

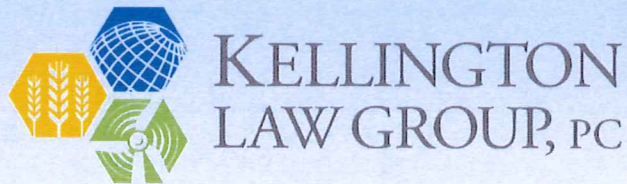
Received @ Public Hearing
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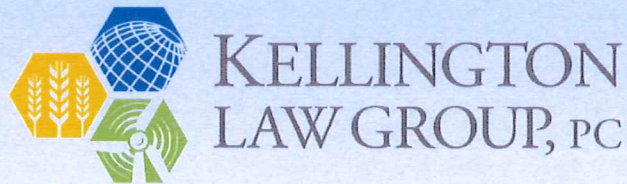
Premier Development Proposal

- Applicant demonstrated all three proposals satisfy all approval standards
- Ultimate issue is “Does the development meet the adopted and acknowledged approval criteria?” If yes, then city must approve.
- Applicants have conducted extensive studies related to the project – transportation, hydrology, wetlands, stormwater management, etc. – to ensure the proposal satisfies all the applicable comprehensive plan policies and zoning ordinance standards.
- The staff report concludes the standards have been met and the findings demonstrate the standards have been met by reference to evidence in the record.



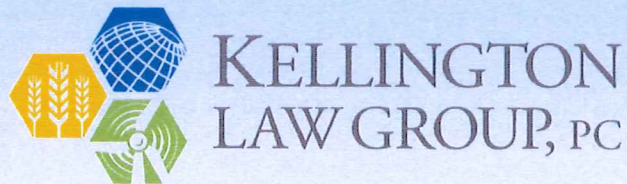
Goalpost Rule

- Opponents disagree w/ this statutory requirement ask that it be ignored [see, e.g., Staff report at 449 – asking CC to not apply the goalpost rule asserting the plan and zoning for the area was adopted too long ago and is out of date, urging the CC to update everything before it makes any more decisions.]
- City Council must apply the standards in effect at the time the application was submitted. It gives predictability, consistency and fairness in the land use review and approval process.
- That means must apply adopted and acknowledged land use regulations – e.g., Comprehensive Plan, TSP, and Zoning Ordinance – in place at the time this application was submitted. That includes adopted documents such as the 2010 FEMA map, for which the zoning ordinance expressly requires be used to determine the flood plain.



Evidence in the Record -Flood Concerns

- No dispute – no development proposed w/in City’s adopted FEMA 100 year floodplain
- Current adopted FEMA maps were carefully prepared
- Staff Report P. 10 “FIRM panels (FEMA maps delineating floodplains) in Yamhill County were updated in 2010 as part of a state-wide effort to modernize and update FIRM maps.”
- P. 16 – City development of the FIRM panels. “This was almost a three year process of information gathering and public process and on February 9, 2010, the McMinnville City Council adopted Ordinance No 4921 as a result of the work.”



Staff Report

- P. 9 “The proposal not only does not develop in the floodplain, but it also dedicates the entire floodplain to the City of McMinnville as a natural greenway park[.]”



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Proposal Simply Does Not Cause Flooding

- Westech Engineering, Inc. – stormwater technical response
 - Storm water detention pond and excess to Baker Creek as required by City Plan w/no down-stream impacts (confirmed by opponents' hydrologist).
- No dispute – even if city ignored adopted standard: opponents' evidence (PBS Report) shows worst case, approval of dev. as originally proposed has no perceptible downstream impact
 - The proposal either reduces downstream impacts or adds 1/100th of a foot (1/8") to the flood elevation.



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Regardless, Take Flood Issue Away

- Applicant agrees with staff that a voluntary condition resolves matter.
- Applicant is willing to accept and asks the City to impose:
 - Rev Condition 3 to PDA 4-18 - Move the 5 lots of concern (Lots 34, 35, 41, 42 and 43) and place within the subdivision as per Exhibit 6ALT and adjust Condition 3 as requested.
 - NEW ADDITIONAL CONDITION # 20 PDA 4-18:

Applicant's professional engineers will provide a certified hydrologic and hydraulic evaluation of Baker Creek in the immediate vicinity of the Subject Property that complies with FEMA standards for a detailed flood study to ensure that the proposed lots as depicted in the application site plan (Exhibit 6ALT) will be not be subject to flooding during the 1-percent annual chance (100-year) flood. Applicant's professional engineers shall also demonstrate and certify that the proposed development will not increase the flood risk for adjacent and downstream properties.



