

**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 25<sup>th</sup> 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**  
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MCMINNVILLE, OR 97128

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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 2<sup>nd</sup> Street, McMinnville, Oregon, continued to May 16, 2019, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- PROCEDURE:** An application for a Tentative Subdivision (more than 10 lots) is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.
- CRITERIA:** The applicable criteria for a Tentative Subdivision are specified in Chapter 17.53 of the 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.



## **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.**

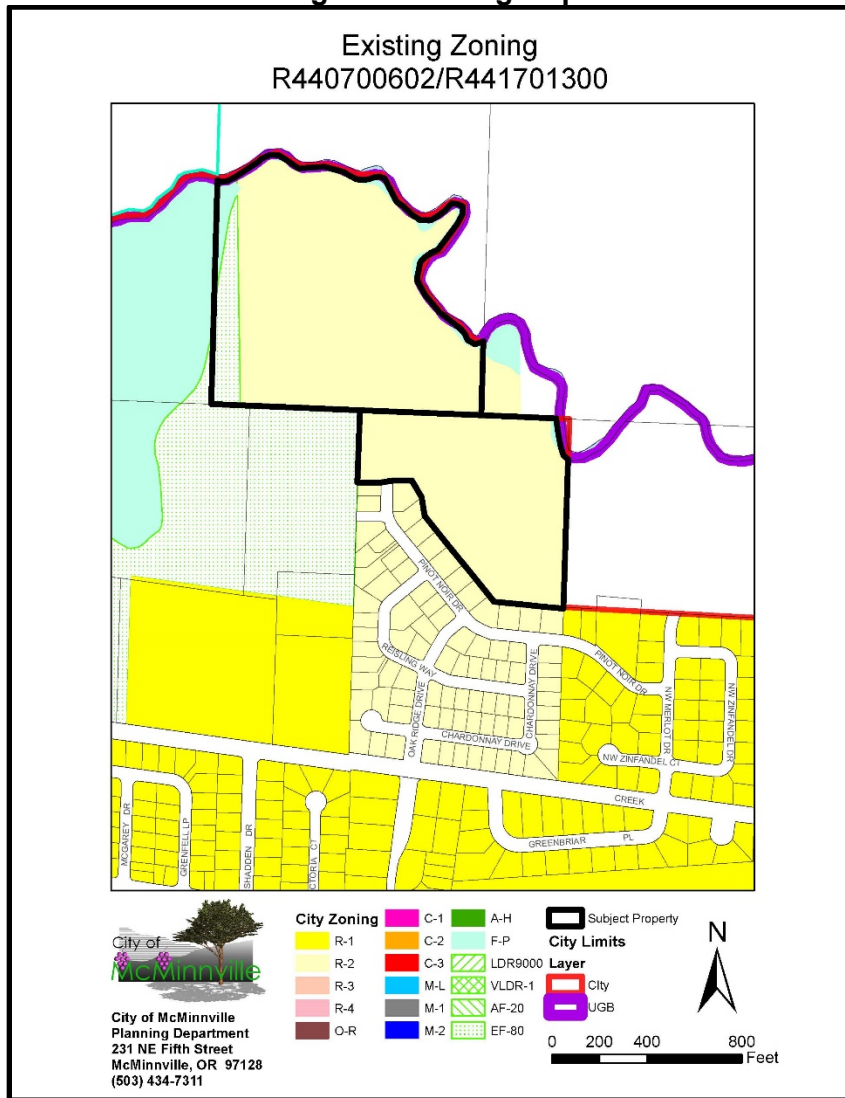
Concurrent to the Tentative Subdivision application, two (2) Planned Development Amendments are requested to allow exceptions to the underlying planned development (Ordinance 4822) and R-2 zone, including lot size averaging; modified sideyard and exterior sideyard setbacks; allow for some lots with side 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**

