprehensive plan or zoning designation of the subject site, because multiple family residential is a permitted use in the existing, underlying C-3 (General Commercial) zoning district. The density of any eventual residential development will be determined by the existing regulations in the underlying C-3 zone.

17.51.030 Procedure. The following procedures shall be observed when a planned development proposal is submitted for consideration:

- A. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
 - a. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
 - b. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
 - c. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
 - d. The plan can be completed within a reasonable period of time;
 - e. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
 - f. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
 - g. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Section 17.51.030 is satisfied in that the Commission will have an opportunity to review a future development plan, per Conditions 2 and 3 of Ordinance 4709, which require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure that any future development of multiple family residential uses would meet the necessary R-4 development standards. Discussion of the criteria listed in subsection C is provided below, as those criteria are the review criteria for a Planned Development Amendment, as found in 17.74.070 of the Zoning Ordinance.

17.74.070. Planned Development Amendment – Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

APPLICANT'S RESPONSE: While none of the listed changes are specifically applicable, the Planning Director has determined that the proposed PD amendment, which changes allowed uses, is considered to be a Major amendment and is therefore subject to Section 17.72.120, as addressed herein.

FINDING: SATISFIED. The applicant has provided a Planned Development Amendment request to be reviewed by the Planning Commission in accordance with Section 17.72.120.

17.74.070. Planned Development Amendment – Review Criteria. [...] An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

17.74.070(A). *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

APPLICANT'S RESPONSE: The applicants desire to develop multi-family apartments. While senior housing remains an appropriate use, the applicant submits that the need for housing alternatives, within the Planned Development, is greater than just the narrow segment currently allowed for senior housing.

While there is a general modest trend of an aging population, the median age for Yamhill County, including McMinnville is 37.5 (2015). This is slightly higher than the state in general. Consequently the applicant submits that there is no greater demand for senior housing over general housing or non-age restricted apartments.

McMinnville's building permit activity over the past couple of years reflects this trend with similar permit activity rates for both single and multi-family residential construction,

Historic Perspective

Based on a review of the historic records associated with the Three Mile Lane Planned Development it appears that the City's intent was initially to limit development to professional and medical offices, or other compatible commercial uses. General commercial and retail were not allowed with the intent to avoid creating strip commercial development in this area.

The current development within this Planned Development is predominantly medical facilities and professional offices, as originally targeted. However a motel and restaurant have also been developed, considered as compatible uses.

The 2006 amendment (Ord 4683) allowed for various types of senior housing as permitted uses. This amendment was based on findings that this type of housing was compatible with the developed properties and other allowed uses under Ordinance 4709, in particular the compatibility of supportive native of medical services. The decision was also based on consideration that traffic impacts from senior housing would generally be lower than those created by professional or medical offices.

While the prior amendment allowed for senior housing, the decision does not appear to have been made based on any specific findings of need for this particular housing type relative to types of housing. Rather, the decision was based more on consistency with the underlying C-3 zone, and compatibility with the allowed professional and medical office uses.

However, since the amendment, the anticipated senior housing has not come to fruition, at least on the subject site. Consequently the land has remained vacant. While the subject site was not actually developed for the anticipated senior housing, the need for such housing has been met, in part, by other projects developed in the vicinity northeast of the site. These developments include:

1. Fircrest Community, assisted living and retirements apartments; and
2. Parkland Village, assisted living and retirements apartments; and
3. The Virginia Garcia Memorial Health Center has also been developed in close proximity to these senior housing projects. This facility provides various senior medical services.

Continued Need for Housing – General Multi-family

The City's 2001 Housing Needs Analysis projected growth from 2000 to 2020 to increase from 25,153 to 38,720. It is noted that the City has not completed an update of the Needs Analysis, but is working on an update. Consequently the 2001 projections of need are still considered valid.

The 2001 projects identified a need for both single family and multi-family units. City staff confirmed that the projected need remains unfulfilled. For example, staff noted that local business, such as the Medical Center, Chemeketa Community College, and others have identified a need for apartments for transitional housing for new employees and students. Generally people moving to McMinnville continue to create a need for more housing. This growth is consistent with the 2001 projects, just delayed due to the economic recessions over the past 18 years.

Based on data from Portland State University's Population Research Center (PRC) the City's population in 2016 was 33,405, below the 2020 projection. The PRC's most current data shows McMinnville's 2017 population at 34,293, but still below the 2020 projection.

The slower than projected growth is primarily attributed to the economic recessions of in the 1990s and the Great Recession 2008-2012. However, in-migration has also affected the County's and City's population, as noted by PSU research.

Since 2012, the end of the "Great Recession," the economy has shown considerable strength. Given the current continuing strong economy, growth is expected to increase over the rates of the previous 10 years, more on track with the projections prior to the recessions. The Center's updated 2035 projection is for McMinnville to grow to a population of 44,122.

Portland State University's Population Research Center (PRC)

"Yamhill County's total population is forecast to grow by a little more than 70,000 persons from 2017 to 2067, which translates into a total countywide population of 177,170 in 2067 (Figure 15). The population is forecast to grow at the highest rate—just below one and a half percent per year—in the near-term (2017-2025). This anticipated population growth in the near-term is based on three core assumptions: (1) Yamhill County's economy will continue to strengthen in the next 10 years; (2) middle-aged persons will continue migrating into the county—bringing their families or having more children; and (3) empty nesters and retirees will continue migrating into the county, thus increasing deaths. The largest component of growth in this initial period is net in-migration. Over 1,300 more births than deaths are forecast for the 2017 to 2025 period. At the same time roughly 13,000 net in-migrants are also forecast, combining with a diminishing natural increase for continued population growth.

Yamhill County's two largest UGBs—McMinnville and Newberg—are forecast to experience a combined population growth of nearly 20,000 from 2017 to 2035 and nearly 37,000 from 2035 to 2067 (Figure 16). McMinnville is expected to increase by 9,829 persons from 2017 to 2035 (1.4% AAGR), growing from a total population of 34,293 in 2017 to 44,122 in 2035. Newberg's population is expected to increase at a slightly faster rate (1.9% AAGR), growing from 24,296 persons in 2017 to 34,021 in 2035. McMinnville and Newberg are forecast to grow more slowly during the second part of the forecast period at 1.1 and 1.3 percent, respectively. We expect both sub-areas to capture increasing shares of the county's total population."

Portland State University's Population Research Center (PRC) released the preliminary 2016 population estimates for Oregon and its cities and counties on November 15.

According to the preliminary July 1 population estimates, Oregon's population increased from 4,013,845 in 2015 to 4,076,350 in 2016, or by 62,505. This increase represents a 1.6 percent change, slightly higher than in the previous year (1.3 percent). The increase in 2016 is over 11,000 higher than added in 2015, and surpasses the peak pre-recession growth of 58,000 in 2006 and it is closer to growth experienced in the early and mid-1990s.

Population growth consists of two factors: natural increase (the number of births minus the number of deaths) and net migration (movers-in minus movers-out). From 2015 to 2016 net migration accounted for roughly 83 percent of Oregon's population growth.

Generally, net in-migration has either boosted population growth around the state or has prevented population losses. In counties where a natural decrease is occurring (over a third of the counties experience a natural decrease, meaning there are more deaths than births), net immigration has offset overall population decreases. Net in-migration this past year is estimated to have accelerated in most counties statewide from last year.

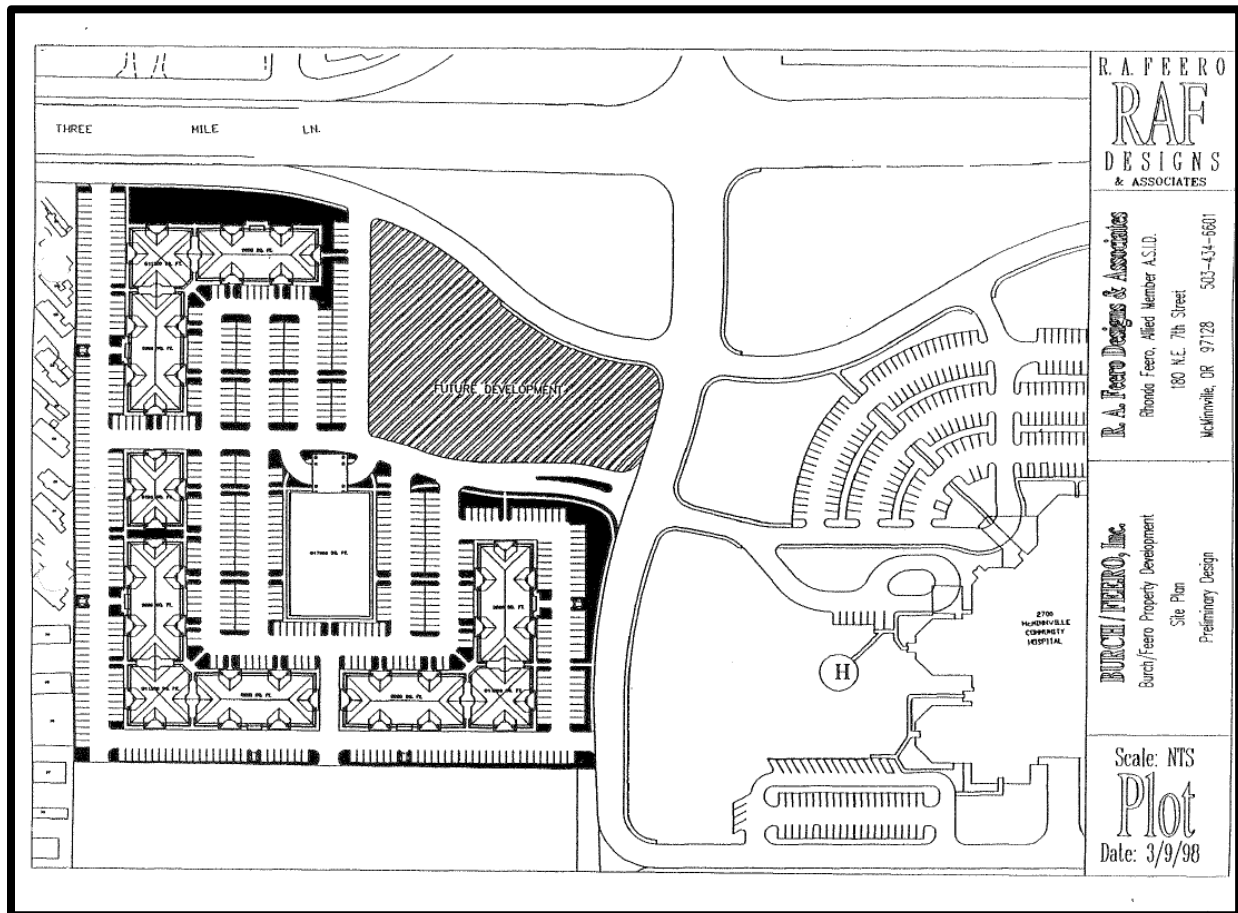
Vacancy rates in 1990 were 2.2% for single family and 3.7% for multi-family. The 2020 projections were based on 2.5% for single family and 5.0% for multi-family. PRC indicates the current vacancy rate is 3.32% for multi-family, which is below the earlier projected rate, thereby indicating a need for more multi-family housing.

For McMinnville currently 40.7% of households are renters. Generally, statewide, there is a trend for renter ship moving towards an even split 50/50 with home ownership. The City's building permit activity for multi-family development has followed a similar pattern as single family over the past couple of years, which is consistent with this trend towards a 50/50 split.

FINDING: SATISFIED. City would generally concur with the applicant's findings, but does provide some clarifying points and additional findings below.

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 deficit of over 1,000 acres of land for housing in Table B-11 of Appendix B. More specifically, the analysis identified a need of 162 acres of R-4 (higher density) zoned land. The City of McMinnville is currently updating its Residential Buildable Lands Inventory and Housing Needs Analysis, and while these reports are not finalized or acknowledged, the analyses are identifying a deficit of land zoned for residential dwelling units. The proposed amendment to allow multiple family residential on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an existing, underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

In terms of compatibility with other uses allowed on the same site and the surrounding area, it is important to note that the subject site is currently regulated by a Planned Development (Ordinance 4709, as amended by Ordinance 4863), but other land immediately adjacent to the subject site is regulated by another Planned Development. The area to the north is subject to a Planned Development (Ordinance No. 4667) that is similar to the subject site, in that there was a limitation of uses on the site to office and medical uses and other compatible uses. The approved development plan for that site is identified below:



Only portions of that approved development plan have been constructed, including the portions of the site closest to SE Norton Lane. The original Planned Development (Ordinance No. 4667) was amended to allow for the development of other compatible uses, including the existing hotel and restaurant located in the area of the originally approved development plan that was identified as "Future Development". The most recent Planned Development amendment (Ordinance No. 4937) actually amended the allowable uses on the site to be any use allowed in the C-3 zone, other than a few storage and auto-oriented uses that were still listed as being prohibited. The commercial Planned Development area to the north, and the buildings that have been constructed, can be seen below:



This commercial development to the north of the subject site will serve as a buffer from Highway 18, which is identified in the McMinnville Transportation System Plan as a major arterial roadway, for any future potential development of a multiple family residential use on the subject site. Also, the proposed amendment to allow multiple family residential use on the subject site will provide an opportunity for more of a variety and mix of uses in the Planned Development areas along SE Norton Lane.

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

APPLICANT’S RESPONSE: Adding apartments to the list of allowed uses will not be inconsistent with the Comprehensive Plan, including general Goals, Policies and Objectives. This decision will be consistent with the prior amendment, which allowed limited residential uses.

[Note – the applicant also provided findings and responses to Comprehensive Plan goals and policies, which are provided above.]

FINDING: SATISFIED. City concurs with the applicant’s findings. The proposed Planned Development Amendment would not be inconsistent with the applicable goals and policies of the Comprehensive Plan, as described in more detail above in the specific findings for each Comprehensive Plan goal and policy.

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

APPLICANT'S RESPONSE: Access to the property is from Salmon River Highway 18 and south on SE Norton Lane. The property fronts on the west side of SE Norton Lane, just south of the intersection with the SE Stratus Avenue Loop. The property abuts the city limits and UGB to the south, but any site development, regardless of use, will extend the street improvements to the city limits, or as determined by the City.

The proposed amendment does not substantially alter the demand for transportation and public service improvement to any greater degree than the currently allowed uses.

The existing right-of-way for SE Norton Lane is 60 feet down to SE Stratus Avenue, which is the extent of current improvements. Site development of the subject site will complete improvements across the site frontage.

The full range of urban services is currently available to the property, thereby ensuring timely and efficient provision of services. Utilities will be extended as required to the adjoining property, which to the south is outside of the city limits.

FINDING: SATISFIED. Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards.

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

APPLICANT'S RESPONSE: The applicant intends to proceed with development review and site development as quickly as possible, assuming this PD amendment is approved. Full site development would be expected to be completed by 2020-2021.

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

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

APPLICANT'S RESPONSE: The existing streets serving the property are designed and constructed to City standards, with adequate capacity, based on the C-3 zoning. The accompanying Traffic Impact Report, prepared by Lancaster Engineering compares the multi-family traffic impacts to those of the allowed commercial offices and senior housing.

[See Table 1 in Traffic Impact Report]

The proposed multi-family residential use will actually generate significantly fewer total trips and peak hour trips than originally anticipated medical office development. The proposed apartment will, however, generate slightly more trips than senior housing, which is currently allowed.

Therefore the requested amendment is not expected to result in any significant increase in new traffic demands, as compared to the current allowed uses.

FINDING: SATISFIED. Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

The applicant has also provided a traffic impact analysis report that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use. Therefore, the use allowed by the proposed amendment would not be more detrimental to the surrounding street network or transportation system than other uses currently allowed on the subject site by Ordinance No. 4709 and Ordinance No. 4863.

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

APPLICANT'S RESPONSE: The full range of urban services is currently available to the property, thereby ensuring timely and efficient provision of services. Utilities will be extended as required to the adjoining properties. However, land to the south is outside of the city limits and UGB.

Utilities requirements for the proposed residential development will be generally consistent with the demands created by the current allowed senior housing. Therefore this amendment will not substantially alter the demand for urban services.

FINDING: SATISFIED. Existing conditions of approval from Ordinance No. 4709, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 5), a detailed sanitary sewer collection plan (Condition 6), provision of water and power services (Condition 9), and right-of-way improvements (Conditions 4, 18, and 20). This will ensure that the density of the future development is shown to be able to be served by public services.

Specifically related to sanitary sewer service, the Engineering Department provided comments on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site. In addition, McMinnville Water and Light and other utility providers were provided an opportunity to review the proposal, and offered no comments or objections to the proposed amendment to the allowable uses on the subject site.

17.74.070(G). *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

APPLICANT'S RESPONSE: The noise, air, and water pollutants caused by the multi-family development allowed by this amendment will not result in any substantial change as compared to the current list of allowed uses, in particular the senior housing, which is substantially similar in potential impacts.

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

CD

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128
 (503) 434-7311 Office • (503) 474-4955 Fax
www.ci.mcminnville.or.us

Office Use Only:File No. PDA 6-18Date Received 12-20-18Fee 885⁰⁰Receipt No. 18MD253Received by RH

Planned Development Amendment Application

Applicant Information

Applicant is: ☐ Property Owner ☒ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other _____

Applicant Name KWDS, LLC; Kim McAvoy Phone 503-682-2337

Contact Name Ben Altman, Pioneer Design Group Phone 971-708-6258
(If different than above)

Address 9020 SW Washington Sq. Rd., Suite 170

City, State, Zip Portland, OR 97223

Contact Email baltman@pd-grp.com

Property Owner Information

Property Owner Name Gene A. McMullin, Trustee; McMullin Family Residual Trust Phone _____
(If different than above) Phyllis A. Moyer, Trustee; Phyllis Moyer Living Trust

Contact Name Kristina Lookabill, Principal Broker Bella Casa RE Group Phone 503-515-6152

Address 1002 N Springbrook Rd. Suite C

City, State, Zip Newberg OR 97132

Contact Email Krissy@thebellacasagroup.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address _____

Assessor Map No. R4W - 27 - 00701 Total Site Area 4.93 Acres

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Commercial Zoning Designation C-3 PD

1. Show in detail how your request seeks to amend the existing planned development overlay. State the reason(s) for the request and the intended use(s) of the property: The applicant seeks to amend Ordinance 4863, Condition 15 to add Multi-Family Apartments to the list of allowed uses.

Under Condition 15, the allowed uses are currently limited to Professional Office, Medical Office, or Senior Condominiums, Senior Apartments, or Assisted Living Facilities, or other compatible, small-scale commercial uses such as delicatessen, florist, or day care.

The applicant proposes to develop apartments, and does not want to be limited to senior housing, in order to meet a broader market segment.

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Volume II):

The base C-3 zone allows multi-family apartments as a permitted use. The requested amendment simply adds multi-family apartments as a permitted use under the PD provisions.

See accompanying Compliance Narrative for details.

3. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely:

The surrounding development, north and east, includes medical offices, motel and restaurant. There is also residential development to the west (R-4). All services are available to support development of the property.

See accompanying Compliance Narrative for details.

4. Describe any changes in the neighborhood or surrounding area which might support or warrant the request:

The prior intended senior housing was never developed, so the land remains vacant.

See accompanying Compliance Narrative for details.

5. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use:

All necessary utilities are currently available in Norton Lane, adjacent to the property.

Street improvements to City Standards have been complete up to the intersection of

SE Horton Lane and SE Stratus Avenue, which is aligned with the subject property.

All existing utilities have adequate capacity to serve the proposed multi-family development.

The proposed multi-family development will not create significantly greater demand for services than the current allowed senior housing.

6. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

Senior housing is currently allowed. ITE trip generation for senior apartments is 4.5 to 5.7 trips per day per unit. In comparison, regular multi-family apartments generate 5.44 for mid-rise and 7.32 trips per day for low rise structures.

Professional and Medical offices are also allowed. These uses generate 11.01 and 36.13 trips per day respectively per 1,000 square feet of floor area. It is estimated that the site can support offices ranging from 50,000 to 75,000 square feet.

See accompanying Compliance Narrative for more details.

In addition to this completed application, the applicant must provide the following:

- ☒ A site plan (drawn to scale, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.). See Aerial Photo
- ☒ A copy of the current planned development overlay ordinance.
- ☒ A legal description of the subject site, preferably taken from the deed.
- ☒ Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature

manager KWDS, LLC

Date

10/9/18

Property Owner's Signature

Dreg McMullin

10-11-2018

Date

Phyllis Moyer

10-11-2018

RESPONSE TO INCOMPLETE NOTICE

To: Chuck Darnell, Senior Planner
City of McMinnville

From: Ben Altman, Senior Planner/Project Manager
Pioneer Design Group, Inc.

Project: Three Mile Lane Planned Development Amendment
PDG No. 999-217

Date: March 13, 2019

RE: Responses to Incomplete Application – PDA 6-18

Per January 18, 2019 email from Chuck Darnell, “Based on the materials provided, **I am deeming the application incomplete.**”

In order for the application to be deemed complete, the following information must be provided:

- 1) *Evidence that the neighborhood meeting process was completed as required by Section 17.72.095 of the McMinnville Municipal Code (MMC). Specifically, it was determined that the City of McMinnville Planning Department was not included as a recipient of the mailed notice of the neighborhood meeting (per Section 17.72.095(D)(5)), as you mentioned in your email below.*

We did specifically seek legal counsel on this matter, as the neighborhood meeting requirements are a newer provision in our code, which is partly why the completeness review took a bit longer than we normally hope it would. Our legal counsel determined that the intent of the code is that the Planning Department would review the evidence of neighborhood meeting compliance (as required in Section 17.72.095(G)) during the completeness review. During our review, we determined that the provision listed above was not completed properly. Our legal counsel did also advise that, while you could, as the applicant, provide written notice that you would like to move forward with the application without providing the information we are requesting as part of the incomplete notice (per ORS 227.178(2)(c)), the City would have to find that the neighborhood meeting requirements were not satisfied and recommend denial of the application.

We can accept updated evidence of neighborhood meeting compliance, and then review that as part of the current application. Therefore, we would not

need a new application submitted, just the information we are requesting above (updated evidence of neighborhood meeting compliance) as a response to our incomplete notice.

RESPONSE: We scheduled a second Neighborhood Meeting, which was held on February 13, 2019, at 6:30 PM at Chemeketa Community College, Room 101. Notice of the meeting was mailed to the list of property owners, as provided by the City of McMinnville, and also mailed (email & hard copy) to the City Community Development Department. Documentation of the meeting, including notice, meeting notes, etc. has been provided in the application notebook, see Neighborhood Meeting Index Tab.

Therefore this item has been satisfied.

2) *Findings for Comprehensive Plan Policy 71.09 and Policy 71.13.*

These Comprehensive Plan Policies relate to factors to be considered in the determination of areas for high-density residential development. As the original Planned Development ordinance (4709) specifically limited uses and did not allow multiple-family, findings for these policies should be provided to show the appropriateness of the proposed use at this location. While some findings for Policy 71.09 were provided, a more detailed analysis of each individual factor should be provided (e.g. distance from transit, distance from commercial areas, etc.).

Some sources to use in that analysis are provided below:

Transit (local Route 2 runs on Norton Lane to the hospital):

<http://www.yctransitarea.org/wp-content/uploads/2017/07/Routes-2and3-McMinnville-Local.pdf>

Surrounding zoning:

http://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/zoning_2015.pdf

RESPONSE: The Compliance Narrative has been updated to address these Policy provisions in more detail, beginning on page 13, specific findings have been provided for Policy 71.09 factors 1-6 and 71.13 Factors 1-8.

In addition to the items noted above, we did identify one other item during our completeness review that is not necessarily an incomplete item, but something that you may want to consider or address. During our review, the Engineering Department noted that the City's Conveyance System Master Plan used an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre. Therefore, they have noted that they would require any development proposal beyond 59 units (4.93 acres x 12 units per acre) to provide an updated analysis of the sanitary sewer conveyance system model. They may be suggesting this as a condition of

approval, but I wanted to mention it to you now in case you would like to pursue that while working on the other items requested above. To discuss that process in more detail, I will direct you to our City Engineer and Community Development Director, Mike Bisset. He can be reached at 503-434-7312 or by email at mike.bisset@mcminnvilleoregon.gov. If you reach out to Mike by email, please copy me so I am aware of the communications."

RESPONSE: The applicant agreed to cover the cost of CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development.

However, Mike Bisset, City Engineer, has informed us that the City has engaged CH2M to conduct a System-wide analysis, rather than just to Norton Lane area.

CH2M sewer system capacity findings will be submitted separately.

With these revisions and supplemental findings, we believe the application should now be complete.

Once the application is deemed complete, we will provide additional copies as requested.

Ben Altman

From: Kim McAvoy <kmcavoy@jkmanage.com>
Sent: Tuesday, March 12, 2019 3:51 PM
To: Mike.Bisset@mcminnvilleoregon.gov
Cc: Ben Altman
Subject: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Mike – we have been working with Ben Altman on this project and he requested that I email you to let you know we would like to proceed with the analysis of the sanitary sewer as you had outlined in an earlier email to Ben. Please let me know if there is anything else you need from us.

Sincerely,
Kim A McAvoy
Manager
KWDS, LLC

503-682-2337
PO Box 145
Wilsonville, Oregon 97070

Ben Altman

From: Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>
Sent: Saturday, February 02, 2019 8:39 AM
To: Ben Altman
Cc: Rich Spofford
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ben – Here is the response from the consultant re: running the conveyance system model. Upon your direction that the developer wishes to proceed, and will cover these costs, we will direct Jacobs to perform the model work.

mb

From: Johnson, Mark R./PDX [<mailto:Mark.Johnson6@jacobs.com>]
Sent: Friday, February 1, 2019 2:31 PM
To: Rich Spofford <Rich.Spofford@mcminnvilleoregon.gov>
Cc: Yang, Adrienne/SEA <Adrienne.Yang@jacobs.com>
Subject: RE: Conveyance Model Run....

Rich, here's our initial task list and estimate for the work. I looked at the most recent similar analyses that we've performed and this is consistent with the level of effort and \$ amount needed to perform the work. Let us know if you have any questions.

Mark J.

City of McMinnville--SE Norton Lane Sanitary Collection System Impact Analysis

Task No	Task Description	Hrs	Total
1	Revise sanitary calculations to reflect increased development density	6	\$ 1,300
2	Update the hydraulic model to reflect revised inflow quantity	8	\$ 1,700
3	Verify the collection system as built condition between the connection point from the property on Three Mile Lane to the RSPS	12	\$ 2,600
4	Run the model with the new flows and assess impacts to the downstream system including the Three Mile Lane #1 Pump Station and the RSPS (<i>note that this does not include sizing of local piping from the property to the modeled system on Three Mile Lane</i>)	16	\$ 3,400
-	Produce a Technical Memorandum to summarize findings	16	\$ 3,400
ESTIMATED TOTALS		58	\$ 12,400

From: Ben Altman [mailto:BAltman@pd-grp.com]
Sent: Tuesday, January 29, 2019 2:58 PM
To: Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>
Cc: Rich Spofford <Rich.Spofford@mcminnvilleoregon.gov>
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Ok, hope it doesn't take too long. I would like to get everything re-submitted soon.

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258
PIONEER DESIGN GROUP, INC. CIVIL | LAND USE PLANNING | SURVEY
9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 pd-grp.com

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From: Mike Bisset [mailto:Mike.Bisset@mcminnvilleoregon.gov]
Sent: Tuesday, January 29, 2019 2:57 PM
To: Ben Altman
Cc: Rich Spofford
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Ben – We are still waiting for a response from the consultant. mb

From: Ben Altman [mailto:BAltman@pd-grp.com]
Sent: Monday, January 28, 2019 6:52 AM
To: Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>
Cc: Rich Spofford <Rich.Spofford@mcminnvilleoregon.gov>
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Mike: Do you have a scope from CH2M for the Sanitary Sewer Analysis?

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258
PIONEER DESIGN GROUP, INC. CIVIL | LAND USE PLANNING | SURVEY
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From: Mike Bisset [mailto:Mike.Bisset@mcminnvilleoregon.gov]
Sent: Tuesday, January 22, 2019 11:02 AM
To: Ben Altman
Cc: Rich Spofford
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

I will have our Engineering Manager work with CH2M to generate a cost/timing estimate for the modelling effort to evaluate the impact of 120 multifamily units on the site. Stay tuned.....mb

From: Ben Altman [mailto:BAltman@pd-grp.com]
Sent: Tuesday, January 22, 2019 10:43 AM
To: Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

OK, Thanks.

We do not, yet, have a specific Site Development Plan, but our client anticipates the development will be for 115 units. So, just to be safe, we should use 120, or 61 additional units.
There will be a mix of 2, 3 & 4 bedroom units.

I really don't have any better information at this time, as we have not moved to the site planning stage, yet.

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258
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From: Mike Bisset [mailto:Mike.Bisset@mcminnvilleoregon.gov]
Sent: Tuesday, January 22, 2019 10:34 AM
To: Ben Altman
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Good morning Ben – The City's conveyance system model is managed by a consultant (CH2M Hill). If you would like to have the model run for the proposed development, we will need specifics regarding the proposed density of the development.

We will then ask CH2M to provide an estimate of costs and time to run the model. Then, upon the developer's agreement to cover the modelling costs, we will authorize CH2M to proceed with the work.

mb

From: Ben Altman [mailto:BAltman@pd-grp.com]
Sent: Monday, January 21, 2019 12:30 PM
To: Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>
Subject: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Mike: per the Notice of Incomplete Application Chuck Darnell sent, we need to better understand the scope of the analysis needed, per Engineering comments.

