ATTACHMENT A

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:

_____

CITY RECORDER

Approved as to form:

_____

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

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City Council:_____ Date:_____
Scott Hill, Mayor of McMinnville

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

Planning Department: _____ Date:_____
Heather Richards, Planning Director

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.***

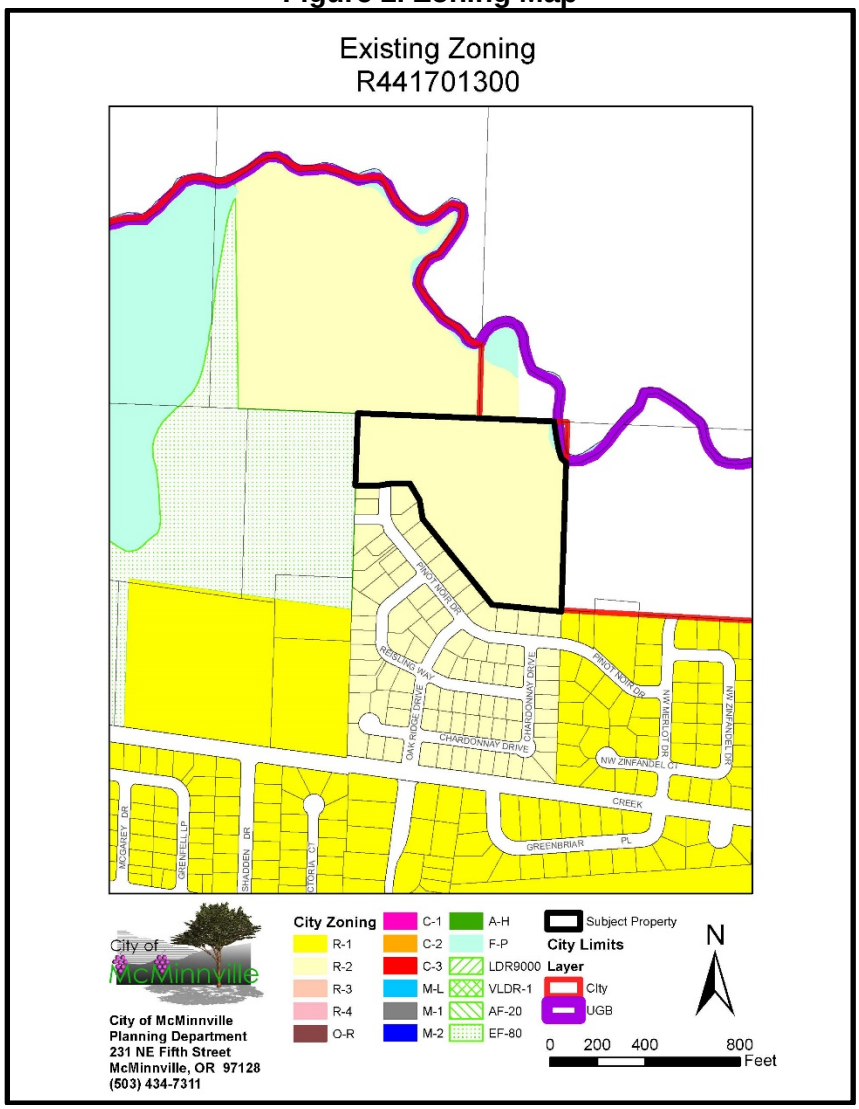
Excerpts from Land Use Application Narrative and Findings (a portion of the narrative also describes the characteristics of the adjacent 24 acre Oak Ridge Meadows site together with the 11.47 acre subject property):

> 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.