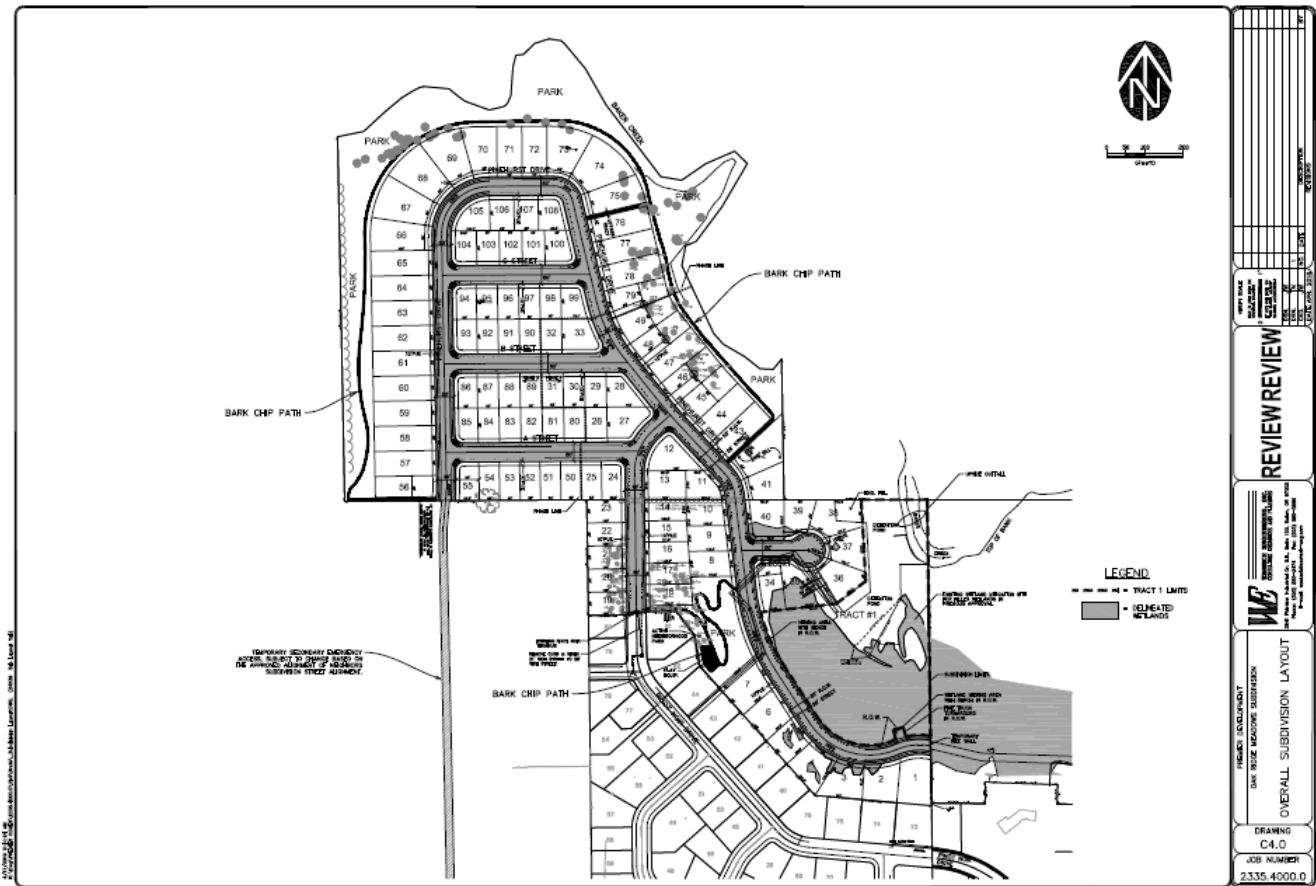


**Summary of Criteria & Issues**

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)
- xlvii. Unattributed, Letter received May 16, 2019 (on file with the Planning Department)
- xlvi. Justin Maynard, PBS (submitted by Catherine Olsen), 415 W 6<sup>th</sup> 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 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 2<sup>nd</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> 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, polices, 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:*