"In addition to the items noted above, we did identify one other item during our completeness review that is not necessarily an incomplete item, but something that you may want to consider or address. During our review, the Engineering Department noted that the City's Conveyance System Master Plan used an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per

acre. Therefore, they have noted that they would require any development proposal beyond 59 units (4.93 acres x 12 units per acre) to provide an updated analysis of the sanitary sewer conveyance system model."

Our client would like an estimate on our work effort, so it would be helpful if you could provide me with an outline of what you believe the scope of our analysis might be.

Thank you for your assistance.

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258

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Ben Altman

From: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>
Sent: Friday, January 18, 2019 9:57 AM
To: Ben Altman
Cc: Sarah Sullivan
Subject: RE: Planned Development Amendment Submittal

Hi Ben,

I am writing to follow up on the Planned Development Amendment application that you submitted to amend the existing Planned Development ordinance that applies to the property at the southern terminus of SE Norton Lane (Tax Lot R4427 00701). I will be working with you on the review of your application, and bringing your application through the formal review process with the Planning Commission and City Council. The application has been filed with the McMinnville Planning Department as Docket Number PDA 6-18.

Based on the materials provided, **I am deeming the application incomplete.**

In order for the application to be deemed complete, the following information must be provided:

- 1) Evidence that the neighborhood meeting process was completed as required by Section 17.72.095 of the McMinnville Municipal Code (MMC). Specifically, it was determined that the City of McMinnville Planning Department was not included as a recipient of the mailed notice of the neighborhood meeting (per Section 17.72.095(D)(5)), as you mentioned in your email below.

We did specifically seek legal counsel on this matter, as the neighborhood meeting requirements are a newer provision in our code, which is partly why the completeness review took a bit longer than we normally hope it would. Our legal counsel determined that the intent of the code is that the Planning Department would review the evidence of neighborhood meeting compliance (as required in Section 17.72.095(G)) during the completeness review. During our review, we determined that the provision listed above was not completed properly. Our legal counsel did also advise that, while you could, as the applicant, provide written notice that you would like to move forward with the application without providing the information we are requesting as part of the incomplete notice (per ORS 227.178(2)(c)), the City would have to find that the neighborhood meeting requirements were not satisfied and recommend denial of the application.

We can accept updated evidence of neighborhood meeting compliance, and then review that as part of the current application. Therefore, we would not need a new application submitted, just the information we are requesting above (updated evidence of neighborhood meeting compliance) as a response to our incomplete notice.

- 2) Findings for Comprehensive Plan Policy 71.09 and Policy 71.13.

These Comprehensive Plan Policies relate to factors to be considered in the determination of areas for high-density residential development. As the original Planned Development ordinance (4709) specifically limited uses and did not allow multiple-family, findings for these policies should be provided to show the appropriateness of the proposed use at this location. While some findings for Policy 71.09 were provided, a more detailed analysis of each individual factor should be provided (e.g. distance from transit, distance from commercial areas, etc.).

Some sources to use in that analysis are provided below:

Transit (local Route 2 runs on Norton Lane to the hospital): <http://www.yctransitarea.org/wp-content/uploads/2017/07/Routes-2and3-McMinnville-Local.pdf>

Surrounding zoning:

http://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/zoning_2015.pdf

In addition to the items noted above, we did identify one other item during our completeness review that is not necessarily an incomplete item, but something that you may want to consider or address. During our review, the Engineering Department noted that the City's Conveyance System Master Plan used an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre. Therefore, they have noted that they would require any development proposal beyond 59 units (4.93 acres x 12 units per acre) to provide an updated analysis of the sanitary sewer conveyance system model. They may be suggesting this as a condition of approval, but I wanted to mention it to you now in case you would like to pursue that while working on the other items requested above. To discuss that process in more detail, I will direct you to our City Engineer and Community Development Director, Mike Bisset. He can be reached at 503-434-7312 or by email at mike.bisset@mcminnvilleoregon.gov. If you reach out to Mike by email, please copy me so I am aware of the communications.

Please let me know if you have any questions on any of the information above.

Thanks,
Chuck

Chuck Darnell
Senior Planner
City of McMinnville
31 NE 5th Street
McMinnville, OR 97128

503-434-7330
chuck.darnell@mcminnvilleoregon.gov

From: Ben Altman [mailto:BAltman@pd-grp.com]
Sent: Wednesday, January 2, 2019 1:18 PM
To: Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>
Cc: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>
Subject: RE: Planned Development Amendment Submittal

Sarah: I checked, but apparently I did not send the notice to the City. I thought I had sent it to Heather, but couldn't confirm that action.

But, as I read the code, that does not invalidate the neighborhood meeting. Is that correct?

Guess I should have had the City prepare the mailing list...

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258
PIONEER DESIGN GROUP, INC. CIVIL | LAND USE PLANNING | SURVEY
9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 pd-grp.com

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From: Sarah Sullivan [mailto:Sarah.Sullivan@mcminnvilleoregon.gov]
Sent: Wednesday, January 02, 2019 10:44 AM
To: Ben Altman
Cc: Chuck Darnell
Subject: Planned Development Amendment Submittal

Good afternoon Ben,

Our office has started an initial review for completeness of the Planned Development Amendment application your office submitted on December 20, 2018. This application is to amend PD Ordinance 4863, to allow for multi-family development.

In reviewing the Neighborhood meeting compliance requirements, please note that the City is not identified on the list of property owner the neighborhood meeting notices was mailed to. Section 17.72.095(B)(5) of the McMinnville Zoning Ordinance states:

"The City of McMinnville Planning Department shall be included as a recipient of the mailed notice of the neighborhood meeting."

Section 17.72.095(B)(6) states:

"Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings."

At this time, as we finish reviewing your application for completeness, we ask that you provide evidence that you mailed a copy of the neighborhood meeting notice to our office, even though we did not receive a copy of said notice.

If you have any other questions please let me know.

Thank,

Sarah Sullivan
Planning Analyst
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128
503-434-7311

COMPLIANCE NARRATIVE

**LAND USE APPLICATION
CITY OF McMinnville, Oregon**

**THREE MILE LANE
PLANNED DEVELOPMENT
AMENDMENT
(Ordinance 4863)**

**December 19, 2018
Revised March 13, 2019 for Completeness**

APPLICANT:

**KWDS, LLC
PO Box 145
Wilsonville, OR 97070
Contact: Kim McAvoy
Phone: 503-682-2337
Email: kmcavoy@jkmanage.com**

OWNERS:

**Gene. A. McMullin, Trustee, McMullin Family Residual Trust; and
Phyllis A. Moyer, Trustee, Phyllis Moyer Living Trust**

APPLICANT'S REPRESENTATIVE:

**Pioneer Design Group
9020 Washington Square Drive, Suite 170
Portland, OR 97223
Contact: Ben Altman
Ph. Dir. 971-708-6258
Email: baltman@pd-grp.com**



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FACT SHEET

Project Name: Three Mile Lane Planned Development

Proposed Action: Planned Development Amendment (Ord. 4863)

Tax Map: T4S R4W 27

Tax Lots: 701

Site Size: 4.93 Acres

Addresses: None Assigned – SE Norton Lane

Location: South of Stratus Avenue and West of Norton Lane

Zoning: C3 PD, General Commercial Planned Development

APPLICANT:

KWDS, LLC
PO Box 145
Wilsonville, OR 97070
Contact: Kim McAvoy
Phone: 503-682-2337
Email: kmcavoy@jkmanage.com

OWNERS:

Gene. A. McMullin, Trustee, McMullin Family Residual Trust; and
Phyllis A. Moyer, Trustee, Phyllis Moyer Living Trust

APPLICANT'S REPRESENTATIVE:

Pioneer Design Group
9020 Washington Square Drive, Suite 170
Portland, OR 97223
Contact: Ben Altman
Ph. Dir. 971-708-6258
Mail: baltman@pd-grp.com

GENERAL INFORMATION

The subject property consists of a single Tax Lot 701, Map T4S R4W Section 27. The property contains approximately 4.93 acres, and is zoned C-3 PD, General Commercial Planned Development. This property abuts the southern boundary of the city limits and urban growth boundary.

The subject site is one of four commercially zoned properties clustered around the intersection of SE Stratus Avenue and SE Norton Lane.

History of Three Mile Lane PD

The subject site is within the Three Mile Lane Planned Development Overlay area, originally established by Ordinance 4131 in 1981.

By Ordinance 4131, the City of McMinnville established Planned Development requirements for the Three Mile Lane area (Oregon Highway 18 Corridor). The area covered by this requirement extends north and south of Highway 18 from the eastern city limits west to the vicinity of the Three Mile Lane Spur intersection with Highway 18.

In 1994, Ordinance 4131 was amended to add specific development policies (Section 4) and signage regulations for Commercial lands (Section 5) by Ordinance 4572.

In 1999, the City amended the Comprehensive Plan re-designating a 5 acre industrial area south of Stratus Avenue for commercial use. With this Plan amendment, the 5 acre area, which is the Subject Site, was zoned C-3 PD, General Commercial Planned Development by Ordinance 4709.

Ordinance 4709 included 20 Conditions applicable to development within the PD boundary. These conditions remain in effect. However Condition 15 specifically limited uses as follows:

"Condition 15. That the subject site is limited to professional office use or medical office use, or other compatible, small scale commercial uses such as delicatessen, Florist, or day care facility. Uses other than professional office, medical office, senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants, automobile, boat, or truck rentals sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and automobile service stations are prohibited from locating on the subject site."

The record indicates the City's general intent in limiting uses in this area was to avoid creation of strip commercial development, by restricting general retail uses.

In 2006, the Three Mile Lane Planned Development (Ord. 4709) was amended, by Ordinance 4863. This amendment added senior condominiums, senior apartments, or assisted living facilities as permitted uses. Under Ordinance 4863 the current allowed uses for the subject property are limited as follows:

"Condition 15. That the subject site is limited to professional office use or medical office use, or senior condominiums, senior apartments, or assisted living facilities, or other compatible, small scale commercial uses such as delicatessen, Florist, or day care facility. Uses other than professional office, medical office, senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants, automobile, boat, or truck rentals sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and automobile service stations are prohibited from locating on the subject site."

The revised Condition 15 applies specifically to Tax Lot 701. In addition to the use restrictions per amended Condition 15, the specific development policies (Section 4) and signage regulations for Commercial lands (Section 5) established in Ordinance 4572 are applicable to development of the Subject Property, as well as the other 19 Conditions set in Ordinance 4709.

Existing Conditions

The Subject Site is currently undeveloped, and used for farming. The site is generally flat, with a minor slope to the northwest. There are no significant or distinguishing natural features associated with this property.

Access to the property is from Highway 18 via the intersection with Norton Lane. There is a signalized intersection of Norton Lane (SE & NE) with Highway 18. Immediately south of the highway, there is a three-way stop intersection of SE Norton Lane and SE Stratus Avenue. Stratus Avenue loops around the Medical Center and intersects back with SE Norton Lane across from the Subject Site.

Access and Utilities

The property fronts on west side of SE Norton Lane, just south of the Altimus Plaza medical offices. The existing right-of-way for SE Norton Lane is 60 feet down to and through the Stratus Avenue Loop intersection, south of the Medical Center. The existing improvements extend through this intersection. The street is currently improved with curb and gutter and 28 foot paved section.

SE Norton Lane is improved to City standard south to the intersection with the Stratus Avenue loop. The street improvements extend approximately 180 feet along the frontage of the Subject Site. There is an additional 280 feet of site frontage that is currently not improved.

There are existing urban services and utilities within SE Norton Lane. These facilities are all available and were adequately sized to serve development of the subject property, consistent with the allowed commercial uses.

Surrounding Uses

North - The property immediately north of the subject property is the Altimus Plaza medical offices. Further to the north at the Stratus Avenue intersection are the Comfort Inn & Suites and the Diner restaurant. The land west of the motel is vacant land, designated for professional and medical offices, or other compatible uses.

East - The property immediately east of the subject property is developed with medical offices, specifically Willamette Valley Medical Center, including a Heliport. To the south of the medical center is vacant farm land, outside of the city limits and UGB.

The Evergreen Aviation Museum, north of Hwy 18, and Municipal Airport, south of Hwy 18, are located just over a mile to the east.

South - The property immediately south of the subject property is vacant farm land, outside of the city limits and UGB.

West - The property immediately west of the subject property is the Evergreen Estates Mobile Home Park, which is zoned R-4.

PROJECT DESCRIPTION

KWDS, the applicant, has executed a purchase option for the Subject Property, specifically identified as Tax Lot 701, T4S R4W 27. The applicant intends to develop the site with apartments consistent with R-4 density and development standards.

However the current applicable Planned Development provisions (Ord 4863) specifically limit residential use to various types of senior housing. Therefore the Planned Development must be amended in order to accomplish the applicant's objective.

The applicant is requesting an amendment to Ordinance 4863 to add **multi-family apartments** as a permitted use. With the requested amendment Condition 15 (Ord 4709) is proposed to read as follows:

"Condition 15. That the subject site is limited to professional office use or medical office use, or multi-family apartment, senior condominiums, senior apartments, or assisted living facilities, or other compatible, small scale commercial uses such as delicatessen, Florist, or day care facility. Uses other than professional office, medical office, multi-family apartment, senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants, automobile, boat, or truck rentals sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and automobile service stations are prohibited from locating on the subject site."

Consistent with Chapter 17.33.010.3., multi-family development within the Planned Development will be subject to the allowed density and applicable standards of the R-4 District.

COMPLIANCE WITH APPLICABLE DEVELOPMENT CODE CRITERIA

Chapter 17.74

REVIEW CRITERIA

(as adopted by Ord. 4920, January 12, 2010)

Sections:

17.74.010 Purpose

17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria

17.74.030 Authorization to Grant or Deny a Conditional Use.
 17.74.040 Placing Conditions on a Conditional Use Permit.
 17.74.050 Compliance with Zone Standards - Exceptions.
 17.74.060 Use Conveyed with Property - Termination Condition and Procedures.
17.74.070 Planned Development Amendment - Review Criteria
 17.74.080 Administrative Variance - Limitations
 17.74.090 Administrative Variance - Review Criteria
 17.74.100 Variance-Planning Commission Authority
 17.74.110 Conditions for Granting Variance.
 17.74.120 Variance for Solar Collection Systems.
 17.74.130 Use Conveyed with Property - Termination Condition and Procedures.
 17.74.010 Purpose. The purpose of this chapter is to provide the approval criteria for the following applications:

- ☐ Comprehensive Plan Map Amendment
- ☐ Conditional Use Permit
- ☐ **Planned Development Amendment**
- ☐ Variance-Administrative
- ☐ Variance
- ☐ Zone Change (Planned Development)

RESPONSE: The subject property is within the Three Mile Lane Planned Development, established under Ordinance 4709. Ordinance 4709 was amended by Ordinance 4863, adding allowed uses to the specific limit of uses allowed under Ord 4709. The current limit on allowed uses set by Condition 15, is as follows:

"Condition 15. That the subject site is limited to professional office use or medical office use, or senior condominiums, senior apartments, or assisted living facilities, or other compatible, small scale commercial uses such as delicatessen, Florist, or day care facility. Uses other than professional office, medical office, senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants, automobile, boat, or truck rentals sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and automobile service stations are prohibited from locating on the subject site."

The applicant is seeking to amend Condition 15 of Ordinance 4709. Amendments to an existing Planned Development are subject to the review criteria set forth in Section 17.74.070.

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- ☐ An increase in the amount of land within the subject site;
- ☐ An increase in density including the number of housing units;
- ☐ A reduction in the amount of open space; or
- ☐ Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

RESPONSE: While none of the listed changes are specifically applicable, the Planning Director has determined that the proposed PD amendment, which changes allowed uses, is considered to be a Major amendment and is therefore subject to Section 17.72.120, as addressed herein.

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;

RESPONSE: The applicants desire to develop multi-family apartments. While senior housing remains an appropriate use, the applicant submits that the need for housing alternatives, within the Planned Development, is greater than just the narrow segment currently allowed for senior housing.

While there is a general modest trend of an aging population, the median age for Yamhill County, including McMinnville is 37.5 (2015). This is slightly higher than the state in general. Consequently the applicant submits that there is no greater demand for senior housing over general housing or non-age restricted apartments.

McMinnville's building permit activity over the past couple of years reflects this trend with similar permit activity rates for both single and multi-family residential construction.

Historic Perspective

Based on a review of the historic records associated with the Three Mile Lane Planned Development it appears that the City's intent was initially to limit development to professional and medical offices, or other compatible commercial uses. General commercial and retail were not allowed with the intent to avoid creating strip commercial development in this area.

The current development within this Planned Development is predominantly medical facilities and professional offices, as originally targeted. However a motel and restaurant have also been developed, considered as compatible uses.

The 2006 amendment (Ord 4863) allowed for various types of senior housing as permitted uses. This amendment was based on findings that this type of housing was compatible with the developed properties and other allowed uses under Ordinance 4709, in particular the compatibility or supportive nature of medical services. The decision was also based on consideration that traffic impacts from senior housing would generally be lower than those created by professional or medical offices.

While the prior amendment allowed for senior housing, the decision does not appear to have been made based on any specific findings of need for this particular housing type relative to types of housing. Rather, the decision was based more on consistency with the underlying C-3 zone, and compatibility with the allowed professional and medical office uses.

However, since the amendment, the anticipated senior housing has not come to fruition, at least on the subject site. Consequently the land has remained vacant. While the subject site was not actually developed for the anticipated senior housing, the need for such housing has been met, in part, by other projects developed in the vicinity northeast of the site. These developments include:

1. Fircrest Community, assisted living and retirements apartments; and
2. Parkland Village, assisted living and retirements apartments; and
3. The Virginia Garcia Memorial Health Center has also been developed in close proximity to these senior housing projects. This facility provides various senior medical services.

Continued Need for Housing – General Multi-family

The City's 2001 Housing Needs Analysis projected growth from 2000 to 2020 to increase from 25,153 to 38,720. It is noted that the City has not completed an update of the Needs Analysis, but is working on an update. Consequently the 2001 projections of need are still considered valid.

The 2001 projects identified a need for both single family and multi-family units. City staff confirmed that the projected need remains unfulfilled. For example, staff noted that local businesses, such as the Medical Center, Chemeketa Community College, and others have identified a need for apartments for transitional housing for new employees and students. Generally people moving to McMinnville continue to create a need for more housing. This growth is consistent with the 2001 projects, just delayed due to the economic recessions over the past 18 years.

Based on data from Portland State University's Population Research Center (PRC) the City's population in 2016 was 33,405, below the 2020 projection. The PRC's most current data shows McMinnville's 2017 population at 34,293, but still below the 2020 projection.

The slower than projected growth is primarily attributed to the economic recessions of in the 1990s and the Great Recession 2008-2012. However, in- migration has also affected the County's and City's population, as noted by PSU research.

Since 2012, the end of the "Great Recession," the economy has shown considerable strength. Given the current continuing strong economy, growth is expected to increase over the rates of the previous 10 years, more on track with the projections prior to the recessions. The Center's updated 2035 projection is for McMinnville to grow to a population of 44,122.

Portland State University's Population Research Center (PRC)

"Yamhill County's total population is forecast to grow by a little more than 70,000 persons from 2017 to 2067, which translates into a total countywide population of 177,170 in 2067 (Figure 15). The population is forecast to grow at the highest rate—just below one and a half percent per year—in the near-term (2017-2025). This anticipated population growth in the near-term is based on three core assumptions: (1) Yamhill County's economy will continue to strengthen in the next 10 years; (2) middle-aged persons will continue migrating into the county—bringing their families or having more children; and (3) empty nesters and retirees will continue migrating into the county, thus increasing deaths. The largest component of growth in this initial period is net in-migration. Over 1,300 more births than deaths are forecast for the 2017 to 2025 period. At the same time roughly 13,000 net in-migrants are also forecast, combining with a diminishing natural increase for continued population growth."

Yamhill County's two largest UGBs—McMinnville and Newberg—are forecast to experience a combined population growth of nearly 20,000 from 2017 to 2035 and nearly 37,000 from 2035 to 2067 (Figure 16). McMinnville is expected to increase by 9,829 persons from 2017 to 2035 (1.4% AAGR), growing from a total population of 34,293 in 2017 to 44,122 in 2035."

Portland State University's Population Research Center (PRC) released the preliminary 2016 population estimates for Oregon and its cities and counties on November 15.

According to the preliminary July 1 population estimates, Oregon's population increased from 4,013,845 in 2015 to 4,076,350 in 2016, or by 62,505. This increase represents a 1.6 percent change, slightly higher than in the previous year (1.3 percent). The increase in 2016 is over 11,000 higher than added in 2015, and surpasses the peak pre-recession growth of 58,000 in 2006 and it is closer to growth experienced in the early and mid-1990s.

Population growth consists of two factors: natural increase (the number of births minus the number of deaths) and net migration (movers-in minus movers-out). From 2015 to 2016 net migration accounted for roughly 83 percent of Oregon's population growth.

Generally, net in-migration has either boosted population growth around the state or has prevented population losses. In counties where a natural decrease is occurring (over a third of the counties experience a natural decrease, meaning there are more deaths than births), net immigration has offset overall population decreases. Net in-migration this past year is estimated to have accelerated in most counties statewide from last year.

Vacancy rates in 1990 were 2.2% for single family and 3.7% for multi-family. The 2020 projections were based on 2.5% for single family and 5.0% for multi-family. PRC indicates the current vacancy rate is 3.32% for multi-family, which is below the earlier projected rate, thereby indicating a need for more multi-family housing.

For McMinnville currently 40.7% of households are renters. Generally, statewide, there is a trend for renter ship moving towards an even split 50/50 with home ownership. The City's building permit activity for multi-family development has followed a similar pattern as single family over the past couple of years, which is consistent with this trend towards a 50/50 split.

17.74.070 Continued

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

RESPONSE: Adding apartments to the list of allowed uses will not be inconsistent with the Comprehensive Plan, including general Goals, Policies and Objectives. This decision will be consistent with the prior amendment, which allowed limited residential uses.

Compliance with the Comprehensive Plan

Commercial Development – Chapter IV

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.

COMMERCIAL DEVELOPMENT

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.

General Policies:

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)

RESPONSE: The comprehensive plan map is already consistent with these Goals and this Policy. The subject site and surrounding properties to the north and east are designated commercial and zoned C-3PD.

The proposed amendment does not change this designation, and the property remains zoned C-3PD. Additional vacant commercial land remains north and east of the subject property, to accommodate additional office or senior housing uses. The amendment only adds multi-family apartments to the list of allowed uses, which already includes senior apartments.

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

Locational Policies:

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)

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.

Design Policies:

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.

RESPONSE: As noted, the Subject Property is designated commercial, consistent with these policies. The designation does not change with this proposed amendment. In approving the prior amendment (Ordinance 4863) the City has already determined that residential use, in the form of senior housing, would be compatible with the underlying C-3 commercial zoning, which allows multi-family housing. The applicant is simply requesting that the residential use not be restricted to senior housing, by also allowing traditional multi-family apartment.

The provisions of Policy 29.00 remain in effect, and have been implemented by the existing transportation improvements in the immediate area. As demonstrated by the traffic impact report attached with this application, the proposed multi-family use will generate less traffic impacts than the base commercial office uses.

Proposals:

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.

RESPONSE: The Three Mile Lane Planned Development is consistent with this proposal. The PD Overlay remains in effect, the amendment simply adds multi-family apartments as an allowed uses, and will maintain consistency with the underlying C-3 zoning.

Housing and Residential Development – Chapter V

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

General Housing Policies:

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

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.

61.00 The City of McMinnville shall monitor the conversion of lands to residential use to insure that adequate opportunities for development of all housing types are assured. Annual reports on the housing development pattern, housing density and mix shall be prepared for city review.

RESPONSE: The City has implemented these Policies through adoption of the Zoning Code, which includes residential zones accommodating various densities and housing types. Further, the underlying C-3 zone allows multi-family development, consistent with R-4 standards, per Section 17.33.010.3. The proposed amendment simply adds this allowed use, maintaining consistency with the C-3 code.

As addressed herein, the evidence provided demonstrates that there is no greater need for senior housing over other type of housing. In fact, the City's Code does not even distinguish senior housing as a separate use category. Any senior housing built would be approved consistent with the C-3 and R-4 zoning for multi-family housing.

Further, there is residential R-4 land immediately to the west of the subject site, so there is a basis for concluding that R-4 residential is compatible with the professional and medical office commercial designation for the remainder of the Planned Development Area.

The requested change will not alter the current density allocated for the property. The allowed density will remain consistent with the R-4 standards for multi-family housing.

Therefore the requested amendment maintains consistency with the applicable zoning.

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.

Policies:

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.

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

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)

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:

- 1. Areas that are not committed to low density development;*

RESPONSE: The area of the proposed amendment is zoned C-3 Commercial and therefore is not committed to low density development. The existing C-3 zoning is consistent with Goal V2 and the Policies 68, 71.03, and 71.09.

The current Planned Development Overlay is consistent with the criteria for location of medium and high density residential, which is allowed under Policy 71.09 and also specifically allowed in the C-3 zone.

However, Ordinance 4863 imposed a specific limitation restricting residential development to various types of senior housing, per Condition 15. Except for this specific conditioned limitation, the C-3 zone would otherwise allow multi-family development, consistent with R-4 standards, as a permitted use.

The applicant's intent is to develop high density apartments consistent with the R-4 standards, as required by the C-3 zone. So technically, under the C-3 zoning, the density is not being increased, as the R-4 standards will be applied.

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

RESPONSE: The subject site has direct access from the Highway (E. Salmon River) via SE Norton Lane. Therefore this criterion is met.

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

RESPONSE: The subject site is an open generally flat field, with no development restrictions. Therefore this criterion is met.

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

RESPONSE: The commercial area along Norton Lane is served by a full range of urban services including sanitary sewer, water, storm drainage and franchise utilities. All of these services generally have sufficient capacity to serve the proposed development.

However, the City Engineer indicated that the existing sanitary sewer line serving the subject site was designed based on, "*an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre.*"

Consequently, in coordination with the City Engineer, CH2M has conducted an analysis of the sewer system capacity for the immediate area to determine that there is capacity. The system was designed based on medium density residential calculated to serve 59 units (4.93 acres x 12 units per acre).

The applicant has agreed to cover the cost for CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development.

CH2M findings will be submitted separately.

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

RESPONSE: Local Transit Routes 2 runs on the Highway and on SE Norton Lane to the Willamette Valley Medical Center, which is located across the street from the subject site. See the attached Route Map and Schedule, at the end of this Compliance Narrative.

Route 2 provides regularly scheduled weekday service. This route connects to the Transit Center for connection to the Yamhill County Transit route for access to the other parts of town. Therefore this criterion is met.

6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas. (Ord. 4961, January 8, 2013; Ord. 4796, October 14, 2003)

RESPONSE: And, there is residential R-4 land immediately to the west of the subject site, which establishes the buffer of lower density residential per criteria 6.

The requested change will not alter the current density allocated to the property. The density will remain as is consistent with the R-4 standards for multi-family housing.

Therefore all of the criteria in Policy 71.09 are met.

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;

RESPONSE: The subject property is zoned C-3 General Commercial with a PD overlay. The C-3 zone allows high density residential use. Therefore it is not committed to low or medium density 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;

RESPONSE: There is no designated low density residential in the surrounding neighborhood. There is R-4 zoning to the west, which provides a buffer between the site and other zoning. Therefore this criterion is met.

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

RESPONSE: The subject site has direct access from the Highway (E. Salmon River) via SE Norton Lane. Therefore this criterion is met.

4. Areas which are not subject to development limitations;

RESPONSE: The subject site is an open generally flat field, with no development restrictions. Therefore this criterion is met.

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

RESPONSE: The City Engineer indicates that the existing sanitary sewer line serving the subject site was designed based on, *“an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre.”* Whereas, the applicant is proposing high density multi-family development up to 120 units.

Consequently, in coordination with the City Engineer, CH2M has conducted an analysis of the sewer system capacity for the immediate area to determine that there is capacity. The system was designed based on medium density residential calculated to serve 59 units (4.93 acres x 12 units per acre).

The applicant has agreed to cover the cost of CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development.

CH2M findings will be submitted separately.

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

RESPONSE: Local Transit Route 2 runs on the Highway and on SE Norton Lane to the Willamette Valley Medical Center. The Medical Center is located across the street from the subject site. See the attached Route Map and Schedule, at the end of this Compliance Narrative. Route 2 provides regularly scheduled weekday service. Therefore this criterion is met.

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

RESPONSE: The City's zoning for Neighborhood Commercial is C-1, while General Commercial is C-2.

The subject property and adjacent property to the north (770 feet) to Stratus Avenue is zoned C-2, General Commercial, with a PD overlay. There is also C-2 zoning on the north side of the highway on both sides of NE Norton Lane.

The closest C-1 zoning is approximately ¼ mile east of the Norton Lane intersection with the Highway.

Therefore this criterion is met.

8. Areas adjacent to either private or public permanent open space. (Ord. 4796, October 14, 2003)

RESPONSE: The closest public open space to the site is Joe Dancer Park, which is located on E. Brooks Street, approximately 1.4 miles to the northwest.

The proposed development will however be designed to provide on-site open space for passive and active recreation for tenants. Therefore this criterion is met.

Therefore all of the criteria in Policy 71.13 are met.

Planned Development Policies:

72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

RESPONSE: The existing Three Mile Lane Planned Development has been established consistent with these Planned Development Policies, per Ordinance 4709. The 20 Conditions included with the ordinance remain in effect, and are applicable to any development of the Subject Site.

73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

RESPONSE: The requested amendment will add opportunity for a wider variety of housing types, than is currently allowed. However, this general area is not identified by the City for lower density housing alternatives, just medium and high density residential, consistent with the C-3 zoning.