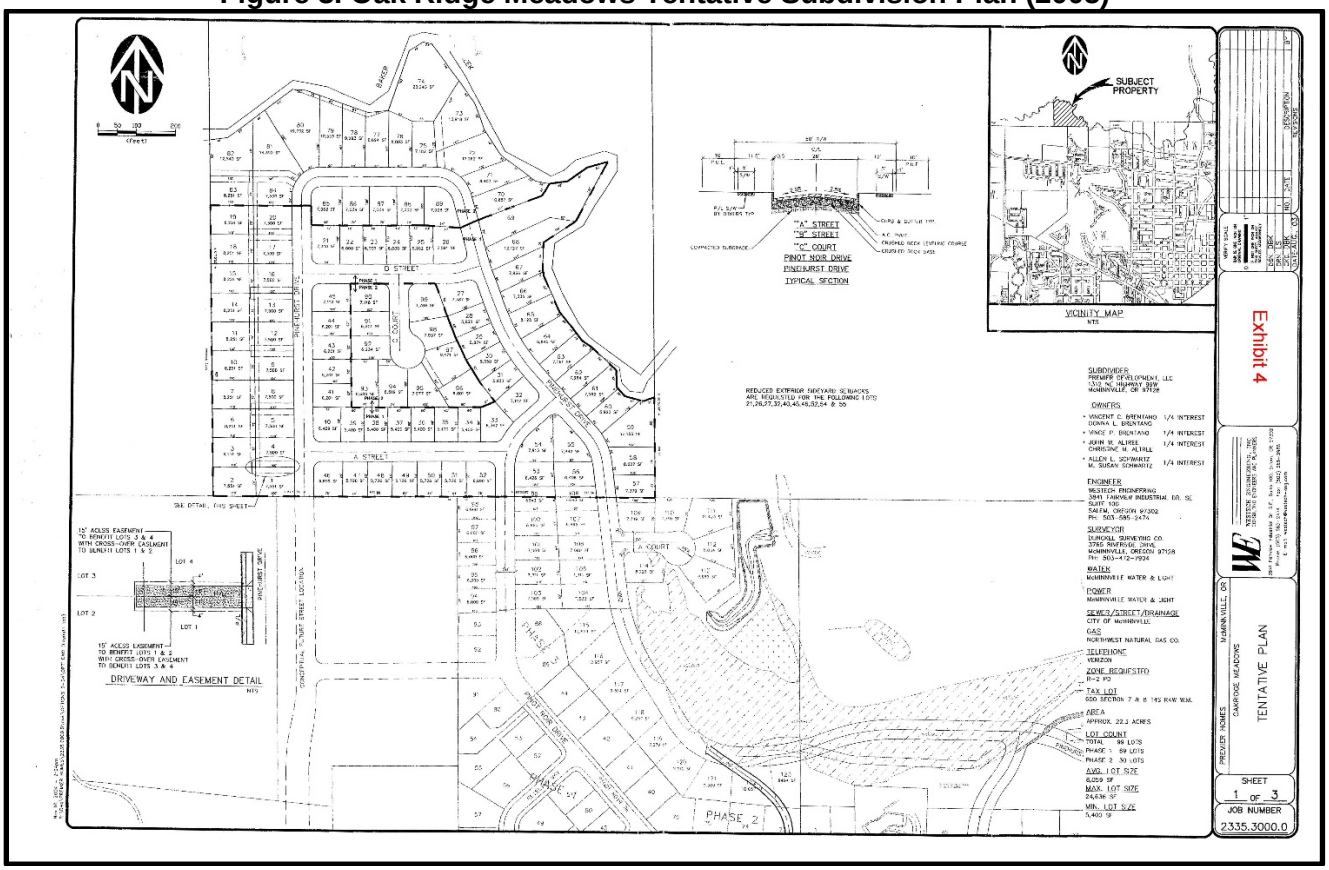
Review criteria for Planned Development Amendments refer to the "plan, "development", or "proposed development" that results from the requested Planned Development Amendment. In the case of the

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)
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)
xlii. Ray and Nina Clevidence, 1493 NW Riesling Way, Letter received May 16, 2019 (on file with the Planning Department)
xliii. Bill Kabeiseman, Bateman Seidel, Letter received May 16, 2019 (on file with the Planning Department)
xliv. Friends of Baker Creek, PowerPoint slides received April 18, 2019 (on file with the Planning Department)
xlv. Sandi Colvin, 2718 NW Pinot Noir Drive, PowerPoint slides received May 16, 2019 (on file with the Planning Department)
xlvi. Mike Colvin, 2718 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
xlvii. Michael and Sherill Roberts, 2812 NW Pinot Noir Drive, Letter received May 16, 2019 (on file with the Planning Department)
xlviii. Unattributed, Letter received May 16, 2019 (on file with the Planning Department)
xlix. Justin Maynard, PBS (submitted by Catherine Olsen), 415 W 6th Street, Vancouver, WA, Letter received May 16, 2019 (on file with the Planning Department)
l. 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 polices 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, polices, 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 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. 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