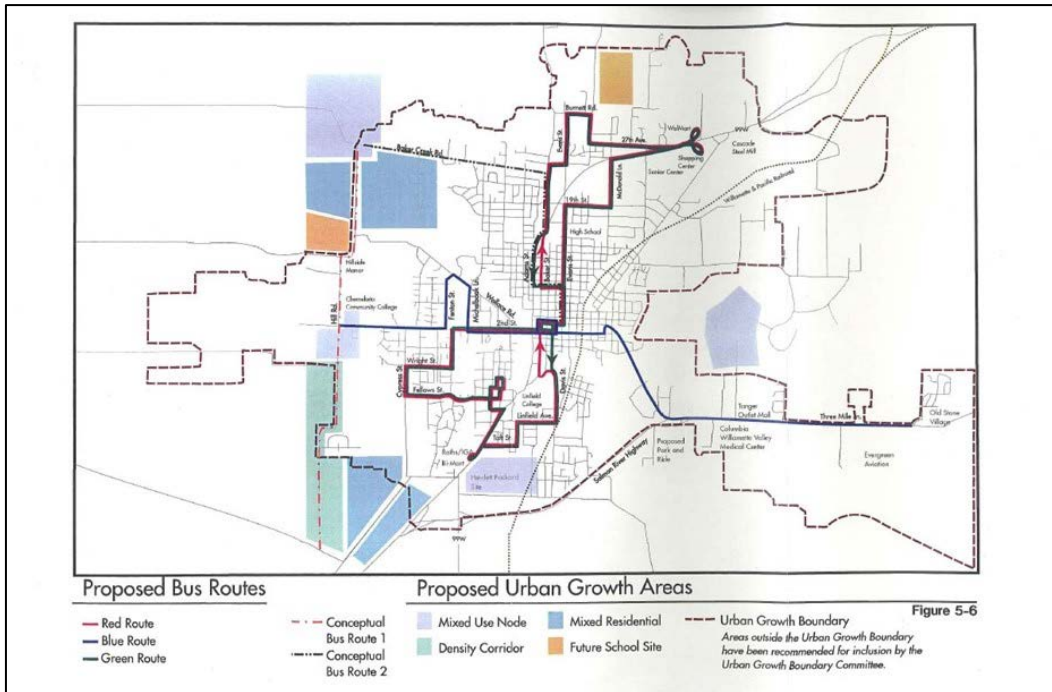
- 1. The capacity of facilities and services;*
- 2. Within one mile of existing or planned transit;*
- 3. Lower sloped areas within the West Hills;*
- 4. Riverside South area (lands more than 500 feet from planned and existing heavy industrial lands);*
- 5. Proximity to jobs, commercial areas, and public 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						
			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 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	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
	Pedestrian Zone	On-Street Parking Two Sides	na	na	na	30 or 40 ft.			
		None	74 ft.	46 ft.	44 ft.	30 or 40 ft.			
		Pedestrian Amenities							
	Traffic Management	Sidewalks (both sides)	8 ft. Com	5 ft. Res	5 ft. Res	5 ft. Res	5 ft.	5 ft.	None
		Planter Strips		10-12 ft. Com	10-12 ft. Com	10-12 ft. 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		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 lane width for safety concerns is 5 ft. on arterial and 4 ft. on collector street, which is expected to occur only in locations where existing development along an established route or other street 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 capped business 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.
- Streets with on-street parking.

**Street Design Standard Notes:**

- Inclusive of side slope easements which may be required in addition to the curb and fill 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 status of commercial/industrial streets and streets shall be dependent upon the type of vehicle traffic to be served.
- Temporary curbside pick-up and drop-off zones shall be limited to 15 feet in length and shall be located in front of the curb. A 10-foot distance of street improvement shall be maintained from the rear of the curb zone. Temporary right-of-way encroachments shall be limited to 15 feet in length and shall be located in front of the curb zone. Temporary right-of-way encroachments shall be limited to 15 feet in length and shall be located in front of the curb zone. Temporary right-of-way encroachments shall be limited to 15 feet in length and shall be located in front of the curb zone.
- Sidewalk and planter strips shall not be required along driveways.
- For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the curb 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 rightof-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