74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

RESPONSE: There are no particularly distinctive natural, topographic or aesthetic features associated with the Subject Site. The property is relatively flat, and currently abuts farm land to the south, which is outside of the city limits and UGB.

75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.

RESPONSE: No specific development plans are being proposed at this time. However, the applicant is proposing an apartment complex. Their typical development plans provide landscaped open space for passive recreational use, and depending upon the specific target market, other amenities may be provided. Two examples of the applicant's most recent apartment projects have been provided to show how open space and amenities are typically provided.

Specific details regarding site amenities will be provided at the time of development review, assuming this requested PD amendment is approved. Such facilities or amenities are always located for convenient use of the tenants, as reflected in the site plan examples.

The applicant will maintain ownership and management of the facilities, with costs covered by rents. Therefore no HOA, assessment district or escrow funds are necessary to ensure proper maintenance.

77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

RESPONSE: Any development of the subject property will be required to meet these design criteria. So this policy will be equally implemented with or without the proposed amendment. Again, the two site plans provided show how site circulation is typically provided.

78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

RESPONSE: Traffic system improvements have been developed in the immediate neighborhood, including the Highway 18 intersection with Norton Lane, and the SE Norton Lane intersection with SE Stratus Avenue. These improvements provide basic and adequate circulation into, out of, and throughout the immediate neighborhood. These street improvements were made to meet the anticipated development within the Three Mile Lane Planned Development area.

As reflected in Table 1 herein, and the accompanying Traffic Impact Report, the traffic impacts of the proposed multi-family development will be slightly more than those associated with senior housing, but will be considerably lower than traffic generated by allowed professional and medical offices, thereby maintaining consistency with this criterion.

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. (Ord. 4796, October 14, 2003)

RESPONSE: The requested amendment to allow multi-family development, only amends Condition 15 of Ord. 4709, and does not alter the allowed density, which will remain consistent with the R-4 standards and the base C-3 zoning.

Transportation – Chapter VI

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

STREETS

Policies:

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

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

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

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

SYSTEM PLAN

132.23.00 *The McMinnville Transportation System Plan shall be updated as necessary to remain consistent with: (a) the city's land use plan; (b) regional and statewide plans; and (c) the applicable local, State, and federal law. (Ord. 4922, February 23, 2010)*

SUPPORTIVE OF GENERAL LAND USE PLAN DESIGNATIONS AND DEVELOPMENT PATTERNS

132.27.00 *The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)*

RESPONSE: The City's transportation Goal and Policies are further refined and implemented through the Transportation System Plan (TSP). The TSP provides the functional classification of streets, including arterial, collector and local designations.

The TSP identifies corridor improvements for the Highway 18 Corridor:

ODOT, the City of McMinnville and Yamhill County have mutually approved the Highway 18 Corridor Refinement Plan, which was completed in 1996. The Plan includes a series of traffic control and frontage roads improvements north and south of Highway 18, to include closing of the existing Norton Lane intersection, construction of a new interchange near the Evergreen Air Museum, and redesign of the current East McMinnville (Three Mile Lane) interchange for full, directional access.

Some frontage road improvements have been completed since the 1996 Plan was adopted. Exhibit 4-10 illustrates the current state of the Plan. It is important to note, however, that the northernmost collector access road depicted in the Highway 18 Corridor Refinement Plan is not shown in the TSP due to the fact that it is located outside of McMinnville's current urban growth boundary. Under Oregon Administrative Rule (OAR 660-012), transportation facilities outside of urban growth boundaries are not permitted as part of a TSP unless a "reasons" exception to the applicable goal(s) has been approved by the City. In this case, McMinnville finds such action premature due to the lack of certainty as to the street corridor's location and design. An amendment to this plan, and a Goal 2 (Land Use) exception, would be part of any future proposal to add this element to the TSP and permit its construction and use for urban purposes.

Some of the corridor improvements have already been completed, including the Norton Lane intersection and Stratus Avenue frontage road. The future interchange discussed is further to the east, at Cumulus Avenue. However, no decision regarding an interchange has yet been made.

The proposed amendment does not substantially alter the demand for transportation and public service improvement to any greater degree than the currently allowed uses.

Primary access to the property is from Salmon River Highway 18, designated as an arterial street. SE Norton Lane intersects with Highway 18 north of the subject property. The property fronts on west side of SE Norton Lane, just south of the intersection with SE Stratus Avenue. Stratus Avenue is classified as a collector.

Public Facilities – Chapter VII

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

SANITARY SEWER SYSTEM

Policies:

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

STORM DRAINAGE

Policies:

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

WATER SYSTEM

Policies:

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

RESPONSE: The surrounding development along SE Norton Lane has been constructed consistent with the general Public Facilities Goal and these Policies for specific utilities. All required urban services are currently available and adequate to support development of the property consistent with these policies, assuming that CH2M makes positive findings with their sewer system analysis, being paid for by the applicant.

The proposed amendment will not result in development that will create substantially greater demands on the available services than the types of development that is already allowed.

The City has confirmed that the sanitary sewer line has sufficient capacity to accommodate the proposed increase in density from senior housing to apartments. The net difference is 61 units.

17.74.070 Continued

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

RESPONSE: Access to the property is from Salmon River Highway 18 and south on SE Norton Lane. The property fronts on west side of SE Norton Lane, just south of the intersection with the SE Stratus Avenue Loop. The property abuts the city limits and UGB to the south, but any site development, regardless of use, will extend the street improvements to the city limits, or as determined by the City.

The proposed amendment does not substantially alter the demand for transportation and public service improvement to any greater degree than the currently allowed uses.

The existing right-of-way for SE Norton Lane is 60 feet down to SE Stratus Avenue, which is the extent of current improvements. Site development of the subject site will complete improvements across the site frontage.

The full range of urban services is currently available to the property, thereby ensuring timely and efficient provision of services. Utilities will be extended as required to the adjoining property, which to the south is outside of the city limits.

17.74.070 Continued

D. The plan can be completed within a reasonable period of time;

RESPONSE: The applicant intends to proceed with development review and site development as quickly as possible, assuming this PD amendment is approved. Full site development would be expected to be completed by 2020-2021.

17.74.070 continued

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

RESPONSE: The existing streets serving the property are designed and constructed to City standards, with adequate capacity, based on the C-3 zoning. The accompanying Traffic Impact Report, prepared by Lancaster Engineering compares the multi-family traffic impacts to those of the allowed commercial offices and senior housing.

**Table 1
Trip Generation Comparison**

Type Use	Average Weekly Trip Rate	Total Weekly Trips	PM Peak Hours Trips
Senior Apartments *	3.70/unit	463	.26/hr = 33
Multi-Family Apartments **	7.32/unit	842	.56/hr = 64
Medical Office ***	34.8/1,000 sf	4,486	3.46/hr = 446

*Senior units estimated using R-4 standards, at 25/acre = 125 units, with 1-2 bed units, 2-story structures.

**Multi-Family estimated using R-4, at 23/acre = 115 units, with 2, 3 & 4 bed units, and mix of 2 and 3-story structures.

***Office use estimated at 128,900 square feet.

The proposed multi-family residential use will actually generate significantly fewer total trips and peak hour trips than originally anticipate medical office development. The proposed apartment will, however, generate slightly more trips than senior housing, which is currently allowed.

Therefore the requested amendment is not expected to result in any significant increase in new traffic demands, as compared to the current allowed uses.

17.74.070 Continued

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

RESPONSE: The full range of urban services is currently available to the property, thereby ensuring timely and efficient provision of services. Utilities will be extended as required to the adjoining properties. However, land to the south is outside of the city limits and UGB.

Utilities requirements for the proposed residential development will be generally consistent with the demands created by the current allowed senior housing. Therefore this amendment will not substantially alter the demand for urban services.

17.74.070 Continued

G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

RESPONSE: The noise, air, and water pollutants caused by the multi-family development allowed by this amendment will not result in any substantial change as compared to the current list of allowed uses, in particular the senior housing, which is substantially similar in potential impacts.

CONCLUSION – Amendment Criteria

Based on the findings presented herein, the applicant has demonstrated compliance with the 7 applicable amendment approval criteria.

Chapter 17.72

APPLICATIONS AND REVIEW PROCESS

(as amended by Ord. 4920, January 12, 2010)

Sections:

17.72.010 Purpose

17.72.020 Application Submittal Requirements

17.72.030 Filing Fees

17.72.040 Application Review for Completeness

17.72.050 Application Decision Time Limit

17.72.060 Limitations on Renewal or Refiling of Application

17.72.070 Concurrent Applications

17.72.020 Application Submittal Requirements. Applications shall be filed on forms provided by the Planning Department and shall be accompanied by the following:

A. A scalable site plan of the property for which action is requested. The site plan shall show existing and proposed features, such as access, lot and street lines with dimensions in feet, distances from property lines, existing and proposed buildings and significant features (slope, vegetation, adjacent development, drainage etc.)

B. An explanation of intent, nature and proposed use of the development, and any pertinent background information.

C. Property description and assessor map parcel numbers(s).

D. A legal description of the property when necessary.

Ordinance 3380 226

E. Signed statement indicating that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.

F. Materials required by other sections of the McMinnville Zoning Ordinance specific to the land use application.

G. Other materials deemed necessary by the Planning Director to illustrate compliance with applicable review criteria, or to explain the details of the requested land use action.

17.72.030 Filing Fees. The City shall charge and collect a filing fee for each such application as established by resolution of the City Council.

A. The applicant(s) shall submit the required filing fee at the time of application submittal;

B. Whether the request is approved or denied, the petitioner shall not be entitled to a refund of the initial fee paid.

RESPONSE: This application for amendment to the Three Mile Lane Planned Development includes the submittal requirements listed in 17.72.020 A-G, together with the required filing fee. However, no specific site development plans are proposed at this time. Compliance with these requirements is confirmed through the City's "Completeness Review" process.

17.72.040 Application Review for Completeness. Upon receipt of a complete application, the Planning Director shall review the application for completeness within 30 (thirty) days of the date that the application is submitted. If, upon review, the application is found to be incomplete, the applicant shall be advised in writing of the information needed to complete the application within 30 (thirty) days of the date of application submittal. The application shall be deemed complete upon receipt of all of the missing information or upon written notice from the applicant that some or all of the missing information will not be provided. Throughout all land use proceedings, the burden of proof shall rest on the applicant.

17.72.050 Application Decision Time Limit. The City shall take final action on all land use requests that are wholly within the authority and control of the City within 120 days from the date the application is deemed complete. However, by agreement with the applicant, this deadline may be extended for any reasonable length of time. The 120 day period does not apply to an amendment of the comprehensive plan or a land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development (DLCD) as required by ORS 197.610.

RESPONSE: Compliance with the submittal requirements is confirmed through the City's Completeness Review process and determination of Complete Application.

The applicant understands the application review timeline.

Application Review and Decision Process

17.72.080 Legislative or Quasi-Judicial Hearings. *The applications listed in this Chapter are either legislative or quasi-judicial in nature and are subject to a public hearing before the Planning Commission or City Council.*

A. A requested amendment to the text of the zoning ordinance or comprehensive plan would call for a legislative-type hearing, the purpose of which is to obtain public input primarily on matters of policy. A legislative amendment may be initiated by the City Council, the Planning Commission or by the Citizens' Advisory Committee. Any other citizen may petition the City Council requesting them to initiate a text amendment.

B. An application that is site specific (such as a zone change or annexation request) would call for a quasi-judicial hearing. The decisions made as a result of such hearings must be based upon testimony submitted and supported by Findings of Fact. An amendment that is site specific may be initiated by the City Council, the Planning Commission, the Citizens' Advisory Committee or by application of the property owner.

RESPONSE: This amendment request is applicable to a specific site, per Sub-B.

17.72.090 Application Review Summary Table. *The following table offers an overview of land use applications and corresponding review body. Additional information regarding the notification and approval criteria for specific land use applications can be found by referring to the procedural reference section in the right-hand column of the table. Information regarding the hearing body and the hearing procedure can be found in this chapter. (Ord. 5047, §2, 2018, Ord. 5034 §2, 2017; Ord. 4984 §1, 2014).*

<i>Review Process</i>	<i>Land Use Application</i>	<i>Zoning Ordinance Reference</i>
<i>Applications Public Hearing- Planning Commission</i>	<i>Annexations* **</i>	<i>Ord. No. 4357...</i>
	<i>Planned Development Amendment*</i>	<i>17.74.070</i>

** Following Public Hearing, Planning Commission makes recommendation to City Council*

*** Following City Council recommendation, Annexation requests are subject to voter approval*

**** McMinnville Urban Area Management Commission*

RESPONSE: The requested amendment to the Three Mile Lane Planned Development is subject to review by the Planning Commission, as reflected in the above table.

Chapter 17.33

C-3 GENERAL COMMERCIAL ZONE

Sections:

17.33.010 Permitted uses.

17.33.020 Conditional uses.

17.33.030 Yard requirements.

17.33.040 Building height.

17.33.050 Use limitations.

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

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

2. Condominiums subject to the provisions of the R-4 zone;
3. Multiple-family dwelling subject to the provisions of the R-4 zone;

RESPONSE: The property is zoned C-3PD. The underlying C-3 zone allows multi-family development, per 17.33.010.3., consistent with R-4 standards.

There is residential R-4 land immediately to the west of the subject site, so there is a basis for concluding that R-4 residential is compatible with the medical commercial designation for the remainder of the Planned Area.

The requested change will not alter the current density allocated to the property. It will remain as is consistent with the R-4 standards, as set forth below.

Chapter 17.21

R-4 MULTIPLE-FAMILY RESIDENTIAL ZONE

Sections:

17.21.010 Permitted uses.

17.21.020 Conditional uses.

17.21.030 Lot size.

17.21.040 Yard requirements.

17.21.050 Building height.

17.21.060 Density requirements.

17.21.010 Permitted uses. In an R-4 zone, the following uses and their accessory uses are permitted:

- A. Single-family dwelling;
- B. Two-family dwelling;
- C. Multiple-family dwelling;**
- E. Condominium;

17.21.030 Lot size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020(M) are utilized. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[17.21.070 Signs. Moved to Chapter 17.62 (Signs), by Ord. 4900 November 5, 2008.]

RESPONSE: The base C-3 zone allows for multi-family apartments as a permitted use, subject to the R-4 zoning standards and density, per Chapter 17.21.

Under Ordinance 4863, senior housing, including apartments and condominiums are an allowed use. However, the City's code does not specifically define senior housing, differentiated from multi-family apartments, other than assisted living, per Chapter 17.06.015.

No specific site development plan is proposed at this time. Any housing development of the Subject Property will be subject to the R-4 zoning provisions, including density, and will be subject to Site Plan review for compliance with these standards.

Chapter 17.06

DEFINITIONS

(as adopted by Ord. 4952, March 13, 2012)

Sections:

17.06.010 Generally.

17.06.015 General Definitions.

17.06.020 Special Definitions.

17.06.010 Generally. For the purposes of this title, the following terms shall be defined as set forth in this chapter, which is divided into two sections. The first section contains "general definitions" (17.06.015), which are those universal to all areas of zoning and development. The second section contains "special definitions" (17.06.020) and includes definitions that are specific to unique areas of development or land use activities. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.015 General Definitions

Apartment House – See "Dwelling, Multifamily."

Assisted Living – A living arrangement where the elderly or other persons are provided assistance with daily activities such as dressing, grooming and bathing.

Condominium – Ownership of a single unit in a multi-unit structure that includes common areas and facilities; includes residential, commercial, and industrial condominiums and regulated, in part, by Oregon State Law (ORS Chapter 100). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Dwelling, Multi-Family – A building containing three or more dwelling units. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Dwelling Unit – A residence containing one or more rooms designed for occupancy by one family and having not more than one cooking facility. This includes both buildings constructed on-site and off-site, such as manufactured homes. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Family – For the purpose of this Zoning Ordinance, “family” refers to: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or other duly-authorized custodial relationship, living together as one housekeeping unit using one kitchen, and providing means of lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen. (Ord. 4988 §1, 2015; Ord. 4479A §1, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

A general definition of senior housing is as follows (factfinder2.census.gov):

Senior housing definition

Senior Housing Definition. Senior housing is housing that is suitable for the needs of an aging population. It ranges from independent living to 24-hour care. In senior housing there is an emphasis on safety, accessibility, adaptability, and longevity that many conventional housing options may lack.

Relative to the proposed amendment, there are a few general factors that affect site development and potential impacts when comparing senior housing to general multi-family housing, as follows:

- Senior housing typically provides smaller 1 and 2 bedroom units, while multi-family facilities may include 3 or more bedroom units in the mix.
- Seniors (retired or assisted living) tend to have fewer cars, relying upon public transit or family to making necessary trips. Those seniors that do still drive tend to make fewer trips than younger tenants, particularly families with children and/or two working adults.

Consequently senior housing typically has a lower demand for off-street parking, and tends to generate lower trip volumes, both daily and during peak hours, as reflected in Table 1 above.

- The lower parking demand for senior housing, combined with smaller units, tends to yield a slightly higher density than general multi-family apartments.

While multi-family development will result in slightly higher trip generation, than senior housing, it is important to recognize that the office commercial uses allowed under the C-3PD zoning generally have higher trip generation than either form of housing.

FINAL CONCLUSION: Based on the findings presented herein, the applicant has demonstrated compliance with all of the applicable Planned Development amendment criteria.

Based on a review of the records associated with this Planned Development it appears that the City’s intent was initially to limit development to medical uses, or other compatible uses for the purpose of avoiding strip commercial. Then based on a site specific request an amendment was

approved to allow for various types of senior housing. However, the senior housing proposal has not come to fruition. Consequently the land has remained vacant for a considerable length of time.

The request to allow multi-family apartments maintains consistency with the underlying C-3 zone, per Section 17.21.010.C.

Impacts from the proposed multi-family housing will be similar to or less than other currently allowed uses under Condition 15 or Ordinance 4709.

Therefore the applicants respectfully request approval of the amendment.

APPENDICES

1. Staff Report, etc. for adoption of Ordinance 4863, amending Ordinance 4907.
2. Population Research Center, Portland State University; Coordinate Population Forecast Yamhill County 2016 through 2017.
3. Definition of Senior Housing, factfinder2.census.gov.
4. City of McMinnville, Planning for Growth Presentation, 03-13-18.
5. Trip Generation Review: Multifamily Housing Land Use, Lancaster Engineering, 12-18-18.
6. CH2M Sewer System Analysis, Authorized by applicant and to be submitted separately.



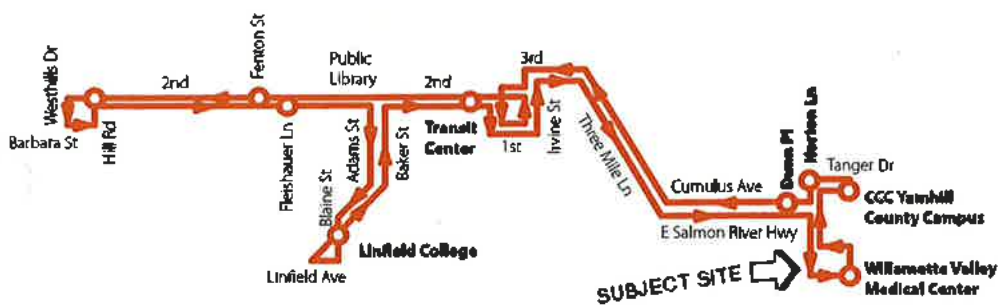
**Yamhill County
Transit Area**

Routes 2&3

McMinnville

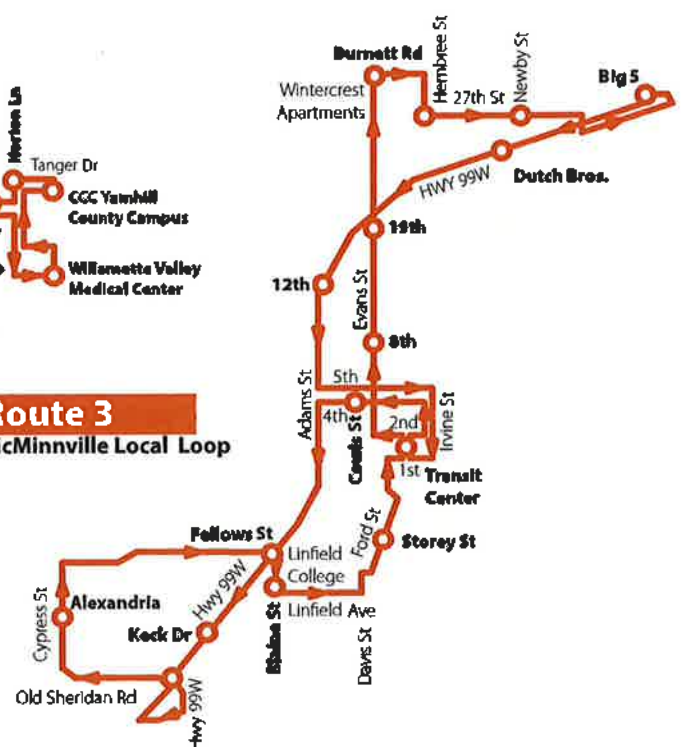
Route 2

McMinnville East-West Express



Route 3

McMinnville Local Loop



Routes 2 & 3 McMinnville

Route 2 McMinnville East-West Express											
McMinnville Transit Center	SE Stevens Ave & Norton Ln (Williams Valley Medical)	NE Tanger Dr (CCC)	NE Tanger Dr & NE Norton Ln (DHS)	Cummins & Dunn H	McMinnville Transit Center	W 2nd & Franklin	W 2nd & Hill Rd	W 2nd & Fleishauer	Foundry Way & SW Blaine St (Univ of Oregon College)	McMinnville Transit Center	
7:00	7:05	7:15	7:17	7:20	7:30	7:35	7:40	7:45	7:50	7:55	
8:00	8:05	8:15	8:17	8:20	8:30	8:35	8:40	8:45	8:50	8:55	
9:00	9:05	9:15	9:17	9:20	9:30	9:35	9:40	9:45	9:50	9:55	
10:00	10:05	10:15	10:17	10:20	10:30	10:35	10:40	10:45	10:50	10:55	
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12:00	12:05	12:15	12:17	12:20	12:30	12:35	12:40	12:45	12:50	12:55	
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5:00	5:05	5:15	5:17	5:20	5:30	5:35	5:40	5:45	5:50	5:55	

Weekday Service Only

PM times in bold

Route 3 McMinnville Local Loop																
McMinnville Transit Center	NE Evans & NE Hwy 101	NE Evans St & NW 10th St	NE Evans St & NE Placerville Rd	NE Evans St & NW 10th St	NE Evans St & NE Placerville Rd	NE Evans St & NW 10th St	NE Evans St & NE Placerville Rd	NE Evans St & NW 10th St	NE Evans St & NE Placerville Rd	NE Evans St & NW 10th St	NE Evans St & NE Placerville Rd	NE Evans St & NW 10th St	NE Evans St & NE Placerville Rd	NE Evans St & NW 10th St	NE Evans St & NE Placerville Rd	NE Evans St & NW 10th St
8:00	8:01	8:03	8:06	8:07	8:08	8:14	8:16	8:21	8:30	8:32	8:34	8:36	8:40	8:45	8:49	8:52
9:00	9:01	9:03	9:06	9:07	9:08	9:14	9:16	9:21	9:30	9:32	9:34	9:36	9:40	9:45	9:49	9:52
10:00	10:01	10:03	10:06	10:07	10:08	10:14	10:16	10:21	10:30	10:32	10:34	10:36	10:40	10:45	10:49	10:52
11:00	11:01	11:03	11:06	11:07	11:08	11:14	11:16	11:21	11:30	11:32	11:34	11:36	11:40	11:45	11:49	11:52
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5:00	5:01	5:03	5:06	5:07	5:08	5:14	5:16	5:21	5:30	5:32	5:34	5:36	5:40	5:45	5:49	5:52

Weekday Service Only

PM times in bold

YCTA

Route and Schedule Information

First Transit
800 NE 2nd Street
McMinnville, OR 97128
503-474-4900 | 503-538-7433 (Newberg)
www.yctatransitarea.org
Oregon Relay Service 1-800-735-2900

Yamhill County Transit Area (YCTA) operates eleven routes; including (4) local fixed routes in McMinnville and Newberg and (7) commuter, express Mon-Fri to Salem, Grand Ronde, Hillsboro, and Tigard. Saturday routes to Grand Ronde and Tigard. Customers can connect to TriMet at Hillsboro MAX station and Tigard Transit Center and to Cherriots at Glen Creek Transit Center and the Coastal Connector at Spirit Mountain. YCTA also offers paratransit service in Newberg and McMinnville and general public dial-a-ride on a limited basis.

Bus Stops - Flag Stops

Flag Stops are allowed on the McMinnville and Newberg local fixed routes. Customers may flag down a YCTA bus along these routes. Please check the website and google maps for the preferred safe flag stop locations. NO flag stops on Commuter Routes. Please check the website and google maps for the preferred safe bus stop locations. YCTA is working on installing bus stop signs and shelters along commuter routes.

Fare Information

Local & Commuter Routes

Single one-way fare \$1.25
Single day pass \$2.50
Unlimited monthly pass \$35.00
10 day pass book \$18.00

General Public Dial-A-Ride

Single one-way fare \$1.75
Unlimited monthly pass \$40.00
Paratransit Single one-way fare \$2.50
Children under 6 ride free

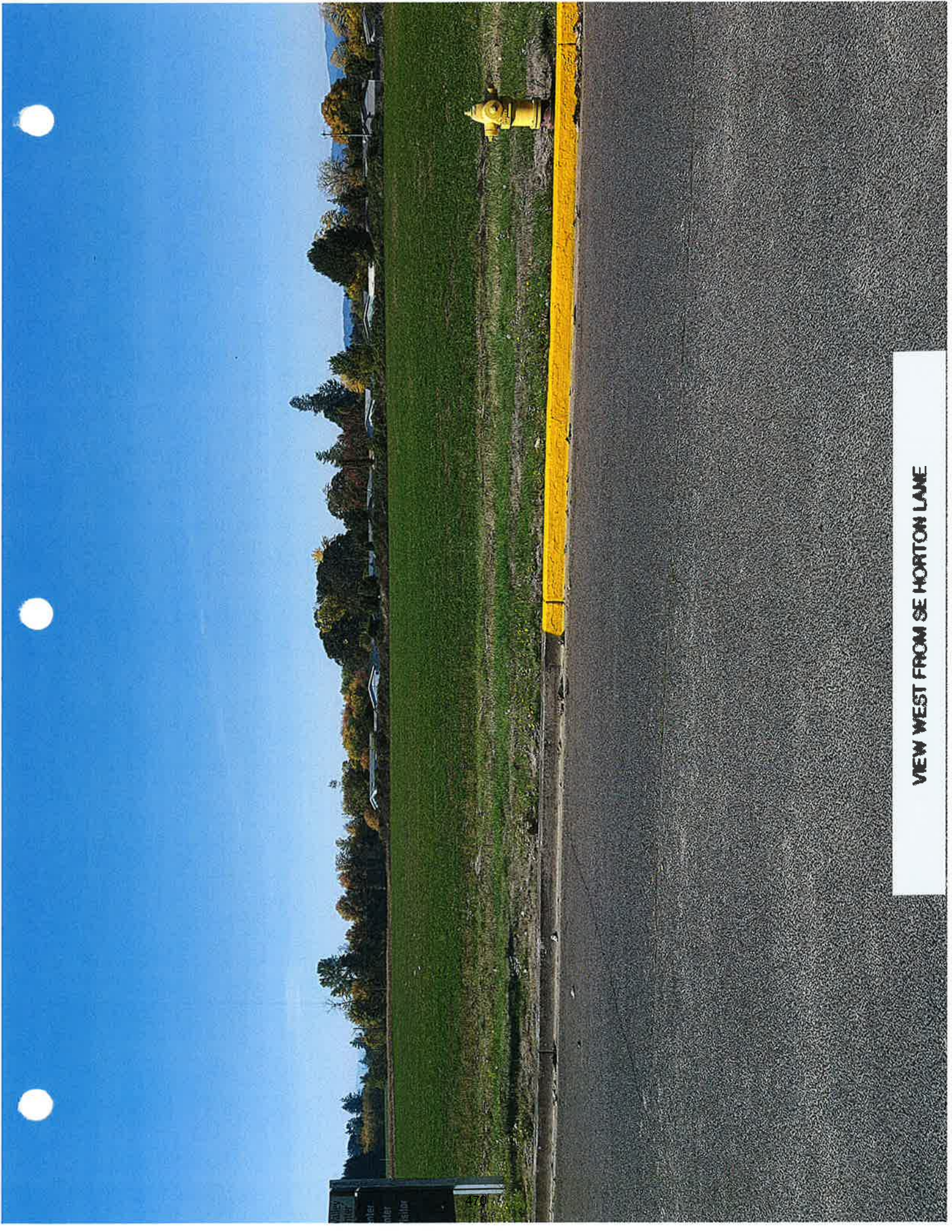
Passes Available at the following

McMinnville locations
Any YCTA driver (exact change only)
Board of Commissioners Office 434
NE Evans Street (check or exact
change)
Transit Center (First Transit office)
800 NE 2nd Street (cash or check
only)

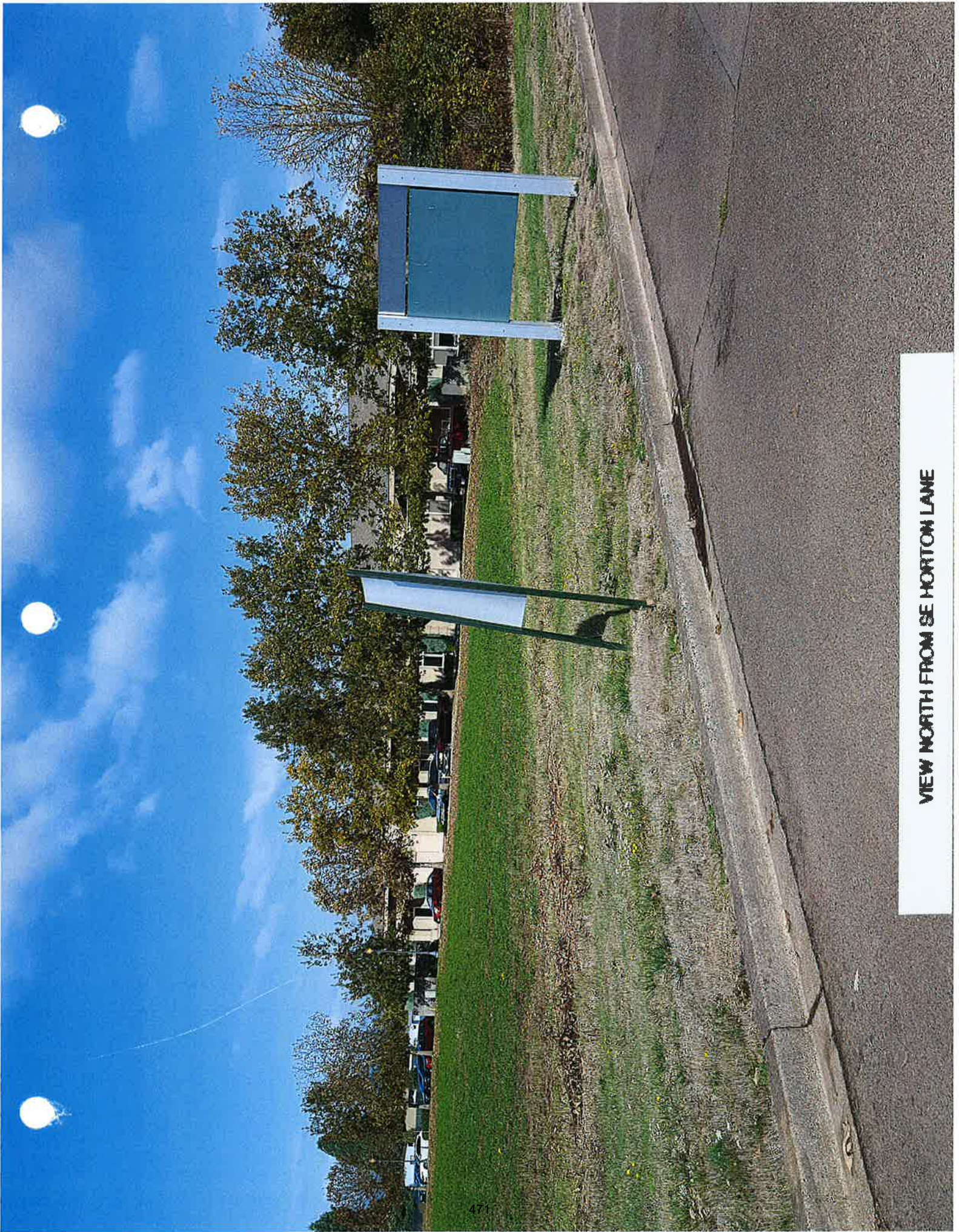


SITE PHOTOS

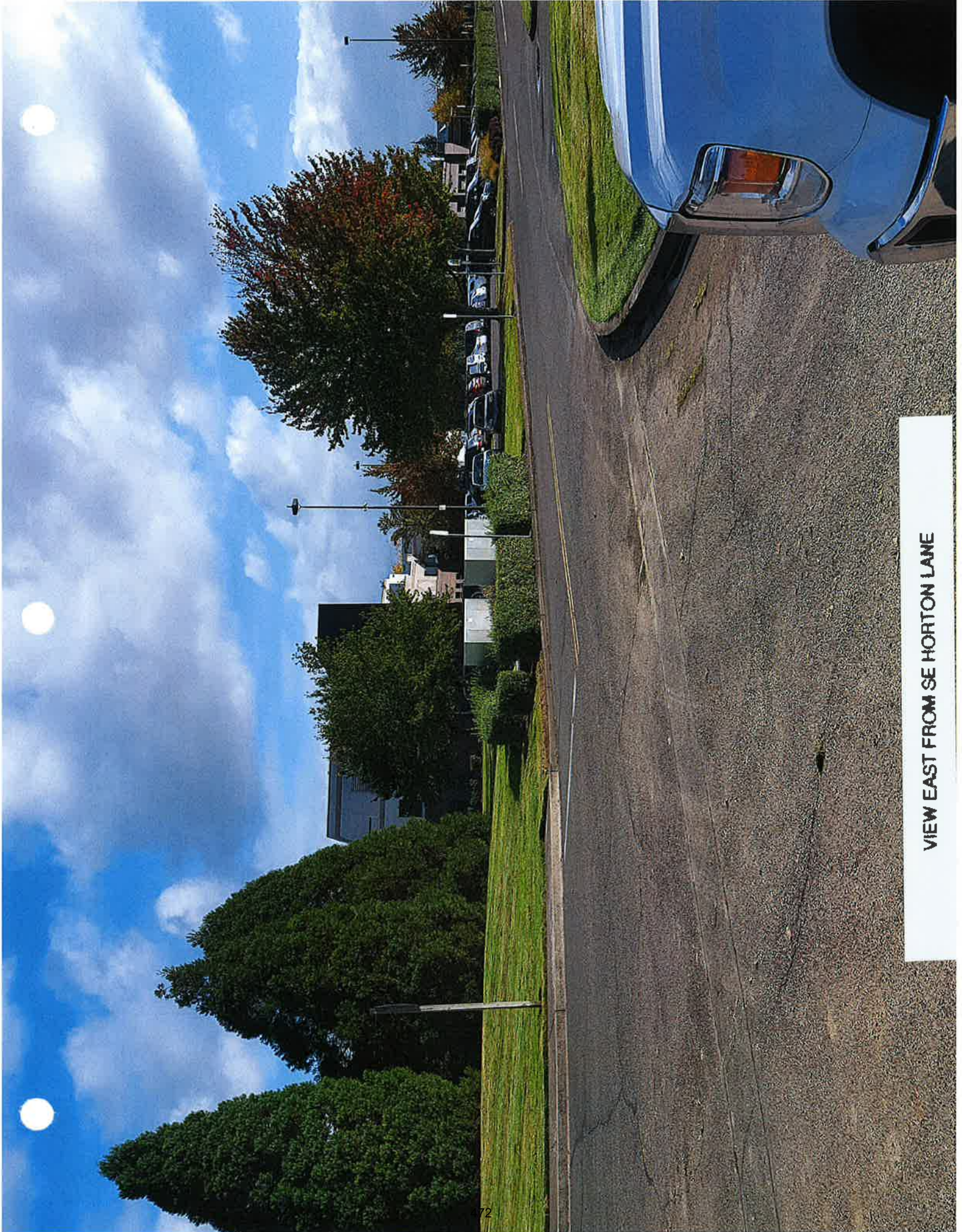
VIEW WEST FROM SE HORTON LANE



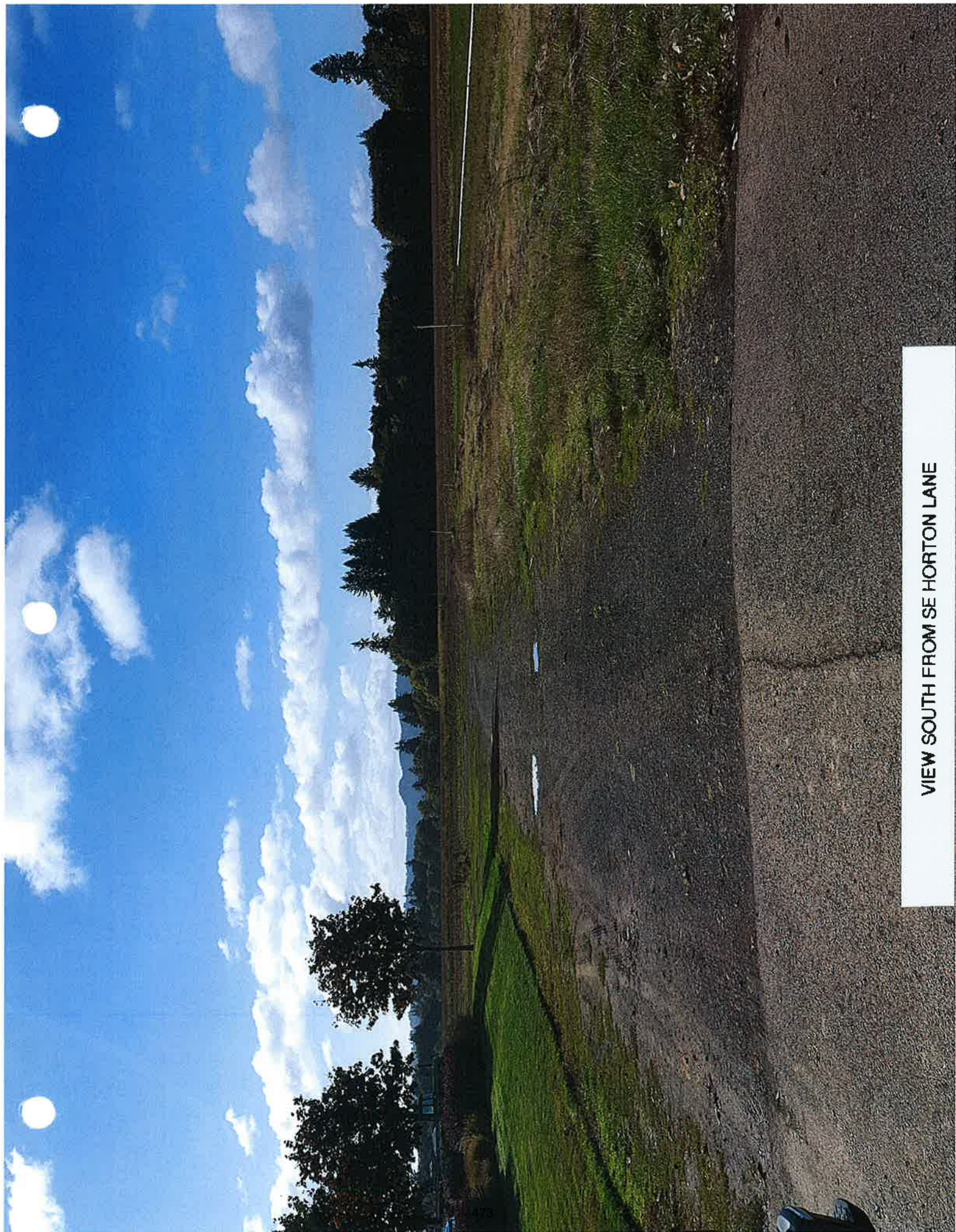
VIEW NORTH FROM SE HORTON LANE



VIEW EAST FROM SE HORTON LANE



VIEW SOUTH FROM SE HORTON LANE



NEIGHBORHOOD MEETING DOCUMENTS

NEIGHBORHOOD MEETING NOTES
THREE MILE LANE PLANNED DEVELOPMENT AMENDMENT
February 13, 2019
6:00 PM
CHEMEKATA COMMUNITY COLLEGE, ROOM 101
288 NE NORTON LANE

Ben Altman arrived at the college at 5:40 PM and stayed until 6:25 PM. No one showed up for the meeting.

Ben Altman

From: Ben Altman
Sent: Wednesday, January 23, 2019 12:49 PM
To: 'Chuck Darnell'
Cc: Sarah Sullivan
Subject: RE: Planned Development Amendment Submittal
Attachments: neighborhood meeting invite.docx

Chuck: I mailed the notices out today, including the City, and re-posted the property. I just wanted to make sure, so I'm sending a copy of the notice.

Thanks.

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258
PIONEER DESIGN GROUP, INC. CIVIL | LAND USE PLANNING | SURVEY
9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 pd-grp.com

Disclaimer:

This e-mail may contain proprietary, confidential, and/or privileged information. If you are not the intended recipient (or have received this e-mail in error), please notify the sender immediately by email or telephone (503-643-8286) and delete this message along with any attachments without copying or disclosing the contents. Any unauthorized copying, disclosure or distribution of the material in this e-mail is strictly forbidden. Pioneer Design Group, Inc. (PDG) shall not be liable for any changes made to the electronic data transferred. Distribution of electronic data to others is prohibited without the express written consent of PDG.

From: Chuck Darnell [mailto:Charles.Darnell@mcminnvilleoregon.gov]
Sent: Friday, January 18, 2019 9:57 AM
To: Ben Altman
Cc: Sarah Sullivan
Subject: RE: Planned Development Amendment Submittal

Hi Ben,

I am writing to follow up on the Planned Development Amendment application that you submitted to amend the existing Planned Development ordinance that applies to the property at the southern terminus of SE Norton Lane (Tax Lot R4427 00701). I will be working with you on the review of your application, and bringing your application through the formal review process with the Planning Commission and City Council. The application has been filed with the McMinnville Planning Department as Docket Number PDA 6-18.

Based on the materials provided, I am deeming the application incomplete.

In order for the application to be deemed complete, the following information must be provided:

- 1) Evidence that the neighborhood meeting process was completed as required by Section 17.72.095 of the McMinnville Municipal Code (MMC). Specifically, it was determined that the City of McMinnville Planning Department was not included as a recipient of the mailed notice of the neighborhood meeting (per Section 17.72.095(D)(5)), as you mentioned in your email below.

We did specifically seek legal counsel on this matter, as the neighborhood meeting requirements are a newer provision in our code, which is partly why the completeness review took a bit longer than we normally hope it would. Our legal counsel determined that the intent of the code is that the Planning Department would review the evidence of neighborhood meeting compliance (as required in Section 17.72.095(G)) during the

MEETING NOTICE

PROPOSAL: AMEND PDORP 4863
TO ALLOW APARTMENTS

MEETING DATE: FEB 13, 2019 TIME: 6:00PM

ADDRESS: 288 NE NORTON LANE
CHEMEKETA COMM. COLLEGE Bldg 1 Room 101

PROJECT CONTACT: BEN ALTMAN

PHONE NUMBER: 971-708-6258

January 23, 2019, Revised 1-24-19

**RE: NOTICE of NEIGHBORHOOD REVIEW MEETING – PROPOSED
AMENDMENT TO THREE MILE LANE PLANNED DEVELOPMENT,
ORDINANCE 4863.**

Dear Resident OR Property Owner:

Pioneer Design Group, Inc. is representing the developer of properties located at the south end of SE Horton Lane, just south of Altimus Plaza Medical Offices, more specifically, Tax Lot 701 of Tax Map T4S R4W 27, as shown by the attached map. The Developer is proposing an amendment to the current land use restrictions, under Ordinance 4863, to allow for multi-family Apartments, rather than just senior housing. This land is zoned C-3PD.

Prior to applying to the City of McMinnville we would like to take the opportunity to discuss the proposal in more detail with you.

The purpose of this neighborhood meeting is to provide an informal forum for the applicant and surrounding property owners/residents to review the proposal and to identify issues so that such issues may be considered before the formal application is turned in to the City. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions which may be relevant to meeting development standards consistent with City of McMinnville's Community Development Code and Comprehensive Plan.

Pursuant to Section 17.72.095 of the McMinnville Development Code, you are invited to attend a Neighborhood meeting on:

**Wednesday, February 13, 2019
at 6:00 pm
Chemeketa Community College – Bldg. 1 Room 101
288 NE Norton Lane, McMinnville, OR 97128**

Please note this meeting will be an informational meeting to discuss the change in allowed use, but not specific development plans are proposed at this time. Depending upon the type of land use action required, you may receive a future official notice from the City for you to either participate with written comments and/or an opportunity to attend a public hearing.

I look forward to more specifically discussing the proposal with you. Please feel free to call me at 971-708-6258 or email baltman@pd-grp.com if you have questions.

Sincerely,



**Ben Altman
Senior Planner/Project Manager**

Attached:
Current Tax Map

Page | 1

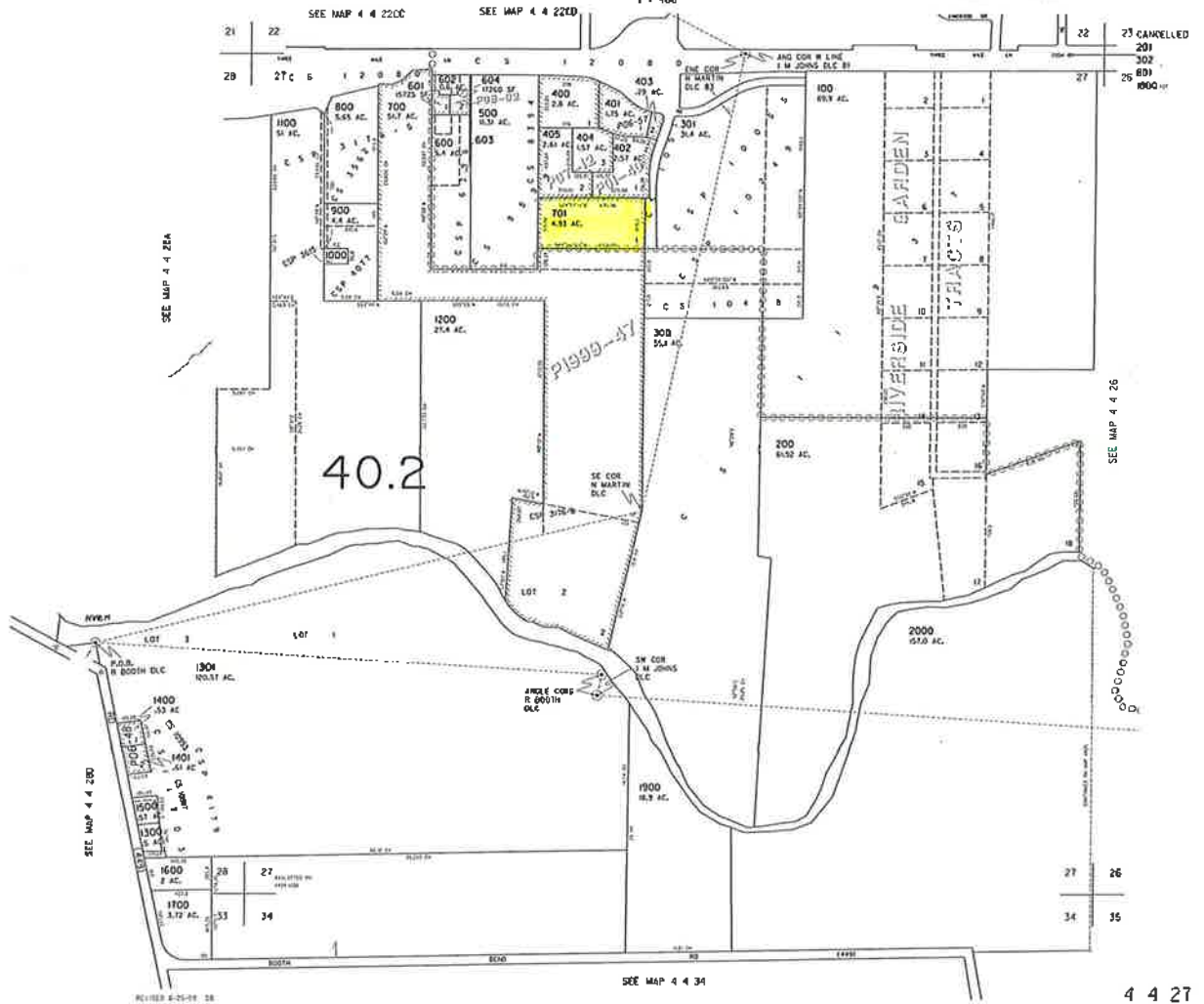
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 27 T4S R4W W.M.
YAMHILL COUNTY

SEE MAP 4 4 22

SEE MAP 4 4 2200

4 4 27



4 4 27

Mpt Of McMinnville-Capella LLC
1000 Urban Center Dr Suite 501
Birmingham, AL 35242

Roberti Investment Co LLC
10333 Main St Apt 263
Bellevue, WA 98004

Burch Feero Inc
237 NE Ford St Ste 1
McMinnville, OR 97128

Burch Feero Inc
237 NE Ford St Ste 1
McMinnville, OR 97128

Evergreen Mobile Home Park LLC
836 SW Curry St #1300
Portland, OR 97239

Phyllis For Moyer
6738 E Hubbell
Scottsdale, AZ 85257

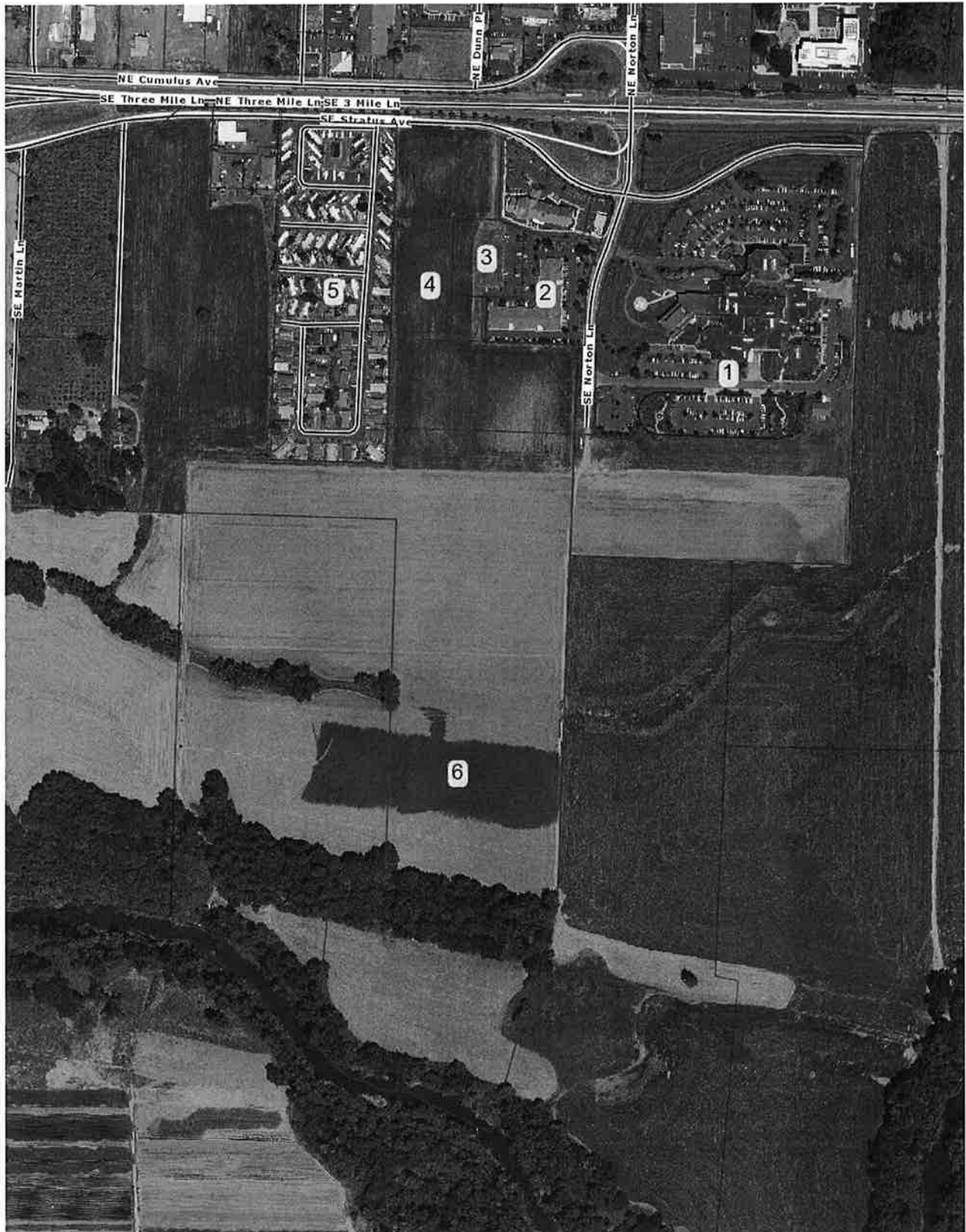


Heather Richards
Planning Director

(503) 474-5107 – FAX (503) 474-4955
Email: heather.richards@mcminnvilleregon.gov
231 NE Fifth Street – McMinnville, Oregon 97128

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4427 00301	2700 SE STRATUS AVE	MPT OF MCMINNVILLE-CAPELLA LLC	MPT OF MCMINNVILLE-CAPELLA LLC	1000 URBAN CENTER DR SUITE 501	BIRMINGHAM AL	35242
2	R4427 00404	n/a	BURCH FEERO	BURCH FEERO INC	237 NE FORD ST STE 1	MCMINNVILLE OR	97128
3	R4427 00402	375 SE NORTON LN	ROBERTI INVESTMENT COMPANY LLC	ROBERTI INVESTMENT COMPANY LLC	10333 MAIN ST STE 263	BELLEVUE WA	98004
4	R4427 00500	2400 SE STRATUS AVE	EVERGREEN MOBILE HOME PARK LLC	EVERGREEN MOBILE HOME PARK LLC	836 SW CURRY ST #1300	PORTLAND OR	97239
5	R4427 00405	n/a	BURCH FEERO	BURCH FEERO INC	237 NE FORD ST STE 1	MCMINNVILLE OR	97128
6	R4427 00701		MOYER PHYLLIS	MCMULLIN FAMILY RESIDUAL TRUST	6738 E HUBBELL	SCOTTSDALE AZ	85257
7	R4427 00700	2270 SE THREE MILE LN	MOYER PHYLLIS	MCMULLIN FAMILY RESIDUAL TRUST	6738 E HUBBELL	SCOTTSDALE AZ	85257
			CITY OF MCMINNVILLE	PLANNING DEPARTMENT	231 NE 5TH ST	MCMINNVILLE OR	97128

Walking Farm Identification Map



Farm Search Criteria**Averages****Parcel Id (APN)**R442700301,R442700402,R442700404,R442700405,R442700500,
R442700700**Sale Price**

\$57,417,500.00

Loan Amt

\$2,300,000.00

Sq Ft

2,368 SqFt

Assessed Total Value

\$10,285,938.17

Price/SqFt**# 1****Parcel #**

R442700301

Tax Account

492901

Site Address #2700 SE Three Mile Ln
McMinnville OR 97128**Acres**

31.40 Acres

Year Built**Assessed Total Value**

\$55,303,652.00

Rec. Date

9/2/2015

Sale Price

\$110,000,000.00

Bedrooms**Bathrooms****Total Rooms****Sq Ft****Owner**

Mpt Of McMinnville-Capella LLC

2**Parcel #**

R442700402

Tax Account

521536

Site Address #375 SE Norton Ln
McMinnville OR 97128**Acres**

2.57 Acres

Year Built**Assessed Total Value**

\$4,269,223.00

Rec. Date

2/22/2018

Sale Price

\$4,835,000.00

Bedrooms**Bathrooms****Total Rooms****Sq Ft****Owner**

Robertl Investment Co LLC

3**Parcel #**

R442700404

Tax Account

537598

Site Address #

McMinnville OR 97128

Acres

1.57 Acres

Year Built**Assessed Total Value**

\$1,280.00

Rec. Date

3/7/2007

Sale Price**Bedrooms****Bathrooms****Total Rooms****Sq Ft****Owner**

Burch Feero Inc

4**Parcel #**

R442700405

Tax Account

537601

Site Address #

McMinnville OR 97128

Acres

2.61 Acres

Year Built**Assessed Total Value**

\$2,127.00

Rec. Date

3/7/2007

Sale Price**Bedrooms****Bathrooms****Total Rooms****Sq Ft****Owner**

Burch Feero Inc

5**Parcel #**

R442700500

Tax Account

172477

Site Address #2400 SE Status Ave Unit
38
McMinnville OR 97128**Acres**

11.31 Acres

Year Built**Assessed Total Value**

\$2,023,967.00

Rec. Date

9/8/2005

Sale Price**Bedrooms****Bathrooms****Total Rooms****Sq Ft****Owner**

Evergreen Mobile Home Park LLC

# 6			
Parcel #	R442700700	Tax Account	644752
Site Address #	2270 SE Three Mile Ln OR 97128	Acres	51.70 Acres
Year Built	1965	Assessed Total Value	\$115,360.00
Rec. Date	8/11/2004	Sale Price	
Bedrooms	4	Bathrooms	1.00
Total Rooms		Sq Ft	2,388 SqFt
Owner	Phyllis For Moyer		

ParcelId	OwnerNan	OwnerNm1	OwnerNm1	OwnerNm1	OwnerNm1	OwnerNm1	OwnerAdd	OwnerCity	OwnerStat
R4427003C	Mpt Of McMinnville-C	Mpt Of McMinnville-Capella LLC					1000 Urban Birmingham	AL	
R4427004C	Roberti Investment Co	Roberti Investment Co LLC					10333 Main Bellevue	WA	
R4427004C	Burch Feero Inc	Burch Feero Inc					237 NE For McMinnville	OR	
R4427004C	Burch Feero Inc	Burch Feero Inc					237 NE For McMinnville	OR	
R4427005C	Evergreen Mobile Home	Evergreen Mobile Home Park LLC					836 SW Cu Portland	OR	
R4427007C	Phyllis For	Phyllis For Moyer					6738 E Huk Scottsdale	AZ	

OwnerZIP	SiteAddr	SiteCity	SiteState	SiteZIP
35242	2700 SE Th	McMinnvill	OR	97128
98004	375 SE Nor	McMinnvill	OR	97128
97128		McMinnvill	OR	97128
97128		McMinnvill	OR	97128
97239	2400 SE Str	McMinnvill	OR	97128
85257	2270 SE Three Mile Ln	OR		97128

**NEIGHBORHOOD MEETING NOTES
THREE MILE LANE PLANNED DEVELOPMENT AMENDMENT
NOVEMBER 7, 2018
6:00 PM
CHEMEKATA COMMUNITY COLLEGE, ROOM 101
288 NE HORTON LANE**

Only one person showed up for the meeting.

Ben Altman introduced himself and explained the proposed PD amendment, and the applicant's intent to develop an apartment complex.

Questions & Answers:

1. Will these be apartments or condos?

Response: They will be apartments. The applicants retain ownership of all of their units, and provide on-site manager and regularly scheduled maintenance

2. How many units?

Response: We have not prepared a site plan, yet, but would estimate 110 to 115 units.

3. Will there be a swimming pool or other amenities?

Response: I'm not sure about a pool, but there will be recreational amenities provided.

4. What is the timing for construction?

Response: Our first step is to secure the PD amendment, to allow for the apartments. This process will likely take 3-4 months. Assuming we get the amendment, we will then move to site design, and apply for Design Review. That site design, design review process will likely take about 6-9 months, before construction could start.

There were no further questions. So the meeting was adjourned.

October 18, 2018

**RE: NOTICE of NEIGHBORHOOD REVIEW MEETING – PROPOSED
AMENDMENT TO THREE MILE LANE PLANNED DEVELOPMENT,
ORDINANCE 4863.**

Dear Resident OR Property Owner:

Pioneer Design Group, Inc. is representing the developer of properties located at the south end of SE Horton Lane, just south of Altimus Plaza Medical Offices, more specifically, Tax Lot 701 of Tax Map T4S R4W 27, as shown by the attached map. The Developer is proposing an amendment to the current land use restrictions, under Ordinance 4863, to allow for multi-family Apartments, rather than just senior housing. This land is zoned C-3PD.

Prior to applying to the City of McMinnville we would like to take the opportunity to discuss the proposal in more detail with you.

The purpose of this neighborhood meeting is to provide an informal forum for the applicant and surrounding property owners/residents to review the proposal and to identify issues so that such issues may be considered before the formal application is turned in to the City. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions which may be relevant to meeting development standards consistent with City of McMinnville's Community Development Code and Comprehensive Plan.

Pursuant to Section 17.72.095 of the McMinnville Development Code, you are invited to attend a Neighborhood meeting on:

**Wednesday, November 7, 2017
at 6:00 pm**

**Chemeketa Community College – Room # will be posted at front door
288 NE Horton Lane, McMinnville, OR 97128**

Please note this meeting will be an informational meeting to discuss the change in allowed use, but not specific development plans are proposed at this time. Depending upon the type of land use action required, you may receive a future official notice from the City for you to either participate with written comments and/or an opportunity to attend a public hearing.

I look forward to more specifically discussing the proposal with you. Please feel free to call me at 971-708-6258 or email baltman@pd-grp.com if you have questions.

Sincerely,

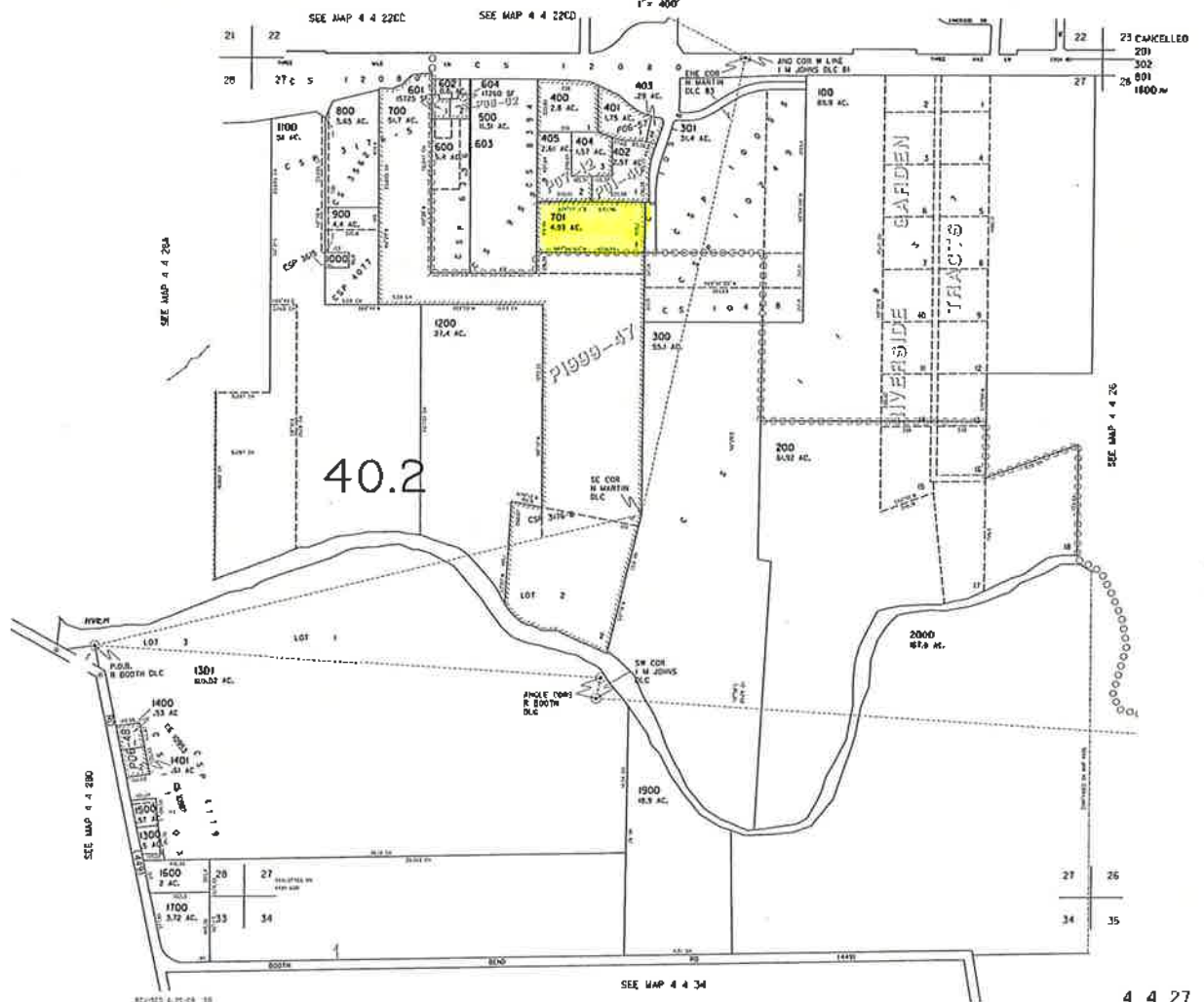


**Ben Altman
Senior Planner/Project Manager**

Page | 1

Attached:
Current Tax Map

4 4 27



MEETING NOTICE

PROPOSAL: AMEND ORD 4863

TO ALLOW APARTMENTS

MEETING DATE: NOV. 7, 2018 TIME: 6:00PM

ADDRESS: 288 NE HORTON LANE

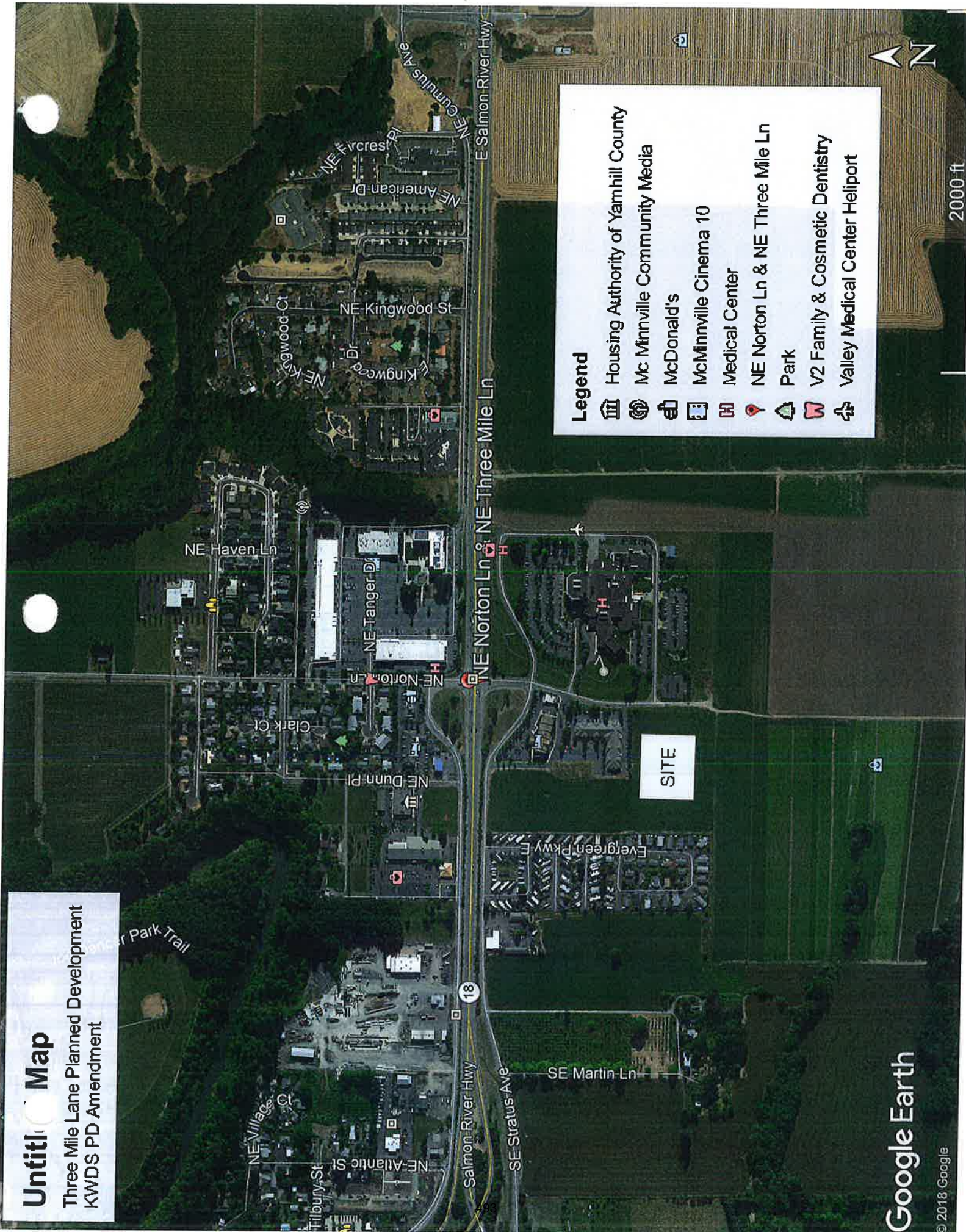
CHEMEKETA COMM. COLLEGE

PROJECT CONTACT: BEN ALTMAN

PHONE NUMBER: 971-708-6258

Untitled Map

Three Mile Lane Planned Development
KWDS PD Amendment



Legend

- Housing Authority of Yamhill County
- Mc Minnville Community Media
- McDonald's
- McMinnville Cinema 10
- Medical Center
- NE Norton Ln & NE Three Mile Ln
- Park
- V2 Family & Cosmetic Dentistry
- Valley Medical Center Helipoint

Mpt Of McMinnville-Capella LLC
1000 Urban Center Dr Suite 501
Birmingham, AL 35242

Roberti Investment Co LLC
10333 Main St Apt 263
Bellevue, WA 98004

Burch Feero Inc
237 NE Ford St Ste 1
McMinnville, OR 97128

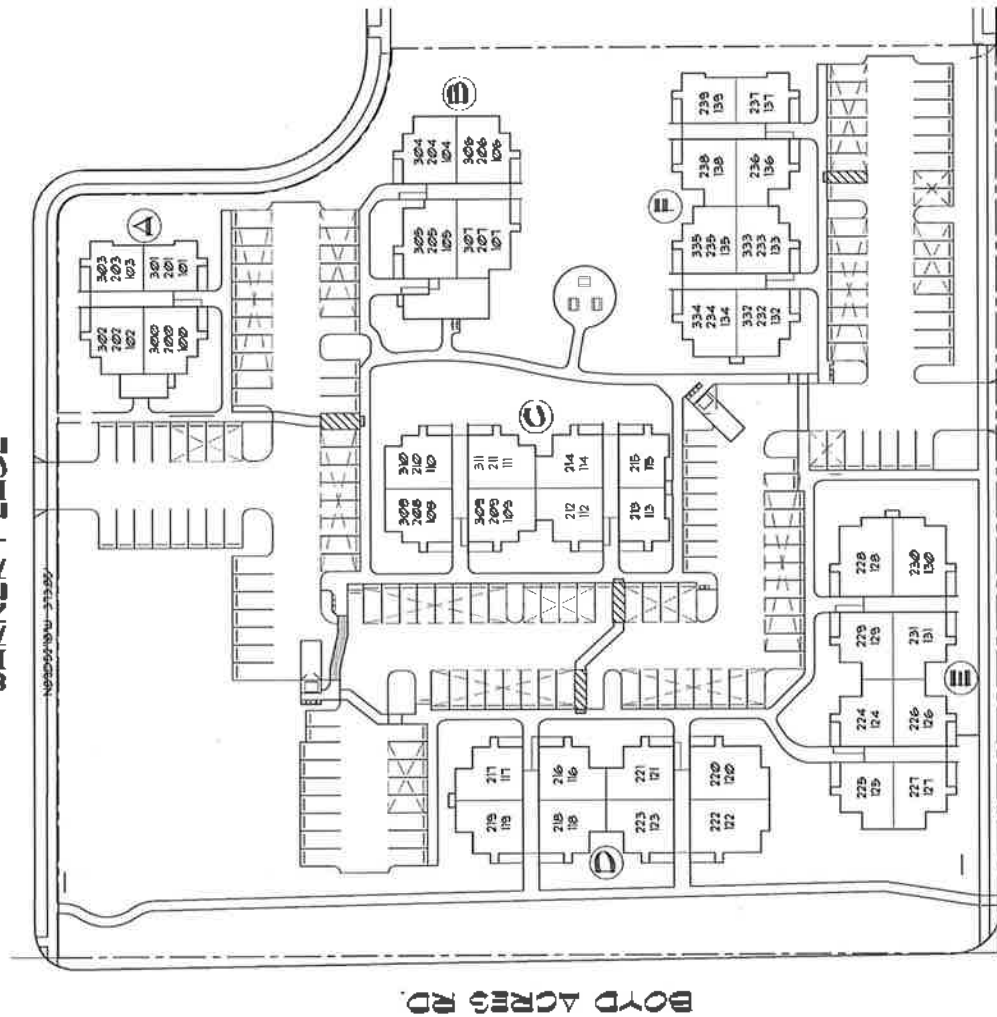
Burch Feero Inc
237 NE Ford St Ste 1
McMinnville, OR 97128

Evergreen Mobile Home Park LLC
836 SW Curry St #1300
Portland, OR 97239

Phyllis For Moyer
6738 E Hubbell
Scottsdale, AZ 85257

EXAMPLE SITE PLANS

WARNER PLACE

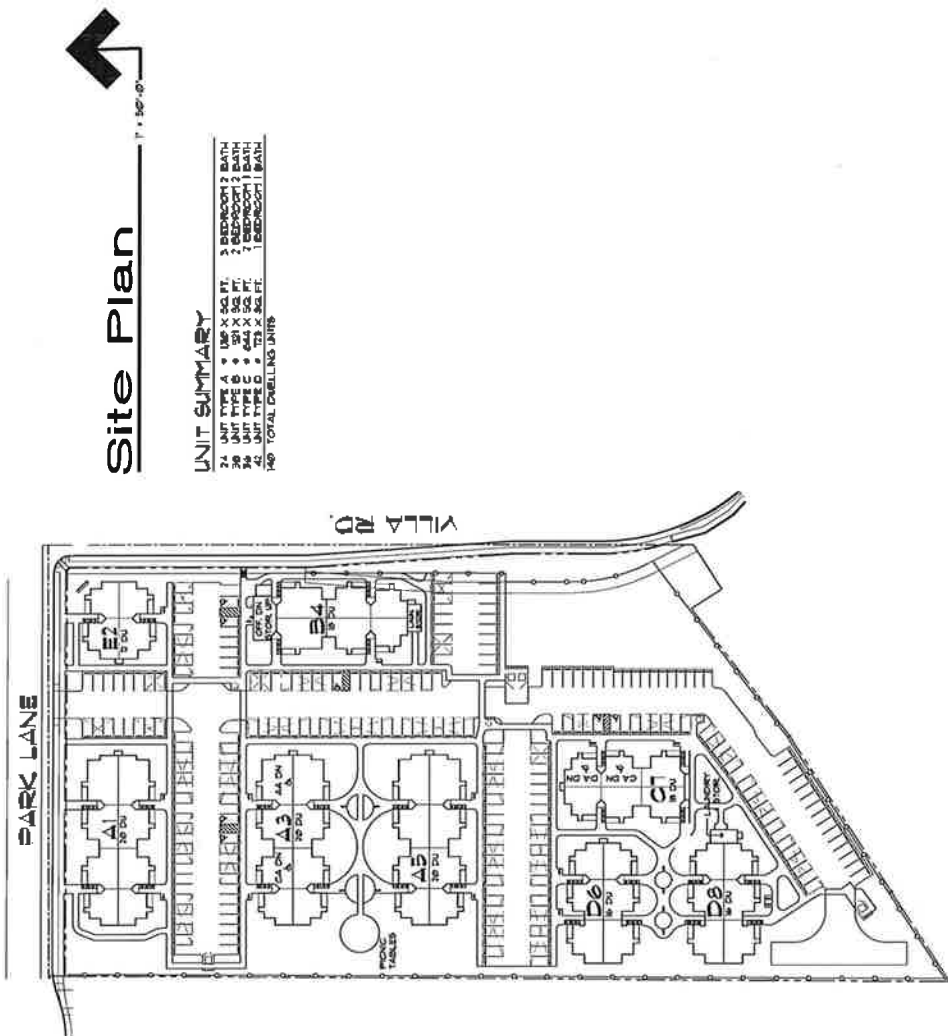
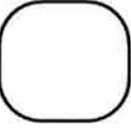


site plan
Boulder Pointe

UNIT SUMMARY

11 'A' UNITS	• 1093	90 FT.	3 BEDROOM 2 BATH
3 'A' UNITS	• 1091	90 FT.	3 BEDROOM 2 BATH
49 'B' UNITS	• 893	80 FT.	2 BEDROOM 2 BATH
1 'C' UNIT	• 844	80 FT.	2 BEDROOM 2 BATH
1 'C' UNIT	• 844	80 FT.	2 BEDROOM 1 BATH
13 'D' UNITS	• 691	60 FT.	1 BEDROOM 1 BATH
1 'E' UNIT	• 691	60 FT.	1 BEDROOM 1 BATH
9% TOTAL DWELLING UNITS			
164 PARKING SPACES - 144 REQUIRED			

ROSS ROAD



UNIT SUMMARY

24 UNIT TYPE A • 10K X 34G FT.	3 BEDROOM 2 BATH
36 UNIT TYPE B • 5K X 34G FT.	2 BEDROOM 2 BATH
24 UNIT TYPE C • 4K X 34G FT.	1 BEDROOM 1 BATH
24 UNIT TYPE D • 4K X 34G FT.	1 BEDROOM 1 BATH
140 TOTAL CHILLING UNITS	

RESPONSE TO SANITARY SEWER ANALYSIS

To: Chuck Darnell, Senior Planner
City of McMinnville

From: Ben Altman, Senior Planner/Project Manager
Pioneer Design Group, Inc.

Project: Three Mile Lane Planned Development Amendment
PDG No. 999-217

Date: March 13, 2019

RE: Responses to Incomplete Application – PDA 6-18
CH2M Sanitary Sewer Study

In Response to Item

In addition to the items noted above, we did identify one other item during our completeness review that is not necessarily an incomplete item, but something that you may want to consider or address. During our review, the Engineering Department noted that the City's Conveyance System Master Plan used an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre. Therefore, they have noted that they would require any development proposal beyond 59 units (4.93 acres x 12 units per acre) to provide an updated analysis of the sanitary sewer conveyance system model. They may be suggesting this as a condition of approval, but I wanted to mention it to you now in case you would like to pursue that while working on the other items requested above. To discuss that process in more detail, I will direct you to our City Engineer and Community Development Director, Mike Bisset. He can be reached at 503-434-7312 or by email at mike.bisset@mcminnvilleoregon.gov. If you reach out to Mike by email, please copy me so I am aware of the communications."

RESPONSE: The applicant agreed to cover the cost of CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development.

However, Mike Bisset, City Engineer, has informed us that the City has engaged CH2M to conduct a System-wide analysis, rather than just to Norton Lane area.

CH2M sewer system capacity findings will be submitted separately.

TRAFFIC STUDY

Technical Memorandum

To: Kim McAvoy
KWDS, LLC

From: Daniel Stumpf, EI
William Farley, PE

Date: December 18, 2018

Subject: Norton Lane Planned Development Overlay Amendment
Trip Generation & Transportation Planning Rule Analysis



RECEIVED: 12/31/2019



**LANCASTER
ENGINEERING**

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

Introduction

This memorandum reports the findings of a trip generation analysis conducted for an amendment to the Planned Development (PD) overlay on a property located west of SE Norton Lane and south of SE Stratus Avenue in McMinnville, Oregon. The study reviews the morning peak hour, evening peak hour, and average daily trip generation potentials of the site under both the existing overlay and the proposed amended overlay and addresses the Transportation Planning Rule (TPR) to ensure that the transportation system is capable of supporting any changes in traffic intensity resulting from the proposed amendment.

Location & Project Description

The project site, zoned as *General Commercial Zone (C-3)*, is located west of SE Norton Lane and south of SE Stratus Avenue in McMinnville, Oregon. The site includes a single tax lot, lot 701, which encompasses an approximate total of 4.93 acres. The site is currently vacant; however, upon amending the PD overlay, is planned for development as a 110 to 115-unit apartment facility.

The PD overlay on the site restricts development to professional and medical offices as well as a variety of senior housing, inclusive of condominiums, apartments, and assisted living facilities. The proposed amendment to the overlay will allow for the development of residential apartments.

The original overlay permitted the construction of office commercial uses, or other compatible uses, which was then expanded upon to include the allowable development of senior housing. The intent for imposing the overlay was to restrict the development of strip commercial uses, as was historically constructed within the area.

Figure 1 presents an aerial image of the nearby vicinity with the project site outlined in yellow.



Figure 1: Aerial Photo of Site Vicinity (Image from Google Earth)

Trip Generation

The subject site is currently restricted to development of either professional/medical office or senior housing by a zoning overlay. An amendment to the PD overlay is proposed to include development of general apartment uses. To determine the impacts of the proposed PD amendment, trip generation between existing and proposed conditions were compared.

To estimate the number of trips that could be generated by the site, a variety of land uses provided within the *Trip Generation Manual*¹ were referenced and compared to one another. Table 1 presents trip generation rates for applicable land uses that are available within the trip generation manual.

¹ Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10th Edition, 2017.

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Page 3 of 6

Table 1: Land Use Trip Generation Comparison

ITE Code			Variable	Morning Peak Hour Rate	Evening Peak Hour Rate	Weekday Rate
Proposed Conditions	Multifamily Housing (Low-Rise or 1 to 2 Floors)	220	trips/dwelling unit	0.46	0.56	7.32
	Multifamily Housing (Mid-Rise or 3 to 10 Floors)	221	trips/dwelling unit	0.36	0.44	5.44
	Multifamily Housing (High-Rise or 10+ Floors)	222	trips/dwelling unit	0.31	0.36	4.45
Existing Conditions	Senior Adult Housing - Detached	251	trips/dwelling unit	0.24	0.30	4.27
	Senior Adult Housing - Attached	252	trips/dwelling unit	0.20	0.26	3.70
	Congregate Care Facility	253	trips/dwelling unit	0.07	0.18	2.02
	Assisted Living	254	trips/bed	0.19	0.26	2.60
	Continuing Care Retirement Community	255	trips/unit	0.14	0.16	2.40
	General Office Building	710	trips/1,000 sq.ft.	1.16	1.15	9.74
	Medical-Dental Office Building	720	trip/1,000 sq.ft.	2.78	3.46	34.80

BOLDED text indicates highest trip generating land use of each variable type (note trips/bed and trips/unit were treated as trips/dwelling unit).

Based on Table 1, the highest reported trip generating land use on a per dwelling unit basis was land use code 220, *Multifamily Housing (Low-Rise)*, while the highest trip generating land use on a per 1,000 square foot basis was land use code 720, *Medical-Dental Office Building*. Since land use code 220 projects higher trip generation than any other residential land use, regardless of looking at existing or proposed conditions, land use code 220 may be considered the highest trip generating land use under the proposed conditions. However, since it's unknown whether land use code 720 under existing conditions could generate more or less trips than land use code 220, additional analyses comparing the two is necessary.

December 18, 2018

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Existing Conditions

To determine trip generation under existing conditions, utilizing data from land use code 720, a reasonable site developable area needs to be determined. The following assumptions were considered:

- It is assumed that a reasonable maximum total building footprint would cover approximately 30 percent of developable area. The remaining developable area is considered as space necessary to accommodate parking, street right-of-way improvements, public space, etc.
- Per City of McMinnville's Title 17 Zoning Code for a *Planned Development Overlay*, the maximum building height shall not exceed 35 feet. Upon assessing the building heights of other surrounding land uses, it is assumed that a reasonably sized medical office building may include two floors.

Given the site encompasses approximately 4.93 acres, after applying the aforementioned assumptions the site could include the development of a 128,900 square foot medical office building.

Proposed Conditions

To determine trip generation under proposed conditions, it is assumed that the proposed development following the amendment to the PD overlay may be considered the reasonable "worst-case" development scenario. Therefore, for the purposes of this analysis a 115-unit apartment facility was considered.

Analysis Summary

The trip generation calculations show that under existing conditions, the subject site could reasonably be developed to generate up to 280 morning peak hour trips, 438 evening peak hour trips, and 4,864 average weekday trips. Following the amendment to the PD overlay, the site could be developed with apartment uses that generate up to 53 morning peak hour trips, 64 evening peak hour trips, and 842 average weekday trips. Accordingly, if developed with residential apartments instead of medical offices, the net change in trip generation potential of the site after the proposed PD amendment is projected to be 227 less trips during the morning peak hour, 374 less trips during the evening peak hour, and 4,022 less average weekday trips.

The trip generation estimates are summarized in Table 1, Detailed trip generation calculations are included as an attachment to this memorandum.

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Table 2: Trip Generation Summary – Proposed Zone Change

	ITE Code	Size	Morning Peak Hour			Evening Peak Hour			Weekday
			Enter	Exit	Total	Enter	Exit	Total	Total
Existing Conditions									
Medical Office Building	720	128,900 sq.ft.	218	62	280	123	315	438	4,864
Proposed Conditions									
Multifamily Housing	220	115 units	12	41	53	40	24	64	842
Net Change in Trip Generation			-206	-21	-227	-83	-291	-374	-4,022

Based on the above analysis, following the amendment to the PD overlay, the development of a general 115-unit apartment facility will not generate more trips than the 128,900 square foot medical office building that can be constructed under existing conditions. It should be noted that a medical office could still potentially be developed within the site following approval of the PD overlay amendment, whereby the net change in site trip generation potential is zero.

Transportation Planning Rule

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable elements of the TPR are each quoted in *italics* below, with responses following.

660-012-0060

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted*

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Page 6 of 6

TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

In the case of this analysis, subsections (a) and (b) are not triggered since the proposed PD overlay amendment will not impact or alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards.

With regard to subsection (c), the proposed PD overlay amendment is not projected to increase the morning peak hour, evening peak hour, or average daily trip generation potential of the site. Accordingly, the proposed PD amendment will have no significant impact on the operation of area streets and intersections since it cannot result in an increase in the peak hour or daily trip generation potential of the site. Therefore, subsection (c) will not be triggered.

Conclusions

The proposed amendment to the Planned Development overlay will not degrade the performance of any existing or planned transportation facility. Accordingly, the TPR is satisfied and no mitigation is necessary or recommended in conjunction with the proposed zone change.

If you have any questions regarding this technical memorandum, please don't hesitate to contact us.

2e

TRIP GENERATION CALCULATIONS

Existing Conditions

Land Use: Medical-Dental Office Building
Land Use Code: 720
Setting/Location: General Urban/Suburban
Variable: 1,000 Sq Ft Gross Floor Area
Variable Quantity: 128.9

AM PEAK HOUR

Trip Equation: $\ln(T) = 0.89\ln(X) + 1.31$

	Enter	Exit	Total
Directional Distribution	78%	22%	
Trip Ends	218	62	280

PM PEAK HOUR

Trip Equation: $T = 3.39(X) + 2.02$

	Enter	Exit	Total
Directional Distribution	28%	72%	
Trip Ends	123	315	438

WEEKDAY

Trip Equation: $T = 38.42(X) - 87.62$

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	2,432	2,432	4,864

SATURDAY

Trip Rate: 8.57

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	552	552	1,104

Source: TRIP GENERATION, Tenth Edition

1e

TRIP GENERATION CALCULATIONS Proposed Conditions

Land Use: Multifamily Housing (Low-Rise)
Land Use Code: 220
Setting/Location: General Urban/Suburban
Variable: Dwelling Units
Variable Value: 115

AM PEAK HOUR

Trip Rate: 0.46

	Enter	Exit	Total
Directional Distribution	23%	77%	
Trip Ends	12	41	53

PM PEAK HOUR

Trip Rate: 0.56

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	40	24	64

WEEKDAY

Trip Rate: 7.32

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	421	421	842

SATURDAY

Trip Rate: 8.14

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	468	468	936

Source: TRIP GENERATION, Tenth Edition

APPLICABLE ORDINANCES

ORDINANCE NO. 4863

An Ordinance approving an amendment to Planned Development Ordinance No. 4709, to expand the range of uses permitted on the site to include senior apartments, senior condominiums, and assisted living facilities.

RECITALS

The Planning Commission received an application (ZC 13-06) from Kirk Bales, dated August 17, 2006, seeking approval to amend Planned Development Ordinance No. 4709, to expand the range of uses permitted on the site to include senior apartments, senior condominiums, and assisted living facilities. The subject property is located south of Stratus Avenue and west of Norton Lane, and is more specifically described as Tax Lot 701, Section 27, T. 4 S., R. 4 W., W.M. (See Exhibit "A".)

A public hearing was held on September 21, 2006, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on September 14, 2006, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The Planning Commission, being fully informed about said request, found that said change conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the amendment is consistent with the Comprehensive Plan; and

The Planning Commission approved said amendment and recommended said change to the Council; and

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Kirk Bales.

Section 2. That Condition No. 15 of McMinnville Planned Development Ordinance No. 4709 be amended, as follows (text to be removed is shown with ~~strikeout~~, text to be added is underlined):

15. That the subject site is limited to professional office use or medical office use, or senior condominiums, senior apartments, or assisted living facilities, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use, ~~or medical office use~~, or senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck


rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the subject site.

Passed by the Council this 24th day of October 2006, by the following votes:

Ayes: Hansen, Hill, Menke, Olson, Yoder

Nays: _____

Approved this 24th day of October, 2006.


MAYOR

Attest:


CITY RECORDER

Approved as to form:


CITY ATTORNEY

Exhibit "A"



Geographic Information System



400 0 400 Feet

City of McMinnville
Planning Department
230 NE Second St
McMinnville, OR 97128
(503) 434-7312

ORDINANCE NO. 4709

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing Industrial designation to a Commercial designation and a zone change from a County EF-40 (Exclusive Farm Use – 40-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone on a parcel of land approximately five acres in size located south of Three Mile Lane, and immediately west of Norton Lane and the Willamette Valley Medical Center.

RECITALS

The Planning Commission received an application (CPA 6-99 / ZC 11-99) from Gene and Dorothy McMullin and Phyllis Moyer dated July 2, 1999, requesting a comprehensive plan map amendment from an existing Industrial designation to a Commercial designation and a zone change from a County EF-40 (Exclusive Farm Use – 40-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone on approximately five acres of land. The subject site is located south of Three Mile Lane, and immediately west of Norton Lane and the Willamette Valley Medical Center and is further described as a portion of Tax Lot 700, Section 27, T.4 S., R. 4 W., W.M.

A public hearing was held August 19, 1999, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on August 14, 1999, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The Planning Commission, being fully informed about said request, found that said changes conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and the findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the plan amendment and zone change are consistent with the Comprehensive Plan; and

The Planning Commission approved said comprehensive plan map amendment and zone change and has recommended said changes to the Council, now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Gene and Dorothy McMullin and Phyllis Moyer.

Section 2. That the Comprehensive Plan Map shall be amended from an Industrial designation to a Commercial designation for the property described in Exhibit "A" which is attached hereto and incorporated herein by this reference.

Section 3. That the property described in Exhibit "A" is hereby rezoned from a County EF-40 (Exclusive Farm use - 40-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone subject to the following conditions:

1. That the zone change request shall not take effect until and unless CPA 6-99 is approved by the City Council.
2. That development and use of the site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended. Further, that a detailed Master Plan for the subject site shall be submitted to the McMinnville Planning Commission for review and approval, pursuant to the procedures of McMinnville Zoning Ordinance 17.51, Planned Development Overlay, prior to any development occurring on the site. The plan shall include, at a minimum, proposed land uses and their location(s), building locations, proposed circulation patterns, proposed open spaces, grading and drainage information, location and size of public utilities and services, off-street parking areas, direct pedestrian access, and other information deemed necessary to convey the details of the proposed development plans to the Planning Commission.
3. That detailed plans for the proposed commercial development showing site layout, proposed circulation pattern, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Three Mile Lane Design Review Committee prior to the issuance of any building permits for said development. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, and provide an architectural style appropriate to a "gateway" or entrance to the City of McMinnville. In addition, approval or denial of the exterior building design shall be based on a finding that, to the extent possible, the building design incorporates design and architectural features that would serve to break up the building's horizontal plane and provide visual interest. This may include, but is not limited to, the use of vertical columns, gables, variety of compatible and complimentary building materials, providing openings in the building facade, and landscaping at the building perimeter. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval.

The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The applicant may appeal the decision of the Three Mile Lane Design Review Committee to the Planning Commission if

notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Committee's decision.

4. That final development plans include landscape plans to be submitted to and approved by the McMinnville Landscape Review Committee and Three Mile Lane Design Review Committee. A minimum of 14 percent of the site must be landscaped. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines adjacent to the residentially zoned land to the west. Landscaping emphasis shall exist along the site's eastern edge, adjacent to Norton Lane, including required street trees, with particular emphasis at the site's eastern driveway intersection(s) at Norton Lane. In addition, landscape islands are required to be located throughout proposed off-street parking areas.

Street trees within a curbside planting strip along the Norton Lane frontage are required to have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

5. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of the City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to the issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private rather than public, and private maintenance agreements must be approved by the City for them.
6. That final development plans for the subject site include a detailed sanitary sewage collection plan which incorporates the requirements of the City's Collection System Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to the issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. In addition, existing structures located within the subject site are required to connect to the sanitary sewer system as soon as service is available.
7. That the developer secure from the Department of Environmental Quality (DEQ) applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permit shall be submitted to the City Engineer.
8. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and

grading permit for lot fill and grading from the City Building Division. All fill placed in the areas where construction is expected shall be engineered and shall meet with the approval of the City Building Division and the City Engineering Department.

9. That the developer extend water and power services to the subject site in accordance with McMinnville Water and Light requirements, including any necessary contracts and/or easements. Said water service is to include required fire hydrants, which are necessary to be in working order prior to the issuance of building construction permits.
10. That utilities shall be extended to the property boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
11. That no building shall exceed the height of 35 feet.
12. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
13. That signs located on the site shall be subject to the requirements of McMinnville Ordinance No. 4572 (B).
14. That all business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading.
15. That the subject site is limited to professional office use or medical office use, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use or medical office use may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the subject site.
16. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.
17. That the approved Master Plan as approved by the Planning Commission shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer will be responsible for requesting permission of the Planning Commission for any major change of the details of the final development plans. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

18. That improvements to the Norton Lane frontage, to the southernmost entry drive, or as may otherwise be required by the City of McMinnville, shall be done at the developer's expense and be finalized prior to release of any occupancy permits. Plans for the improvement of Norton Lane shall be submitted to the City Engineer for review and approval prior to its construction.
19. That the developer/owner of the subject site must grant to the Willamette Valley Medical Center and the City of McMinnville the right to cause all airspace above the surface of the subject site such as noise, vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the Medical Center property and the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may now or in the future raise against the Willamette Valley Medical Center and the City of McMinnville due to such circumstances noted above.
20. That prior to the development of the site, the applicant shall sign a waiver of remonstrance against the future improvement of Norton Lane. The waiver shall be prepared by the City.

Passed by the Council this 28th day of September 1999, by the following votes:

Ayes: Aleman, Kirchner, Payne, Rabe, Windle

Nays: _____

Approved this 28th day of September 1999.

Richard D Windle
COUNCIL PRESIDENT

Attest:

Kenn Taylor
RECORDER PRO TEM

ORDINANCE NO. 4572

An Ordinance amending Ordinance 4131 (Three Mile Lane Planned Development Overlay) by supplanting the terms and provisions of Sections 4 and 5 and by adding new sections, and amending ordinance 4506 (Commercial Lands) by repealing subsections 10(h) and 10(i).

RECITALS:

The City of McMinnville has found that certain terms and provisions of the Three Mile Lane Planned Development Overlay have become dated since the 1981 passage of the ordinance and are in need of replacement. The City Council believes it is also in the best interest of the citizens of McMinnville and of the community as a whole to regulate commercial signage along the Three Mile Lane corridor as it leads into McMinnville.

At the direction of the City Council, staff developed amendments to the Three Mile Lane Planned Development Overlay which included regulations governing the use of commercial signage. The McMinnville Planning Commission held a work session on September 8, 1994 and a public hearing on October 13, 1994 on the proposed amendments, after which they recommended that the amendments be approved; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. The terms and provisions of Section 4 of Ordinance 4131 are hereby supplanted with the following terms and provisions:

Section 4. Policies. The following policies shall apply to the property described on the map in Exhibit "A":

- A. The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and other City codes shall be adhered to.
- B. A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.
- C. Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:
 - 1. The minimization of entrances onto Three Mile Lane;
 - 2. The development of on-site circulation systems, connecting to adjoining properties, including public frontage roads;
 - 3. The provisions of acceleration-deceleration lanes and left-turn refuges when and where necessary and practicable.

4. The provision of bikeways along frontage roads or on-site circulation systems. Bikeway connections accessing Three Mile Lane shall be provided so that the frontage road or on-site circulation system can serve as an alternative route for cyclists traveling along Three Mile Lane.
- D. Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.
- E. Mixed housing-type residential developments shall be allowed and encouraged in those areas designated as residential.
- F. Temporary signage shall be allowed as per Section 17.62.060(B)(3) of the McMinnville Zoning Ordinance (No. 3380). (Ord. 4988 §1, 2015)

Section 2. The terms and provisions of Section 5 of Ordinance 4131 are hereby supplanted with the following terms and provisions:

Section 5. Signs. The following regulations apply to those properties designated as either industrial or commercial on the McMinnville Comprehensive Plan Map and which are located within the area described in Exhibit "A." All signage must be approved by the Three Mile Lane Design Review Committee and may not exceed the maximums established in this section. The Three Mile Lane Design Review Committee may take into account color selection; sign material; relationship to site and building design; size, form, mass, height, and scale of sign; the sign's location and proximity to existing signs on adjacent parcels; and other sign design elements appropriate to ensuring that the proposed sign is compatible with the objectives of this ordinance. The Three Mile Lane Design Review Committee may require a proposed sign to be redesigned as necessary to make it consistent with the objectives of this ordinance including, but not limited to, restricting the size and height of the sign, its location, form, color, and material.

The Three Mile Lane Planned Development Overlay area is hereby divided into three "sign zones" which are depicted on Exhibit "B" which is attached hereto and is by this reference herein incorporated. Signage shall be regulated within the various sign zones as follows:

- A. Zone 1. The following regulations apply to commercially or industrially designated properties which fall within zone 1:
 1. That only one free-standing sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit "B", subject to the following:
 - a) The maximum height of any free-standing sign shall be 15 feet.

- b) The maximum square footage per sign face is 24 square feet and there shall be a maximum of two sign faces per free-standing sign.
 - c) A free-standing sign is allowed only on properties with frontage on the Highway 18 frontage road.
- 2. In lieu of a free-standing sign as listed in subsection 1 above, one monument-type sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit "B", subject to the following:
 - a) Maximum square footage per sign face shall be 50 square feet, and there shall be a maximum of two sign faces per monument sign.
 - b) Maximum sign height shall be six feet, and the top of the sign shall not be more than eight feet above the center line grade of the Three Mile Lane frontage road.
 - c) Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic sign cabinets are allowed.
- 3. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face, subject to the following:
 - a) Total area of building signage may not exceed eight percent of the total area of the face of the building which is most closely parallel to Highway 18 or the frontage road and may not exceed four percent on the other sides.
 - b) The area of building signs shall be measured as the area around or enclosing each sign cabinet, or where sign cabinets are not used, the area shall be that within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message.
- 4. If a parcel is divided after the date of the adoption of this ordinance, the sign allowances established in subsections 1. and 2 above will apply only to the original parcel or what remains of it and newly created parcels are limited to the sign allowances established in subsection 3 above except as provided in subsection (A) (5) below.
- 5. The Three Mile Lane Design Review Committee may allow the sharing

of a single free-standing sign by an original parcel or what remains of it and parcels divided after the date of the adoption of this ordinance. The total sign size shall not exceed that allowed for the original parcel.

6. Portable signs and signs with flashing or moving parts are prohibited.

B. Zone 2. The following regulations apply to commercially and industrially designated properties which fall within zone 2:

1. That only one free-standing sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit "B", subject to the following:

- a) The maximum height of any free-standing sign shall be 30 feet, except as provided in subsection (B) (1) (c) below.
- b) The maximum square footage per sign face is 64 square feet, and there shall be a maximum of two sign faces per free-standing sign, except as provided in subsection (B) (1) (c) below.
- c) If two or more properties share a single free-standing sign, said sign shall be a maximum of 35 feet in height, and each property sharing the sign shall be entitled to up to 64 square feet of sign face per side on a maximum of two sides. The shared free-standing sign would exhaust the allowance for free-standing signs listed in subsection (B) (1) (a) above for all parcels represented.
- d) A free-standing sign is allowed only on properties with frontage on the Highway 18 frontage road.

2. In lieu of a free-standing sign as listed in subsection 1 above, one monument-type sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit "B", subject to the following:

- a) Maximum square footage per sign face shall be 50 square feet, and there shall be a maximum of two sign faces per monument sign.
- b) Maximum sign height shall be six feet, and the top of the sign shall not be more than eight feet above the center line grade of the Three Mile Lane frontage road.
- c) Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic sign cabinets are allowed.

3. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face, subject to the following:
 - a) Total area of building signage may not exceed eight percent of the total area of the face of the building which is most closely parallel to Highway 18 or the frontage road and may not exceed four percent on the other sides.
 - b) The area of building signs shall be measured as the area around or enclosing each sign cabinet, or where sign cabinets are not used, the area shall be that within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message.
 4. If a parcel is divided after the date of the adoption of this ordinance, the sign allowances established in subsections 1 and 2 above will apply only to the original parcel or what remains of it and newly created parcels are limited to the sign allowances established in subsection 3 above except as provided in subsection (B) (5) below.
 5. The Three Mile Lane Design Review Committee may allow the sharing of a single free-standing sign by an original parcel or what remains of it and parcels divided after the date of the adoption of this ordinance. The total sign size shall not exceed that allowed for the original parcel.
 6. Portable signs and signs with flashing or moving parts are prohibited.
- C. Zone 3. The following regulations apply to commercially and industrially designated properties which fall within zone 3:
1. That free-standing signs are prohibited.
 2. That one monument-type sign shall be allowed per parcel, except that a second monument sign shall be allowed if the parcel has more than 600 feet of frontage on Highway 18 or on the Highway 18 frontage road, subject to the following:
 - a) Maximum square footage per sign face shall be 80 square feet and there shall be a maximum of two sign faces per monument sign.
 - b) Maximum sign height shall be eight feet, and the top of the sign shall not be more than ten feet above the center line grade of Highway 18 or the Highway 18 frontage road, whichever is applicable.

- c) Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back—lit letters, providing that no plastic sign cabinets are allowed.
- 3. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face, subject to the following:
 - a) Total area of building signage may not exceed eight percent of the total area of the face of the building which is most closely parallel to Highway 18 or the frontage road and may not exceed four percent on the other sides.
 - b) The area of building signs shall be measured as the area around or enclosing each sign cabinet, or where sign cabinets are not used, the area shall be that within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message.
 - c) Signage for the third building in the Tanger Factory Outlet Mall shall be consistent in terms of sizes and percent of coverage with that on buildings one and two.
- 4. Portable signs and signs with flashing or moving parts are prohibited.

Section 3. That the following section is hereby added to Ordinance 4131:

Section 6. Procedures for Review:

- A. No development or signage may take place within the Three Mile Lane Planned Development Overlay without such development or signage gaining the approval of the Three Mile Lane Design Review Committee.
- B. Zone changes submitted for approval shall be processed under the requirements and standards of Chapter 17.51 of McMinnville Ordinance 3380 (Zoning Ordinance)

Section 4. Subsections 10(h) and 10(i) of Ordinance 4506 are hereby repealed in their entirety.

Section 5. That this ordinance shall be subject to the terms and conditions of Ordinance 3823 entitled "Initiative and Referendum" for a period of thirty days.

This Ordinance passed by the City Council this 22nd day of November 1994

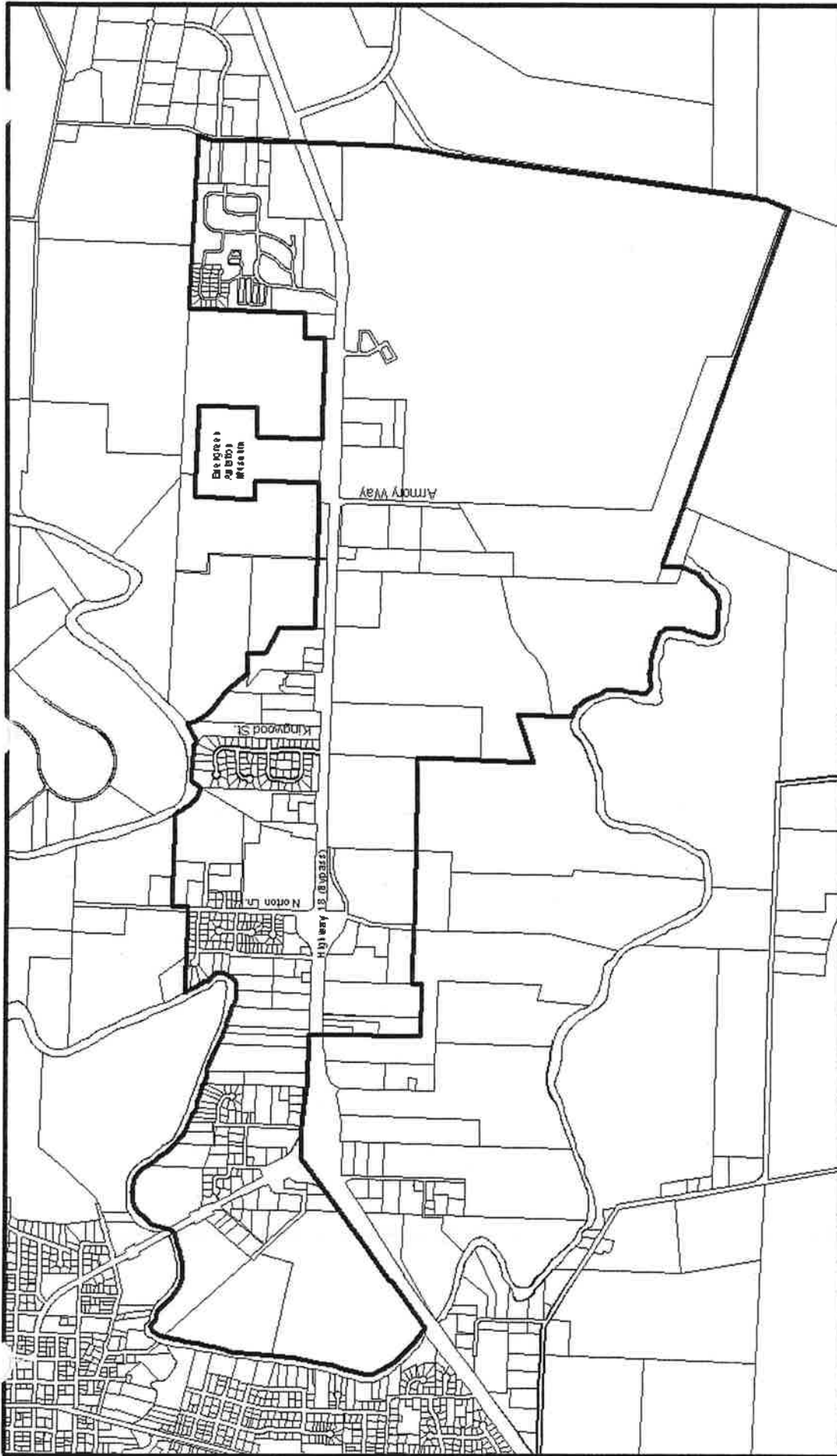
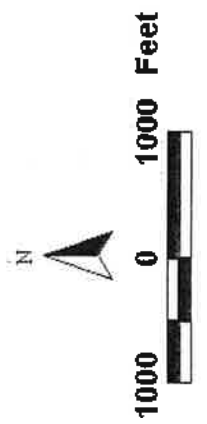


EXHIBIT A
Three Mile Lane Amendment
Planned Development Overlay
Ordinance No. 4572



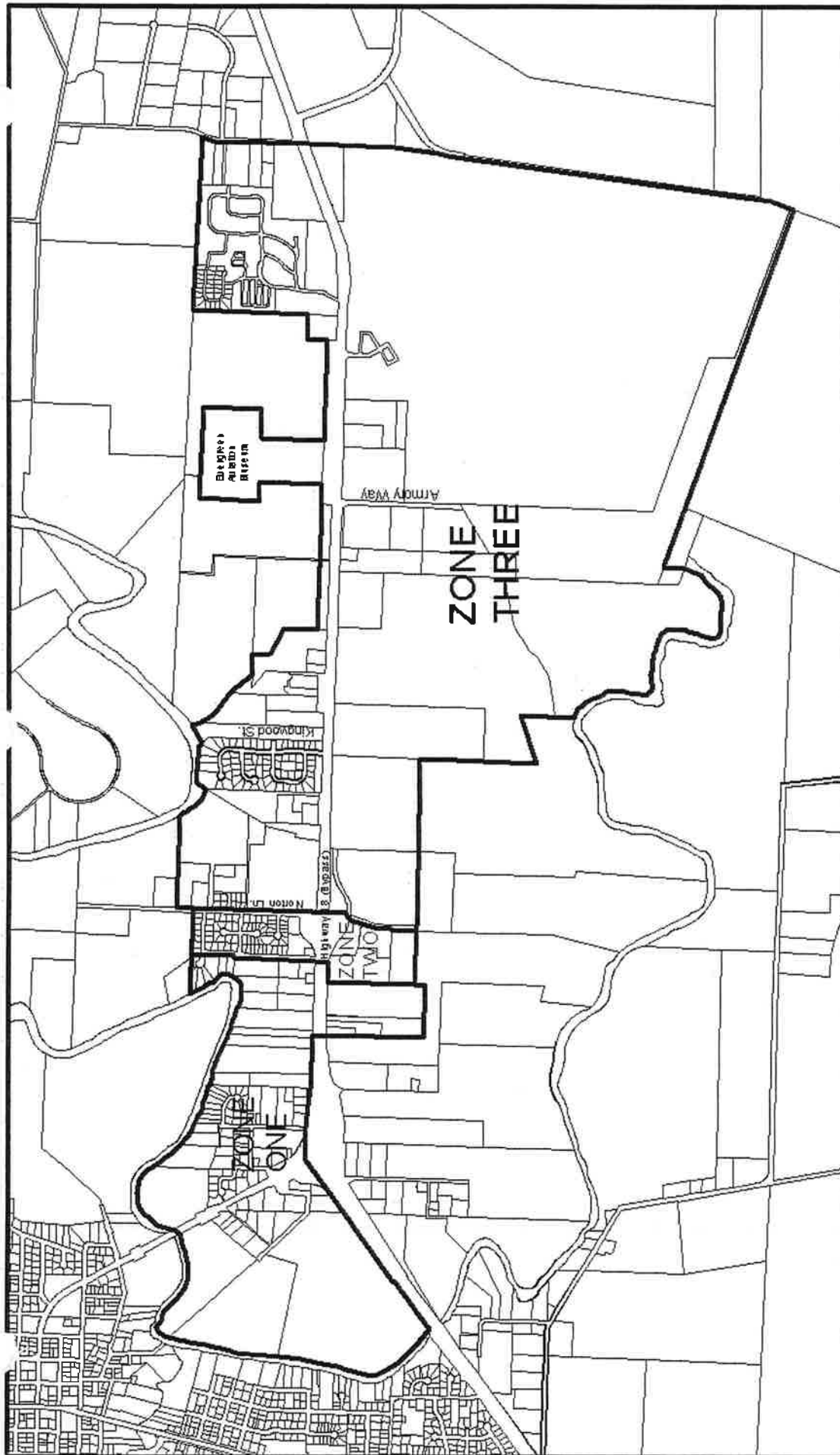
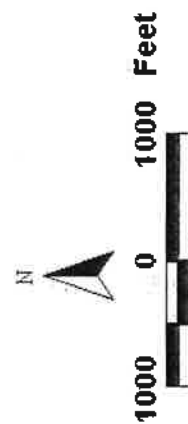


EXHIBIT B
 Three Mile Lane Amendment
 PLanned Development Overlay
 Ordinance No. 4572



ORDINANCE NO. 4131

THREE MILE LANE

An ordinance enacting conditions for development in an area hereinafter described, and commonly known as Three Mile Lane; now, therefore,

THE CITY OF McMinnville ORDAINS AS FOLLOWS:

Section 1. Statement of Purpose. The City of McMinnville finds that the development of lands on the north and south sides of Three Mile Lane (Oregon Highway 18) is acceptable if provisions are made to integrate the dual functions of the highway as a by-pass around the City and a land service arterial for adjacent properties. The City also finds that development along Three Mile Lane is desirable if it is of good quality and design, if the living and working environments developed are compatible with each other, and if the living environment includes open spaces, parks, and features buffering of residential uses from the highway. The City recognized, during the comprehensive planning process, that to insure that these concerns are met, proper designations on the McMinnville Comprehensive Plan and Zoning Maps must be made, and, further, that a planned development overlay must be placed over the area establishing specific conditions for development.

Section 2. Planned Development Overlay. The planned development overlay which is created and implemented by this ordinance shall be placed over areas to the north and south of Highway 18 from the eastern City limits west to the vicinity of the Three Mile Lane Spur intersection with Highway 18. The affected area is further described by map in Exhibit "A". Areas within, and without, the City limits shall carry this designation. The policies and procedures set by this ordinance shall be applied to all land use decisions under the jurisdiction of the City of McMinnville. The overlay shall not impinge the legal jurisdiction of Yamhill County for areas outside the city limits.

Section 3. Notation on Zoning and Comprehensive Plan Maps. The perimeters of the areas affected by this ordinance shall be noted on the official McMinnville Comprehensive Plan Map of 1980 and the official McMinnville Zoning Map of 1980.

Section 4. Policies. The following policies shall apply to the entire property described on the map in Exhibit "A":

- (a) The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and other city codes shall be adhered to.
- (b) A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.
- (c) Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:

1. The minimization of entrances onto Three Mile Lane,
 2. The development of on-site circulation systems, connecting to adjoining properties,
 3. The provision of acceleration-deceleration lanes and left turn refuges when and where necessary and practicable.
- (d) Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.
- (e) Residentially designated areas covered by this ordinance shall be developed at R-1 zoning classification densities. Mixed housing-type residential developments shall be allowed and encouraged.
- (f) Residential developments shall provide parkland under the provisions of Section 35 of Ordinance No. 3702, unless safe and convenient pedestrian access is provided to an existing park. If no land is required, money in lieu of land shall be required.

The following policies shall apply to specified properties north and south of Three Mile Lane, described on the map in Exhibit "B". The written descriptions, uses, and written policies included below are to apply to the interpretation of the map and be of at least equal weight and importance.

Municipal Airport (Area 1)

The airport shall be designated as industrial on the McMinnville Comprehensive Plan Map of 1980 to accommodate aviation related facilities in keeping with the Airport Master Plan, as amended. Facilities identified in the plan for upgrading and expanding the aviation aspects of the airport shall be exempted from review by the provisions of the planned development overlay. Any private or public aviation related industrial development that may in the future be contemplated shall be subject to the provisions of this ordinance. The adoption of an airport zoning ordinance in the future may be appropriate, and additional requirements of such a zone shall be applied in conjunction with the requirements of this ordinance.

West of Municipal Airport (Area 2)

This area shall be designated as industrial on the McMinnville Comprehensive Plan Map of 1980. The City shall encourage the location of aviation related industries or industries requiring extensive use of airport services, in this area. Zone changes to M-L (Limited Light Industrial), to M-1 (Light Industrial) and AH (Agricultural Holding) shall be allowed. Zone changes to M-2 (General Industrial) may be allowed upon findings that the intended use of the property shall be an aviation related industry, or an industry which requires extensive use of the airport services for its operation.

West of Municipal Airport to Mobile Home Park (Area 3)

This area shall be designated as industrial on the McMinnville Comprehensive Plan Map of 1980. The City shall allow zone changes to M-L (Limited Light Industrial) and AH (Agricultural Holding) designations.

East of Pacific Avenue - Industrial Area (Area 4)

This area shall be designated industrial on the McMinnville Comprehensive Plan Map of 1980 to accommodate the existing industrial uses. Expansion of those uses may take place if compatibility with surrounding properties is insured.

Airport Rendevous (Area 5)

This area shall be designated as shown on the McMinnville Comprehensive Plan Map, 1980. The areas designated Agricultural Holding (AH) on the map shall remain so designated until completion of the update of the Airport Master Plan. The adoption of an airport zoning ordinance, recommended land uses, and development controls identified noise contours may be appropriate upon completion of the Airport Master Plan; any additional requirements enacted by the city shall be applied in conjunction with the requirements of this ordinance. Redesignation of the properties may be allowed after completion of the Airport Master Plan update and adoption of appropriate Master Plan recommendations, provided that the requirements of this ordinance are met, and upon determination that the proposed use is compatible with surrounding properties.

Remainder of Planned Development Area

The remainder of the properties within the area covered by this ordinance shall be developed according to the designations on the McMinnville Comprehensive Plan Map. Site plan review as required in Chapter 17.51 of Ordinance 3380 shall include conditions to insure compatibility of allowed developments with proposed uses in surrounding areas.

Section 5. Procedures for Review.

- (a) Annexation to the City of lands within the area covered by this ordinance shall meet the requirements of the annexation ordinance.
- (b) Comprehensive Plan Map amendments shall be processed under procedures set out in Ordinance 4127.
- (c) Zone changes and land divisions submitted for approval shall be processed under the requirements and standards of Chapter 17.51 of Ordinance 3380 (Zoning Ordinance). If standards and requirements of Chapter 17.51 differ with those established elsewhere by the city, the more restrictive standards and requirements shall be adhered to.
- (d) Land division requests shall also be processed under the requirements of Ordinance 3702 (Land Division Ordinance).

- (e) Amendments to this ordinance shall be processed under procedures set out in Chapter 17.51 of Ordinance 3380 (Zoning Ordinance).

Section 6. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty days.

Passed by Council this 7 day of April, 1981 by the following votes:

Ayes: Gormley, Gale, Macy, Allen, Wilson and Springer

Nays: _____

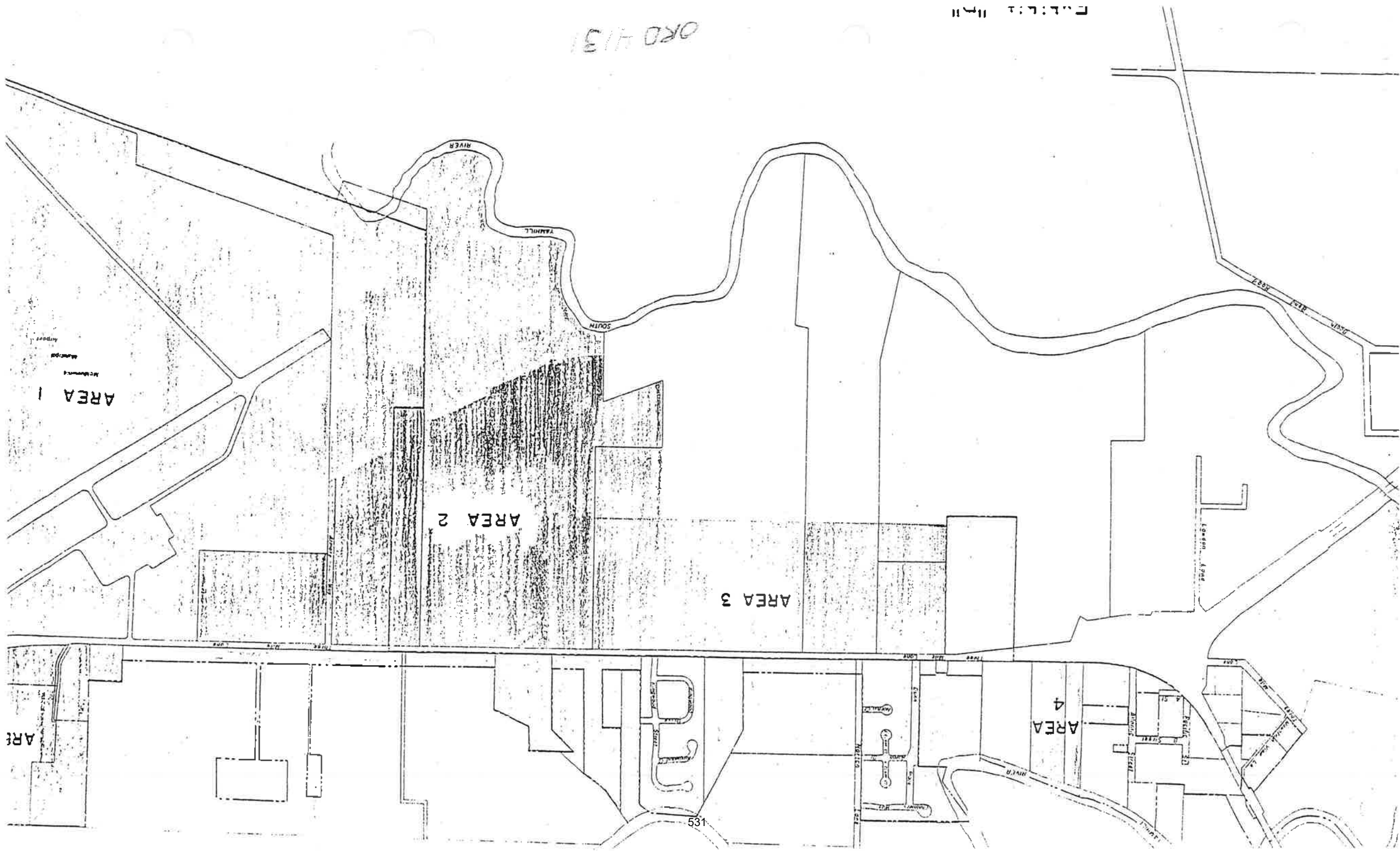
Approved this 7 day of April, 1981.


MAYOR

Attest:


RECORDER

ORD 4131

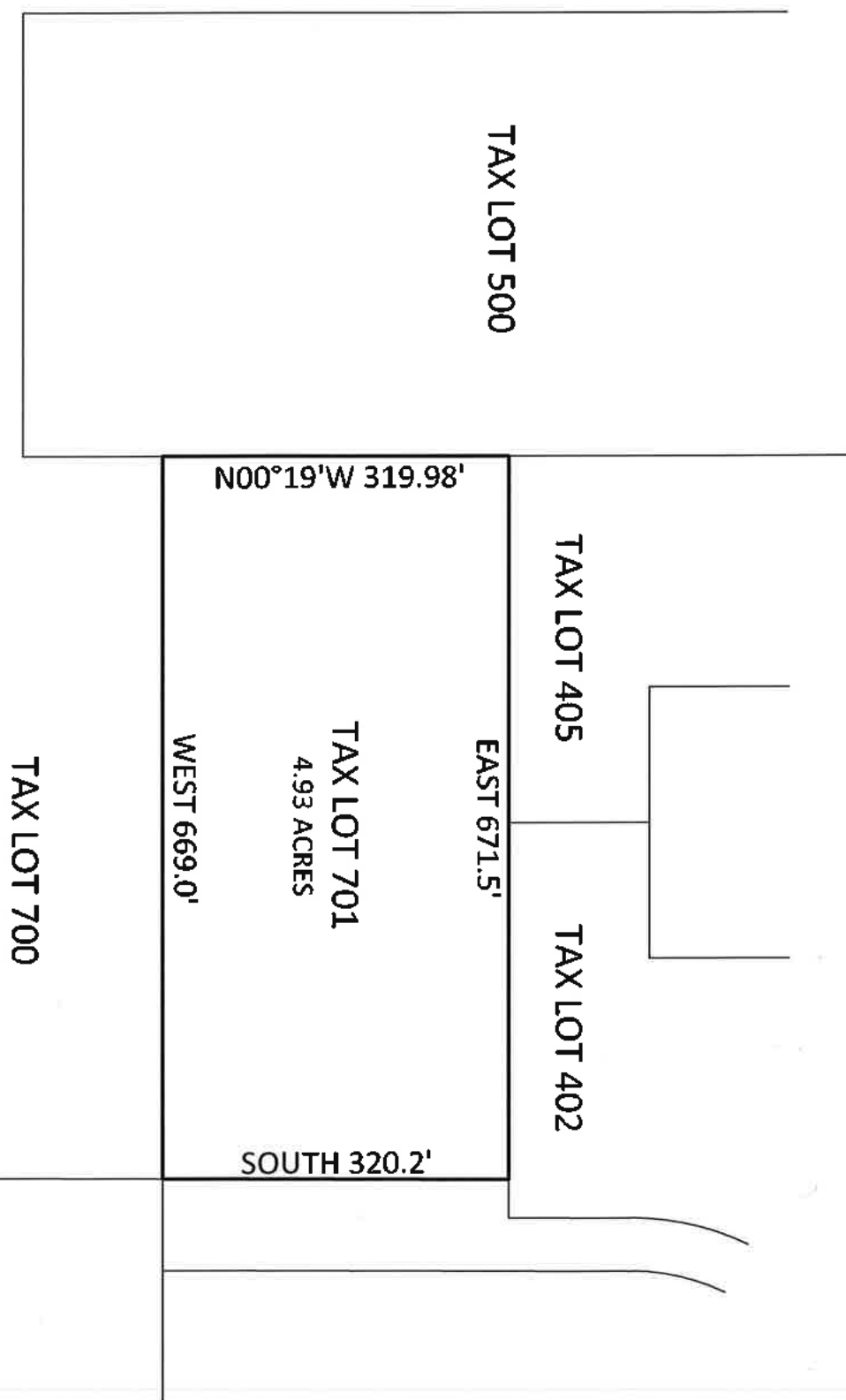



LEGAL DESCRIPTION & TITLE REPORT

**TAX LOT 701 - 4 4 27, YAMHILL COUNTY, OREGON
LEGAL DESCRIPTION**

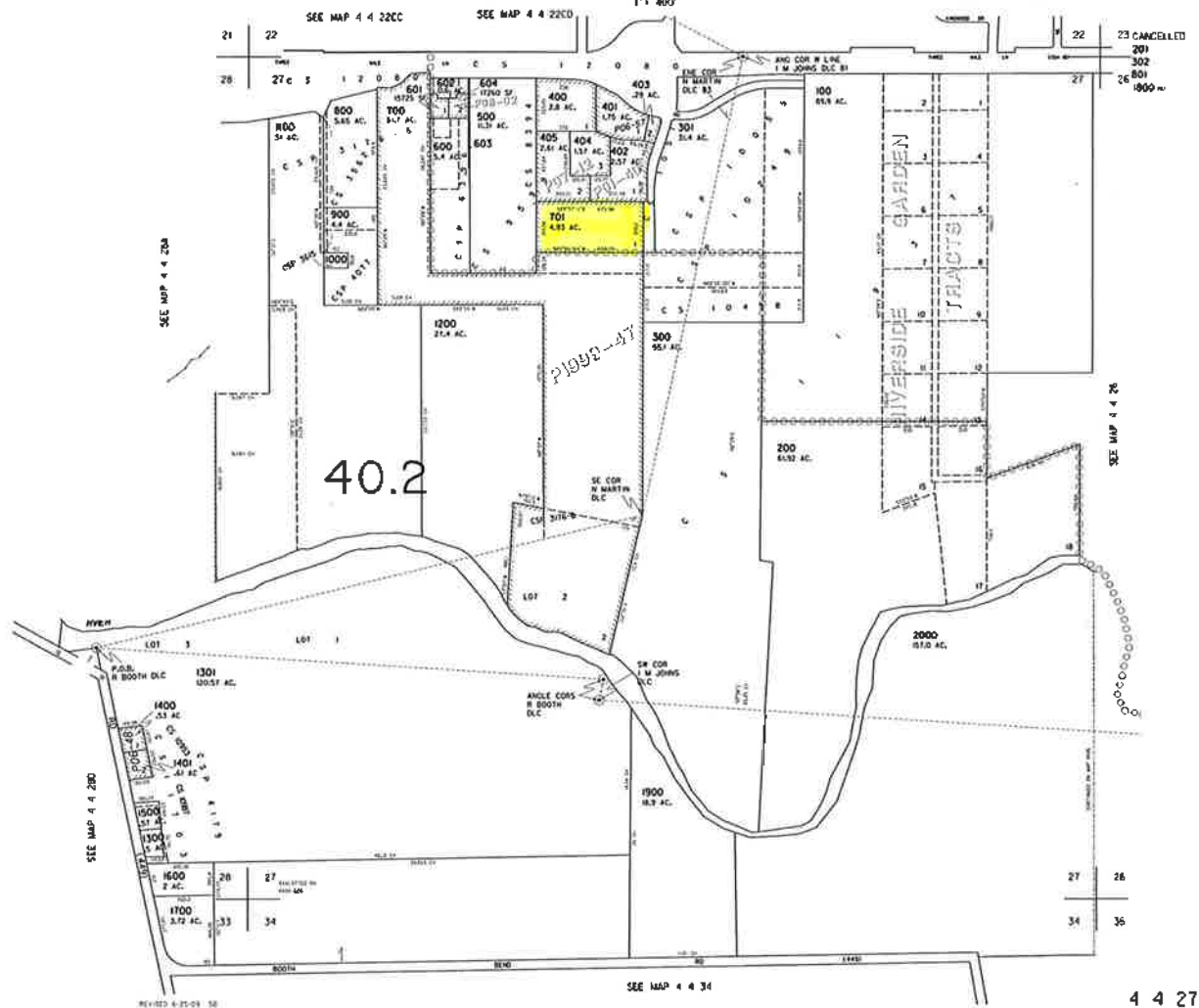
A PART OF THE NEHEMIAH MARTIN DONATION LAND CLAIM, CLAIM NO. 83 IN SECTION 27, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT AN IRON PIPE 906.8 FEET SOUTH FROM THE CENTER OF SECONDARY STATE HIGHWAY, SAID POINT IN CENTER OF HIGHWAY GIVEN IN DEED RECORDED IN VOLUME 116, PAGE 337 AS BEING 215. 8 FEET WEST FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27; THENCE SOUTH 320.2 FEET; THENCE WEST, PARALLEL TO THE CENTER OF STATE HIGHWAY 669.0 FEET; THENCE NORTH 00°19' WEST, 319.97 FEET; THENCE EAST 671.5 FEET TO THE POINT OF BEGINNING.



PSD JOB NO: 999-217	DATE: 11/19/18	SCALE: NTS	EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
 PIONEER DESIGN GROUP, INC.			9020 SW WASHINGTON SQUARE RD SUITE 170 PORTLAND, OREGON 97223 p 503.643.8286 www.pd-gp.com
			TAX LOT 701 - TAX MAP 4 4 27 YAMHILL COUNTY, OREGON

4 4 27



4 4 27

Untitled Map

Three Mile Lane Planned Development
KWDS PD Amendment

Legend

- Housing Authority of Yamhill County
- Mc Minnville Community Media
- McDonald's
- McMinnville Cinema 10
- Medical Center
- NE Norton Ln & NE Three Mile Ln
- Park
- V2 Family & Cosmetic Dentistry
- Valley Medical Center Helipoint

SITE

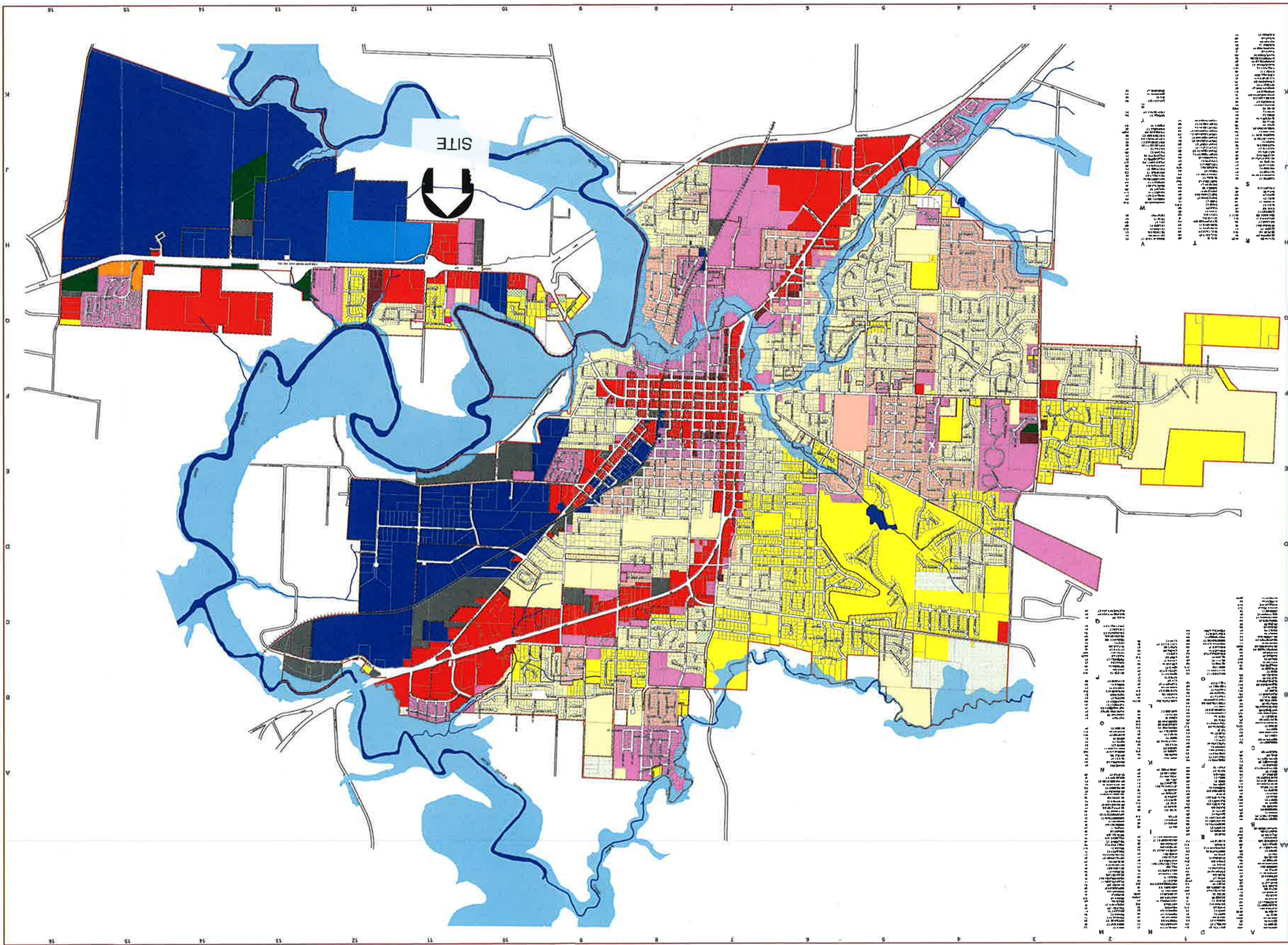
Google Earth

© 2018 Google

2000 ft



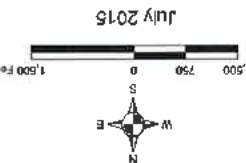
City of McMinnville Zoning



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

This map is for pre-planning purposes only. For more detailed information, please call the McMinnville Planning Department at (503) 434-7311.

Note:



- Legend**
- City Limits
 - City
 - City Zoning
 - R-1
 - R-2
 - R-3
 - R-4
 - C-R
 - C-1
 - C-2
 - C-3
 - M-1
 - M-2
 - A-M
 - P-P
 - PD
 - County Zoning
 - LDR9000
 - VLD-R-1
 - AF-20
 - EF-80



First American

First American Title Insurance Company

825 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

*FYI -
Return to
KAM*

Order No.: 1031-3127495
September 17, 2018

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

JANET WINDER, Escrow Officer/Closer
Phone: (503)472-4627 - Fax: (866)800-7294 - Email: jwinder@firstam.com
First American Title Insurance Company
775 NE Evans Street, McMinnville, OR 97128

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Larry Ball, Title Officer
Phone: (503)376-7363 - Fax: (866)800-7294 - Email: lballe@firstam.com

Preliminary Title Report

County Tax Roll Situs Address: 0 Norton Lane, McMinnville, OR 97128

2006 ALTA Owners Standard Coverage	Liability \$ 1,675,000.00	Premium \$ 3,113.00
2006 ALTA Owners Extended Coverage	Liability \$	Premium \$
2006 ALTA Lenders Standard Coverage	Liability \$	Premium \$
2006 ALTA Lenders Extended Coverage	Liability \$	Premium \$
Endorsement 9.10, 22		Premium \$
Govt Service Charge		Cost \$ 20.00
Other		Cost \$

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

Parcel 1 of Partition Plat 99-47, recorded November 02, 1999 as Instrument No. 199921786, Deed and Mortgage Records, Yamhill County, Oregon.

and as of September 11, 2018 at 8:00 a.m., title to the fee simple estate is vested in:

Gene A. McMullin, as Trustee of the McMullin Family Residual Trust under a Trust Agreement dated May 8, 1996, as to an undivided one-half interest, Phyllis A. Moyer, Trustee of the Phyllis A. Moyer Living Trust dated September 10, 1992, as to an undivided one-half interest, as tenants in common

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
 - B. Affidavit regarding possession
 - C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
 7. Taxes for the fiscal year 2018-2019 a lien due, but not yet payable.
 8. City liens, if any, of the City of McMinnville.

Note: There are no liens as of September 13, 2018. All outstanding utility and user fees are not liens and therefore are excluded from coverage.
 9. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
 10. Easement, including terms and provisions contained therein:
Recording Information: August 25, 1998 as Instrument No. 199816670, Deed and Mortgage Records
In Favor of: Burch Feero, Inc., an Oregon corporation
For: Drainageway

11. Easement, including terms and provisions contained therein:
Recording Information: June 11, 2002 as Instrument No. 200211460, Deed and
Mortgage Records
In Favor of: The City of McMinnville, a municipal corporation
For: Aviation
12. Easement as shown on the recorded plat/partition
For: Utilities
Affects: East 10 feet
13. In order to insure a transaction involving the herein named trusts, we will need to be provided
Certifications of Trust pursuant to ORS 130.800 through ORS 130.910.
14. Unrecorded leases or periodic tenancies, if any.

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have
been recorded within 24 months of the effective date of this report: NONE

NOTE: This Preliminary Title Report does not include a search for Financing Statements filed in the Office
of the Secretary of State, or in a county other than the county wherein the premises are situated, and no
liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Fixtures on
the premises wherein the lands are described other than by metes and bounds or under the rectangular
survey system or by recorded lot and block.

NOTE: Taxes for the year 2017-2018 PAID IN FULL

Tax Amount: \$12,227.16
Map No.: R4427 00701
Property ID: 515923
Tax Code No.: 40.0

Situs Address as disclosed on Yamhill County Tax Roll:

0 Norton Lane, McMinnville, OR 97128

THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!

RECORDING INFORMATION	
Filing Address:	Yamhill County 535 NE Fifth Street McMinnville, OR 97128
Recording Fees:	\$ 81.00 for the first page \$ 5.00 for each additional page

cc: KWDS LLC
cc: Moyer Living Trust
cc: Kristina Lookabill, Bella Casa Real Estate Group

First American Title

207 NE 19th Street, Suite 100, McMinnville , OR
cc: Scott McAvoy, The Hasson Company



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

TI 149 Rev. 7-22-08



First American Title

Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet.

In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

[illegible]

AERIAL EXHIBIT

YAMHILL COUNTY, OREGON

AERIAL EXHIBIT



PIONEER DESIGN GROUP
CMA ENGINEERING • LAND USE PLANNING • LAND SURVEYING • LANDSCAPE ARCHITECTURE
4600 8th WASHINGTON SQUARE, SUITE 1700 PORTLAND, OREGON 97204
503.243.8151 www.pdg.com



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

www.mcminnvilleoregon.gov

MINUTES

May 16, 2019
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Christopher Knapp, Gary Langenwalter, Roger Lizut, Amanda Perron, and Lori Schanche

Members Absent: None

Staff Present: Mike Bisset – City Engineer, Chuck Darnell – Senior Planner, Jamie Fleckenstein – Associate Planner, David Koch – City Attorney, and Heather Richards – Planning Director

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Citizen Comments

None

3. Approval of Minutes

6:31 April 18, 2019 Planning Commission Minutes

Commissioner Langenwalter moved to approve the April 18, 2019 meeting minutes. The motion was seconded by Commissioner Schanche and passed unanimously.

4. Public Hearing:

A. Quasi-Judicial Hearing. PDA 3-18/PDA 4-18/S 3-18 (Planned Development Amendments & Subdivision) – *Continued from the April 18, 2019 Hearing*

Request: **PDA 3-18:** Approval to amend Planned Development Ordinance 4722 (Oak Ridge Planned Development) to remove the unplatted fourth phase of the Oak Ridge phased subdivision from the boundary of the Oak Ridge Planned Development Overlay District.

PDA 4-18: Approval to amend Planned Development Ordinance 4822 (Oak Ridge Meadows Planned Development) to add the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned Development; allow for lot size averaging; allow for modified setbacks; allow for some

lots with side lot lines oriented other than at right angles to the street upon which the lots face; allow for some lots to exceed the recommended lot depth to width ratio; allow some block lengths to exceed the recommended maximum block length standard; allow for the designation of an approximately 0.85-acre active private neighborhood park; and allow for dedication of an approximately 5.6-acre public open-space greenway dedication along Baker Creek.

S 3-18: Approval of a 108 lot tentative two-phased single-family residential subdivision plan on approximately 35.47 acres of land with lots ranging from 4,950 to 14,315 square feet in size and averaging 7,771 square feet in size, referred to as Oak Ridge Meadows. In addition, an approximately 0.85-acre active private neighborhood park and an approximately 5.6-acre public open-space greenway dedication along Baker Creek are proposed.

Location: The subject site located generally north of Baker Creek Road and the multi-phased Oak Ridge residential development and south of Baker Creek. It is more specifically described as Tax Lot 602, Section 07 and Tax Lot 1300, Section 17, T.4 S., R. 4 W., W.M.

Applicant: Premier Development, LLC

- 6:32 **Hearing Introduction:** Chair Hall introduced the application and explained the hearing process and role of the Planning Commission.
- 6:36 **Public Hearing Conduct Reminder:** City Attorney Koch reviewed the hearing procedures.
- 6:38 **Opening Statement:** Chair Hall read the opening statement.
- 6:44 **Disclosures:** Chair Hall opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Several members of the Commission had visited the site, but had no comments to make on the visits.
- 6:45 **Staff Presentation:** Associate Planner Fleckenstein reviewed the three applications, PDA 3-18, PDA 4-18, and S 3-18. The request was to amend existing planned developments by removing 11.47 acres from the Oak Ridge Planned Development and adding it to the Oak Ridge Meadows Planned Development as well as approving the subdivision development. He explained the differences between the existing planned developments and the amended planned developments which were: reducing the originally proposed 129 lots to 108 lots, less impact to the wetlands, creation of a public greenway on Baker Creek, new 6.45 acre park space, and additional protections for environmentally sensitive areas. The subdivision would have an average lot size of 7,770 square feet, amended setbacks, non-standard side lot lines, a maximum block length of 2,300 feet, a maximum 800 feet between pedestrian ways, a maximum lot depth to width ratio of 2.75 to 1, a minimum .85 acre private active neighborhood park, a minimum 5.6 acre public greenway along Baker Creek, wetland preservation, and public viewing areas. Staff thought the applicable criteria had been met for all three applications. He described the subject site including the floodplain and wetland areas. There

were 3.09 acres of wetland on the site and 1.06 acres would be impacted by the development and 2.03 acres would be left untouched. He then reviewed the new documents that had been submitted since the first public hearing. Revised decision documents for each application had been sent to the Planning Commission which were largely editorial and a few conditions had been revised for better clarity. Condition #9 of PDA 4-18 had been revised to better define the intent and limit of the pedestrian access ways to the public greenway park. Condition #10 of PDA 4-18 was revised to allow wetland viewing areas in the rights-of-way and to provide a revocable license agreement for the viewing areas in the rights-of-way and to be maintained by the HOA. Condition #21 of S 3-18 added the requirement for widening a portion of Pinot Noir Drive north of Blake. The wetland delineation report had been provided to the Commission and the Department of State Lands wetland use notification and response. A frequently asked question sheet from Premier Development was also provided in response to issues raised at the first public hearing. One of those was related to Ordinance 4845 and whether Ordinance 4822 could be repealed. Ordinance 4845 amended findings relative to a condition found in Ordinance 4822, and only contained those amended findings not the condition. Staff thought Ordinance 4822 could be repealed and replaced without consequence to Ordinance 4845. A supplemental traffic evaluation memo was also provided which evaluated the intersection of Oak Ridge Drive and Baker Creek Road at the a.m. peak period to address the concerns of public testimony at the last hearing. The report showed the intersection would operate within City standards. A hydrologic analysis of Baker Creek was commissioned by Friends of Baker Creek which evaluated the potential floodplain impact of the proposal. The conclusions were that the floodplains in the lower Baker Creek Watershed could change with new special flood hazard area mapping and impact from potential blockages from the proposed development would not propagate downstream. McMinnville's zoning ordinance specified the March 2010 flood insurance study as the current and applicable floodplain maps for consideration of these applications. A memo was provided by Navigation Land Use Consulting that further reviewed the goal post rule. A memo from Kellington Law Group also discussed the goal post rule. There was some dispute about the methodology for the Baker Creek hydrologic analysis, discussion of traffic, and a further claim that the existing proposed traffic systems functioned with or without Shadden Drive. Ordinance 4845 was also a topic of that memo how it did not prevent the amendment of Ordinance 4822. The memo also pointed out what was possible in the proposed applications versus under the existing Planned Developments. The Kellington Law Group offered an approach to the resolution of the 100 year floodplain issue which would be to remove 5 potentially impacted lots by a potentially updated floodplain to be replaced with 5 smaller lots elsewhere in the subdivision. Ten new public testimonies had been received since the last hearing and were all entered into the record. He reviewed the letters that had been submitted which expressed opposition due to the impact to the wetlands and traffic impacts to the neighborhood. He pointed out that as adopted by the 2010 Transportation System Plan that local roads were designed for an average 1,200 daily trip capacity and the traffic analysis indicated that the proposed and existing street networks would function within City standards with or without Shadden Drive being developed. Staff recommended approval of all three applications with conditions.

7:04 Commission Questions: Commissioner Dirks asked about the Kellington Law Group's recommended change to Condition #3. She thought they were saying that if FEMA's reevaluation of the 100 year floodplain could be completed prior to the final plat of Phase 1, then they would do the trade of the 5 lots. How would those timeframes fit together?

Planning Director Richards clarified the question was if the City moved forward with making the request to FEMA to update the floodplain maps, what would be the timeframe for it to be completed. It was creating a condition that approved a future development that had not been

on the table for review by the public for an amendment to the planned development. It was a lengthy process to update the FEMA maps and could impact a lot of property owners. She explained the options for the developer if the maps were updated. The lots along Pinehurst Drive adjacent to the wetlands were a new addition to the proposal and were submitted yesterday. There had not been opportunity for public review and to condition it was a concern. She thought the Commission could make the requested change to the condition, but if this came as an amendment to an existing planned development, they would not make the decision in a 24 hour period as to whether it was a major or minor amendment. She was concerned that the public had not had the chance to review and respond to it.

Commissioner Dirks asked if they were out of time as far as the 120 day rule. Planning Director Richards said yes, but this was based on the assumption of a hydrology report that had not been vetted and a FEMA process that had not been initiated and a discussion that had not taken place in the community. FEMA did not think the maps were outdated and there were other communities in a priority position for that work. Updating the FEMA maps could impact people's home insurance if they were found to be in the floodplain.

Commissioner Butler asked what was meant where it stated lots with less than 40 feet of street frontage shall be alley-loaded. Where would that happen?

Associate Planner Fleckenstein clarified that was a condition that showed the trend towards smaller lots. While there were no lots that were less than 40 feet in this subdivision, this condition was added as a preventative measure should the planned development move forward and the subdivision did not move forward.

7:14

Applicant's Testimony: Wendie Kellington, attorney representing the applicant, stated the reason they added the condition about the lots by the floodplain was because of the report from the opponents and they were trying to alleviate the opponents' concerns. The opponents' consultant flood report confirmed that there were no downstream impacts from the proposal. There would be a downstream decrease in flood impacts. However in another part of the report the opponents misread their data and they concluded that there was a slight increase. These methodological errors were pervasive in the report, and it showed that the concerns expressed in the report were not supported by best engineering practices, FEMA handbooks, proper math, or proper data. She gave another example of the elevation data that was taken at a time when the stream channel was high and how that made the channel depth number off and they were missing the carrying capacity of the channel. There was also a math error on how the model was calibrated. They had also used the wrong rainfall data.

Josh Wells, WesTech Engineering, showed the 100 and 500 year floodplains in relation to the proposed development site. He had surveyed the creek and compared it to the opponents' report. The survey data was 2 to 8.5 feet lower than the opponents' data which underestimated flow capacity of the channel and overestimated water service elevation by quite a bit. The report was based on incorrect data for elevation. The opponents also used the wrong time of concentration equation to calculate peak flow. They underestimated it by an hour which further increased the estimated peak flow which overestimated the water service elevation in the model. The opponents used the Lake Oswego rainfall data instead of the local McMinnville data. The report showed that there was no impact from this development.

Lacy Brown, DKS Associates, said in response to the comments at the last public hearing, she did a field visit to observe vehicle operations, delays, and queues during the morning peak hour on Baker Creek Road. She found that delays were lower than what had been

reported in the traffic study. The longest delay she observed was 37 seconds when a bus stopped and traffic was blocked. She thought the traffic operated very well currently.

Commissioner Schanche said there had been a lot of comments about construction traffic in the neighborhoods. Did she know of any conditions that restricted construction traffic? Ms. Brown did not know as that usually came from the City's Public Works department.

Commissioner Schanche asked if this was a sedimentary basin by the 5 lots. Mr. Wells said yes, it was a water quality treatment and detention facility that was required to meet the standards. It would discharge into the creek.

Commissioner Dirks asked about the applicant having a hydrologic analysis being done. When was that due and what would they do with the results? Ms. Kellington said it should be completed in three weeks as the property owner was interested in finding out if there was a different flood profile for Baker Creek than what FEMA reported. She was not sure what would be done with the results.

Commissioner Dirks asked about the detention pond and who paid for the treatment of the water. Mr. Wells said it would be the HOA who would pay for the maintenance of the facility.

Commissioner Dirks asked about extending Shadden Drive north. It was not property that belonged to Premier, but she wondered if they were aware that there was a City ordinance that would allow them to voluntarily develop that road through a reimbursement district. Ms. Kellington was not aware of this. The property owner's application for that land was still under staff review. She did not think it was a possibility as she had talked with the property owner about Shadden Drive. Mr. Wells said it was also a logistics problem for building the road and putting in the utilities on an application that was not approved yet.

Public Testimony:

7:32 Proponents: None

7:33 Opponents: Kathryn Jernstedt, Friends of Yamhill County, said the Friends worked to protect natural resources through the implementation of land use planning goals, policies, and laws that would maintain and improve present and future quality of life in Yamhill County. There were elements to this project that could be improved, specifically related to the issue of protecting the wetlands and issues around density. The project documents talk about the fill in order to site homes in an area where there had been regular flooding. It was not designated as floodplain on the FEMA maps. The federal evaluation process was slow, but there had been increased instances of visible, standing, and flowing water in these areas. When there was heavy rainfall, the water was migrating. As the rain patterns continued to change and existing and proposed developments were creating more impervious surfaces, this situation would be aggravated. It was significantly more cost effective to preserve existing wetlands than recreating them or building flood mitigation facilities. Wetlands had value beyond the flood control and did a great deal for water quality. She thought they should not add the extra 5 lots because it would overload the roads.

Jim Tycer, McMinnville resident, disagreed with the traffic analysis about the morning peak hour. He thought there was already too much traffic and it was affecting the quality of life in the neighborhood. He was also concerned about construction traffic and heavy equipment damaging the road. He thought there needed to be another ingress and egress so everyone would not use Oak Ridge. He discussed the traffic flow issues on Baker Creek Road.

Commissioner Butler asked what hour in the morning had the most traffic. Mr. Tyser said 7:30 to 8:30 a.m.

Mark Davis, McMinnville resident, supported the original planned development, not the changes proposed. The City did not have enough buildable land, and he thought the number of lots should not be reduced. He studied meteorology in college and knew some about hydrology. There were dramatically different amounts of rainfall in one area versus another. He did not think either side made a strong case for what the hydrology was in this area.

Melba Smith, McMinnville resident, shared pictures of flooding in this area after heavy rainfall. There was a lot of flooding where Pinehurst Drive was supposed to go. She was concerned about how they planned to stop the flooding and how the water would go into neighboring homes. She was also concerned about the wildlife and waterfowl in the area.

Commissioner Butler said it had been planned for a long time for houses to go in that area.

Ms. Smith said it never crossed her mind that someone would build there because of the flooding.

Amie Loop-Frison, Yamhill Soil and Water Conservation District, was there on behalf of her Board of Directors. She was disappointed about how their concerns were portrayed in the staff report. She explained their concerns regarding the potential impacts to wetland habitat and floodplain function along Baker Creek. This parcel had flooded on numerous occasions and further restrictions in the available floodplain had the potential to cause downstream damage due to larger and faster flows. The wetlands were a rare habitat type in the City and should be preserved. The District was also concerned about removing native trees and shrubs along Baker Creek.

Daniel Jackson, McMinnville resident, agreed with what was said by Friends of Yamhill County and Yamhill Soil and Water Conservation District. His main concern was the fact that they were allowing more development along Baker Creek and putting more flood waters downstream. He asked how they planned to reduce the impacts downstream and the potential flooding of Westside Road. He did not want the burden to be put on the tax payers to solve a for-profit development issue.

Sarah Hadfield, McMinnville resident, was concerned about traffic and the wetland. She was surprised that development had been planned here after watching the area flood numerous times.

Mark Bierly, McMinnville resident, addressed the wetlands issue and access issue. Right now there would only be one access in and out of the new subdivision on Pinot Noir Drive. He recommended requiring as a condition a second access be put in immediately. He thought a second access would take care of the concern about the construction vehicles. He did not think it was an unreasonable burden to require Shadden Drive to be put in right away for use for construction vehicles and for the new subdivision.

Sarah Fox, McMinnville resident, invited the Commission to come to this area from 7:30 to 8 a.m. to see the traffic. It was dangerous for pedestrians and children in the neighborhood.

Steve Fox, McMinnville resident, discussed how in 2017 when he moved in, he saw dump trucks going through the neighborhood with fill to this site. The current plan said there was no

fill activity, but it had happened earlier with at least three fill areas, one that was permitted. They were filling in the slope along the creek and he questioned if that was permitted and if any environmental studies were done. He also questioned why the alternative design of opening Shadden Road before construction was not considered. Widening the road would impact property owners who didn't know it would be widened in the future. He thought this plan would unnecessarily impact the community when there was another option. He thought Shadden should be built first since it was going to be an emergency access anyway.

City Attorney Koch asked if Mr. Fox contacted the Oregon Department of State Lands or the Army Corps of Engineers that had jurisdiction over wetland fill permits to see if there were permits. Mr. Fox had not.

Commissioner Schanche asked what City department people should call if they notice fill activity.

Community Development Director Bisset said there were no grading or fill permits required by the City. Property owners needed to make sure the work they were doing was in compliance with any environmental regulations, which were regulated and enforced through State agencies.

8:12-8:17 The Commission took a short break.

Sandi Colvin submitted testimony for a neighbor, Ray Clevidence.

Catherine Olsen, Friends of Baker Creek, read a letter from Justin Maynard who did the hydrology research on May 8, 2019 and summarized the analysis that was done. The analysis indicated that FEMA maps were in need of revision as the flood frequency of a two year return period was not documented. The development currently planned in the vicinity of the floodplain could potentially place residential lots in an area of flood risk without a FEMA map designation. Further development and agricultural activity would increase run off volume and peak intensity could have a much greater impact on the floodplain.

Bill Kabeiseman, Attorney for Friends of Baker Creek, agreed that there were goal post rules and they had to judge the application by the criteria in the code. The attorney for the applicant was not a hydrologist or engineer. They had a certified, stamped document from an engineer who explained his rationale and showed his work. There might be disputes about professional judgment, but there was an engineer stating there was a flooding problem here. There had been comments about updating the flood maps having implications for property owners and flood insurance. If the maps were not updated, there were significant impacts for people who lived in those areas who were subject to inundation and they did not know it. He pointed out that it was required that this application be consistent with the Comprehensive Plan policies and he thought it fit the policy that stated the construction of transportation facilities needed to be timed to coincide with community needs and to minimize impacts on existing development. He thought the Commission should add a condition that this subdivision not be built until Shadden Road was developed. The policies also stated that they could put controls on lands with natural hazards. He thought the Commission should put in controls to protect future residents, existing neighbors, and the City from future liability. The Comprehensive Plan had policies that addressed natural areas including wetlands and stated that distinctive natural topographic and aesthetic features within planned developments shall be retained in all development designs. Roads shall have minimal adverse effects on an advantageous utilization of natural features of land and destroying a third of the wetlands was not a minimal adverse effect. He thought the project needed to be redesigned without the lower road. In the

Comprehensive Plan it stated neighborhoods shall be designed to preserve significant natural features and this application was not designed to preserve the wetland. He did not think this application complied with the Comprehensive Plan and recommended approving PDA 3-18 and denying PDA 4-18 and S 3-18.

Sandi Colvin, Friends of Baker Creek, said the road would not connect through the private land owned by Les Toth if he was not in favor of it. Giving weight to something that was not part of this proposal and would probably never happen should not dismiss their qualifying objections to the road through the wetlands and lower 11 acres. There were currently three acres of wetlands, however the delineation studied only a portion of the area proposed for development and that number might change. There was a trend of flooding in this area and the 2010 FEMA map used the data from a 1983 FEMA map, satellite topography, and rainfall averages. She thought 2010 was a misleading date as it was really a 36 year old map. Their hydrology report showed that parts of the basin were now in the floodplain which was a potential risk to life and property. Currently the lots where the houses were going to be built were not flooding, but who would be responsible when the flooding came. The report should be taken in its entirety, not a small piece that supported the desired outcome. The Friends asked that the lower plat not be joined with the upper proposed development. The 11 acres should be left to stand on their own and an environmental impact study should be done on the property. She thought there were agencies who would want to purchase this land to help minimize the loss of not building on the property.

Mike Roberts, McMinnville resident, was concerned about the construction traffic. These were narrow residential streets that often had cars parking on both sides and two cars could not pass each other on the road. The additional new residents from this development would only have one access and those vehicles plus construction and emergency vehicles would make it very difficult. There was a secondary access that was planned for the future and he thought it should be built first before the subdivision. He asked the City to move up the timeline for the Baker Creek Road upgrade with a center turn lane which would help with the traffic issues.

Commissioner Langenwaller asked if the center turn lane was going to be put in this summer. Community Development Director Bisset said they planned to restripe Baker Creek Road to add a center turn lane and bike lanes from Elm Street to Hill Road and to have the work done by this September.

Mike Colvin, McMinnville resident, said these two planned developments were totally different, both physically and environmentally, and should not be combined. He gave a few examples of how the lower property would accomplish the opposite of what each policy intended. It would not encourage the development of roads that had minimal adverse effects on natural features as the lower road that was being proposed would tear up the most critical habitat in the whole basin. The road proposed was a quarter mile, dead end road that served only 7 houses. The application proposed to destroy a very scenic open space instead of retaining it. The proposal to fill and block part of the basin would increase flooding risk. The applicant's attempt to join these planned developments was a technical gimmick to claim the lower property qualified for approval. He suggested approval of PDA 4-18 without the property from PDA 3-18 connected to it.

Catherine Olsen, McMinnville resident, asked the Commission to preserve the 11.47 wetlands and drainage basin acreage as a nature preserve. These acres were a unique feature in the urban ecosystem and would anchor a piece of nature in the City's proposed nature trail. She listed the policies in the Comprehensive Plan that supported the request. This area would be difficult and costly to maintain by the HOA as a playground and nature

trails. While the City's Parks Department hoped to have funding by 2032 to take over the maintenance, there were no guarantees that it would become part of the parks system. She did not think the park and trails would preserve the wildlife habitat, and there would be no point for the benches because there would be nothing to see. There was an Oak tree over 80 years old that it and surrounding trees provided a valuable habitat and should be preserved. The development of a few homes on these wetlands and drainage basins would have an impact on property's stormwater drainage. She suggested denying this application as the natural area should be preserved for future generations.

Scott Wellman, McMinnville resident, discussed the three W's, wetland, wildlife, and well-being. It had been said that there was only 3 acres of wetlands, and only 1 acre would be developed, however he thought it was a trivializing tactic for promoting development at any cost. Wetlands were very rarely equally wet and he thought the whole area could be considered wetlands. He thought they needed to consider the entire 11 acres as part of a larger ecosystem which consisted of Baker Creek, riparian forest, wetland basin, slopes, and Oak Ridge. All of these components contributed in making a functioning ecosystem that benefitted wildlife and human beings. This biodiversity would be fatally compromised by developing homes on the slopes of the basin and near the creek.

Cathy Goekler, McMinnville resident, said there were problems with this proposal, some having to do with unfulfilled promises made with the original development 19 years ago. What they did tonight could leave the City and neighborhood with a mess if the economy tanked again. They had to go with the outdated FEMA maps, ignore real time flooding and change from wetlands to floodplain, acres of fill had been dumped on Baker Creek, mitigation had failed, and the DSL permitting had expired. The only testimony in favor of the application was from the applicant's consultants and the opposition had a broad base and the majority of the testimony had not been paid for. They were asking the Commission to approve the development of the 24 acres of the Oak Ridge Meadows Planned Development with Shadden being the primary access for all construction. They were also asking the Commission to deny the request for moving the 11.47 acres from the Oak Ridge Planned Development to the Oak Ridge Meadows Planned Development. They would like that property to be left under the HOA and a complete update of the FEMA maps be ordered and to save the Oak tree.

9:01

Rebuttal: Ron Pomeroy, consultant, said without approval of this proposal there were two active Planned Developments for the property. These plans included more houses, no parks, and would have the same extension of Pinehurst but further to the east which would impact more trees, and homes would be in the same location. Regarding Mr. Kabeiseman's testimony, there was flexibility in the transportation policies that were referenced. They were relative to building, not wildland preservation. These were putting things in place that the Urban Growth Boundary was designed to allow to occur within it.

Ms. Kellington said there was no basis for denial of the applications. This was residentially zoned land with an approved residential plan attending it. It met every Comprehensive Plan policy and City Code standard. The opponents were residents of a residential subdivision for which 11.47 acres was a developable part of the approved subdivision to be developed at the time they made the decision to invest in their properties. Their homes were constructed on these very streets and they did not fall apart. Their homes had been remodeled and the streets had not fallen apart and no children or animals had been hurt. She did not think the City could be compelled to set aside one-third of the residentially zoned land to hold it as a nature preserve as it would violate one of the City's most sacred obligations, the obligation to provide housing at all levels that all people could afford on land that was designated for housing. She thought it would be unconstitutional to require the land to be preserved and she

referenced the Nolan and Dolan cases. Taxpayers had made large investments in public infrastructure for residential development in this area. The project would not fill 11.47 acres of wetlands and they were not removing any trees in riparian areas. The property did not flood and fully complied with all City transportation standards. Development of this property would not result in an increase of downstream flooding and the hydrology report was fatally flawed and not based on best practices. This was a residential subdivision on residentially zoned land that met all of the transportation, planning, and zoning standards and was recommended by staff for approval.

Commissioner Chroust-Masin asked if the land proposed for Shadden Drive was in their control. Ms. Kellington said no, it was not.

Commissioner Chroust-Masin asked if she could address the fill question. Ms. Kellington had asked the property owner and was told that the land was leased to someone who farmed it and from time to time brought in dirt to level it for that purpose. That would stop when it was developed residentially.

Commissioner Perron asked why they were proposing fewer residential units than the current planned development. Ms. Kellington said ten years had passed and a lot of trees had grown up in areas that were going to be developed. It would be expensive to remove them and in today's market people liked walking and jogging paths and parks. It was a more economical way to develop the site and be more appealing in the marketplace.

Commissioner Butler asked what would happen if they removed the 11.47 acres from the Oak Ridge Planned Development, but did not add them to the Oak Ridge Meadows Planned Development. Could they still develop the upper part of Oak Ridge Meadows? Mr. Pomeroy answered no, because the connecting street that was needed was part of that 11.47 acres. If they did not approve the applications, the land would return to its base R-2 zoning in the original Planned Developments with cookie cutter sized lots with no parks.

Planning Director Richards clarified the three applications and how if one was denied, all three would be denied.

Commissioner Langenwaller asked about the CC&Rs from 2001 that stated homes could not be built so as to impede another owner's view. Ms. Kellington said those CC&Rs did not cover the 11.47 acres because that area had never been platted.

Commissioner Dirks said the Department of State Lands stated their study only covered a portion of the land and there would need to be a predevelopment meeting between the applicant and Department of State Lands about the wetland delineation.

Caroline Rim, Pacific Habitat Services, did the wetland delineation. She had looked at all of the land in the study area boundary which was the project boundary and all the wetlands were delineated in that boundary. There was a misunderstanding about what a portion meant. They did not look at the wetlands in the whole drainage basin, but those within the study area. That was what the Department of State Lands would review and concur with. She thought the meeting had to do with the permit application to discuss alternative designs and to choose the best design for the site.

Commissioner Chroust-Masin asked when the 120 day deadline ended. Planning Director Richards said it ended on July 23, however because they had to allow the opportunity for an appeal of the Planning Commission's decision within the 120 day period, City Council would

need to make a decision by July 8. If the Commission wanted to continue the hearing, an interim meeting would need to be scheduled in the next two weeks.

9:28 Chair Hall closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

9:30 Commission Deliberation: Commissioner Schanche discussed Condition #9 for PDA 4-18. She did not think the easement for the public greenway would work as it was written. She suggested the language read, "A public open space greenway along the length of Baker Creek, a minimum of 5.6 acres in area, be dedicated to the City. The public greenway shall generally follow Baker Creek and its drainages along the perimeter of the site from Lot 56 to Lot 41 then along the northern side of Lots 40, 39, and 38." This way the greenway could connect to any future public open space along Baker Creek to the east and west from the site.

Planning Director Richards clarified the desire was not to dead end the nature trail on the property so it could be extended further in the future. The City would be in ownership of the greenway.

Commissioner Langenwaller suggested an alternative route for the construction traffic and proposed a condition to require construction traffic use the Shadden Drive emergency access road which would be a gravel road. This would keep the construction traffic off of Pinot Noir Drive.

Planning Director Richards asked if Commissioner Langenwaller had data to support that condition. This would set a precedent, and would have to be defensible. Since the applicant did not own that land, the applicant would need to enter into an agreement with the property owner for use of the road for construction equipment.

There was discussion regarding what standard could be tied to the proposed condition and how to mitigate the construction traffic impacts on the neighborhood.

Commissioner Perron was fine with the plan except for the Shadden Drive and street to the Toth property, which were problematic.

Planning Director Richards said regarding the dead end street to the Toth property, the City had to preplan how everything would connect to serve the residents to be ready when that property developed sometime in the future.

Commissioner Lizut was not pleased with the conflicting data sources, some of the cherry picking that had been done, and lack of further rigorous analysis in terms of possibilities. They had all these models, but there were still unknowns. He thought it was too convoluted with conflicting information and they needed to decide what made sense.

Commissioner Schanche agreed there was confusion with the data. This would have to go through the permitting process with the Corps of Engineers and Department of State Lands and they would not approve a development that had flooding issues. She was in support of the applications. They were not in the floodplain, had minimal wetland involvement, and there would need to be mitigation. They would be getting parkland out of the project and the trail by Baker Creek.

Commissioner Langenwaller asked if they did not approve these applications, the applicant was allowed to execute the original planned developments. City Attorney Koch said the original planned developments were still on the books and had not expired. Right now they were what governed the development of this property. Those plans would not come before the Commission again. The subdivision would come back to the Commission under the original plans.

Commissioner Chroust-Masin thought the applications met the criteria.

Commissioner Dirks was sympathetic to the concerns about building on the wetlands. There were many advantages to the new proposal, but she still had concerns about the wetlands. If the City did not have regulations regarding wetlands, but used the guidelines in the Comprehensive Plan that could be interpreted as ways to protect the wetlands, would that be defensible?

City Attorney Koch said whatever decision the Commission made needed to be tied to criteria that existed today in the Comprehensive Plan and City ordinances.

Commissioner Chroust-Masin suggested a condition on the properties that had partial wetlands that the property owners would protect the wetlands.

Commissioner Schanche clarified there would not be any wetlands on the properties once they were developed. They would be losing some wetlands, but she thought the benefits of the proposal outweighed that fact.

There was discussion regarding wetland mitigation.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to RECOMMEND the City Council APPROVE PDA 3-18 subject to the conditions of approval provided in the decision document. SECONDED by Commissioner Langenwaller. The motion PASSED 9-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Langenwaller MOVED to RECOMMEND the City Council APPROVE PDA 4-18 subject to the conditions of approval provided in Section 2 of the decision document. SECONDED by Commissioner Chroust-Masin. The motion PASSED 8-1 with Commissioner Dirks opposed.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Langenwaller MOVED to APPROVE S 3-18 subject to the conditions of approval provided in Section 2 of the decision document. SECONDED by Commissioner Schanche. The motion PASSED 7-2 with Commissioners Dirks and Butler opposed.

B. Quasi-Judicial Hearing. PDA 6-18 (Planned Development Amendment)

Request: Approval to amend Planned Development Overlay Ordinances 4863 and 4709 by amending a condition of approval that currently limits use of the site to professional office, medical office, senior condominiums, senior apartments, assisted living facilities, and other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. The requested amendment is to add multiple-family residential apartments to that list of allowable uses in the existing Planned Development Overlay

condition of approval. The base C-3 zone allows multiple-family residential as a permitted use.

Location: The subject site located generally west of SE Norton Lane, near the termination of SE Norton Lane at the existing city limits. It is more specifically described as Tax Lot 701, Section 27, T.4 S., R. 4 W., W.M.

Applicant: Kim McAvoy on behalf of KWDS, LLS

- 10:18 Opening Statement: Chair Hall introduced the agenda item.
- 10:19 Disclosures: Chair Hall opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Several members of the Commission had visited the site, but had no comments to make on the visits.
- 10:20 Staff Presentation: Senior Planner Darnell discussed the request for a Planned Development Amendment for property on SE Norton Lane. The current site was zoned C-3 PD, General Commercial Planned Development. The Planned Development was first adopted in 1999. There were a number of conditions and development restrictions on the site. The Planned Development was amended in 2006 to add some uses to the already allowed office uses, including senior condominiums, apartments, and assisted living facilities. The request tonight was to amend the Planned Development to allow an additional use, multiple family residential. All other provisions of the Planned Development would be retained. He then summarized the review criteria. The application included the need for residential in the City, specifically higher density residential use, as a reason for approval. The current C-3 zone did allow multi-family residential, and this change would be adding a permitted use. It would increase the ability of the City to provide additional housing in this area. There were a number of policies in the Comprehensive Plan that addressed housing and residential development. It was within one half mile of public transit and one quarter mile of neighborhood and general commercial shopping centers, however it was not adjacent to open space. Staff recommended a condition of approval that would require 10% usable open space on the site. There were also conditions of approval for right-of-way improvements at the time of development. The applicant included a traffic study that analyzed a trip generation based on the most intense use for the site, medical office, and compared it to the multi-family use. There was a substantial difference in the number of trips as multi-family would be a lot lower. Once there was a development plan, it would be subject to ODOT's review because it fronted Norton Lane which was an ODOT facility. There would be utility and drainage facilities to serve the site. No public testimony had been received before the meeting packet went out. He did receive one testimony on May 14 from the Housing Land Advocates and Fair Housing Council of Oregon. They referenced there was no finding for Statewide Goal 10 in the staff report. He noted that findings were provided that called out the Buildable Lands Inventory and Housing Needs Analysis in the decision document and thought that issue was addressed. Staff recommended approval of the application.
- 10:31 Commission Questions: Commissioner Lizut did not understand the Fair Housing Council's issue. Senior Planner Darnell said the City had received a similar letter on other projects. It

appeared the Council wanted to make sure they were addressing Goal 10. He thought the City was addressing it. Planning Director Richards said the City had received this on every housing development that was noticed to DLCD.

Commissioner Knapp asked how hard it was to cross the highway to get to the commercial shops. Senior Planner Darnell said there was a pedestrian crossing light.

Commissioner Chroust-Masin asked if there would be a problem with the future residential use and the nearby hospital since there was only one access. Senior Planner Darnell said the TSP had plans for a more robust street network south of the highway and they were currently looking at the Three Mile Lane traffic. Right now it would access onto Norton Lane, but it would likely be part of the review process for the development to look at how the accesses aligned with the surrounding network.

Commissioner Perron disclosed a potential conflict of interest as her husband owned a diner.

- 10:36 Applicant's Testimony: Ben Altman, Pioneer Design Group, was representing the applicant. He thought this was a logical amendment to add into the right to use the residential portion of the C-3 zone. He agreed with the staff report, recommendation for approval, and condition for the open space.

Commissioner Butler asked how many units were they thinking of putting in. Mr. Altman thought it would be about 120. He had held a neighborhood meeting and the CEO of the hospital was there and he was supportive of the project, especially for hospital staff housing. He thought it was compatible with the area.

Commissioner Langenwaller asked if there was affordable housing planned in the development. Mr. Altman answered no.

Commissioner Chroust-Masin asked about the timing of the project. Mr. Altman said they had to get approval of this application, then do a land development and design review. He thought it would be developed sometime next year.

Public Testimony:

- 10:39 Proponents: Mark Davis, McMinnville resident, was in favor of this project as the City needed more apartments built. However, this was a poor location for an apartment complex as crossing the highway was dangerous. It was no place for children. He was frustrated that some R-4 land was not being developed as residential, but as offices, and now they were taking C-3 land for offices and building apartments. He thought Norton Lane was supposed to be closed and the access would be on the overpass and Evergreen entrances. Community Development Director Bisset said the Three Mile Lane corridor did anticipate interchanges at both ends of the corridor and serving both sides of the highway. That area was currently being planned and it might be revised.
- 10:43 Opponents: None
- 10:44 Chair Hall closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commissioner Dirks also questioned this location for an apartment complex. She cautioned the Commission about sticking apartments out in the middle of nowhere. As the Three Mile Lane area developed, they needed to work towards making this an area that was livable.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Chroust Masin MOVED to RECOMMEND the City Council APPROVE PDA 6-18 subject to the conditions of approval provided in the decision document. SECONDED by Commissioner Lizut. The motion PASSED 9-0.

5. Commissioner/Committee Member Comments

None

6. Staff Comments

10:48 Planning Director Richards announced on May 21 there would be a Project Advisory Committee meeting for the Buildable Lands Inventory/Housing Needs Analysis project. On May 22 there would be a Project Advisory Committee meeting for the City Center Housing Strategy project. On June 12 there would be a Project Advisory Committee meeting for the Three Mile Lane project and on June 26 there would be a meeting for everyone to review the Three Mile Lane plan.

Chair Hall requested that staff research what it would take to create a process to compel a developer to work with other developers such as what the Commission wanted to do for the first hearing that night.

Planning Director Richards said she could look into it, but they had to have a nexus for the requirement. She suggested having a work session on the Dolan case.

Commissioner Butler suggested reviewing past Commission decisions to see how they were developed.

Commissioner Langenwaller thought they should get the word out to other communities about the Great Neighborhood Principles.

There was discussion regarding the procedures for site visits.

7. Adjournment

Chair Hall adjourned the meeting at 10:57 p.m.

Heather Richards
Secretary