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Benefits of City Approval Imposing Requested Conditions

- Completely resolves concerns which have been a central issue for opponents about the residential development of this residentially zoned land
- With proposed conditions, there is no possibility of a 100 year flood issue
- Reduces wetland impact from 1.06 acres of filled wetland to .9 acres
- Proposal maintains density expectations – although still at a total of 108 lots – which is 16 lots fewer than the 206 lots currently approved for the subject property

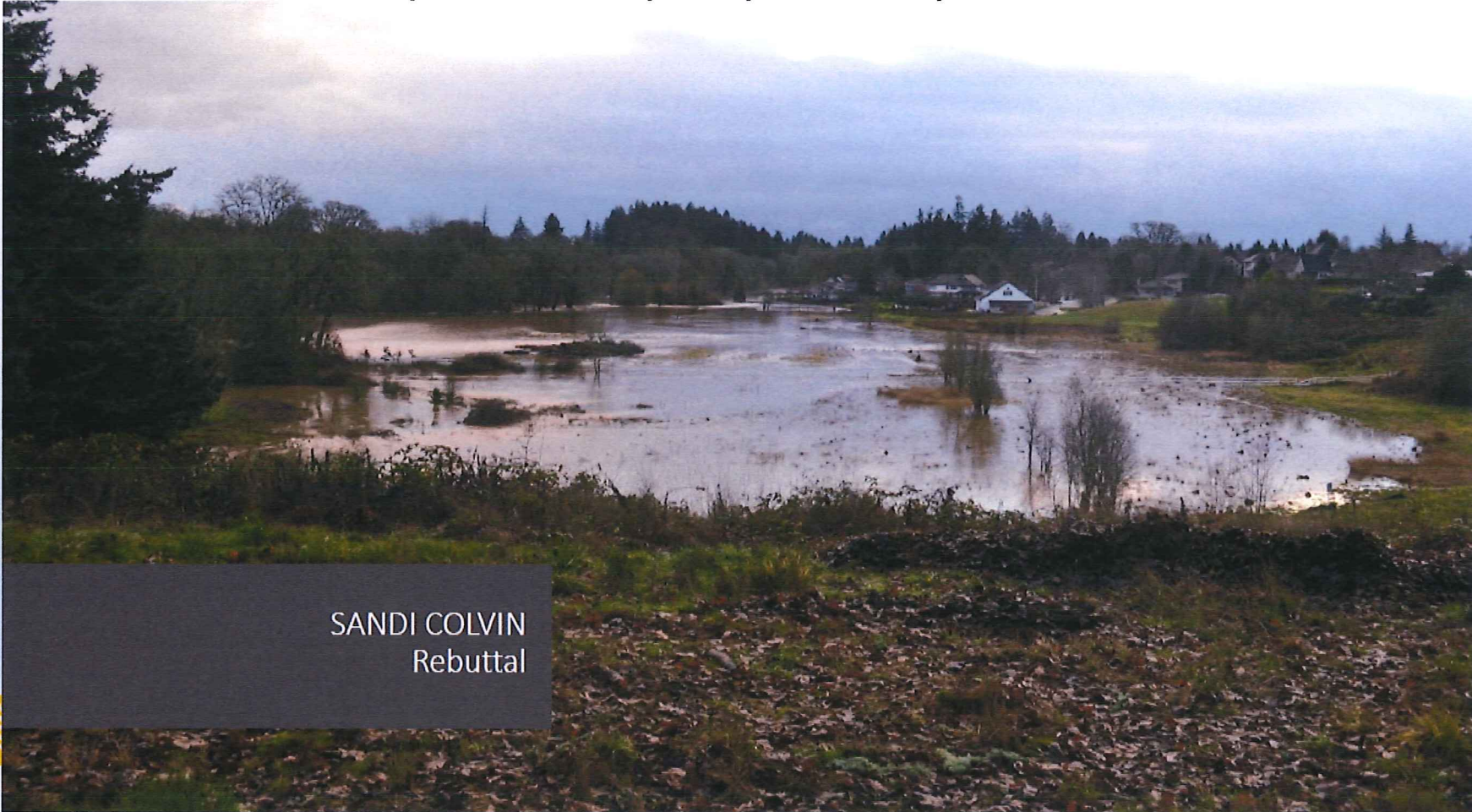


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View issues

- Opponents primarily live adjacent to the proposed development
- Opponents object to view shed impacts
- This is not a relevant standard under city code.
- Regardless, the features the opponents say they want to preserve are largely left intact

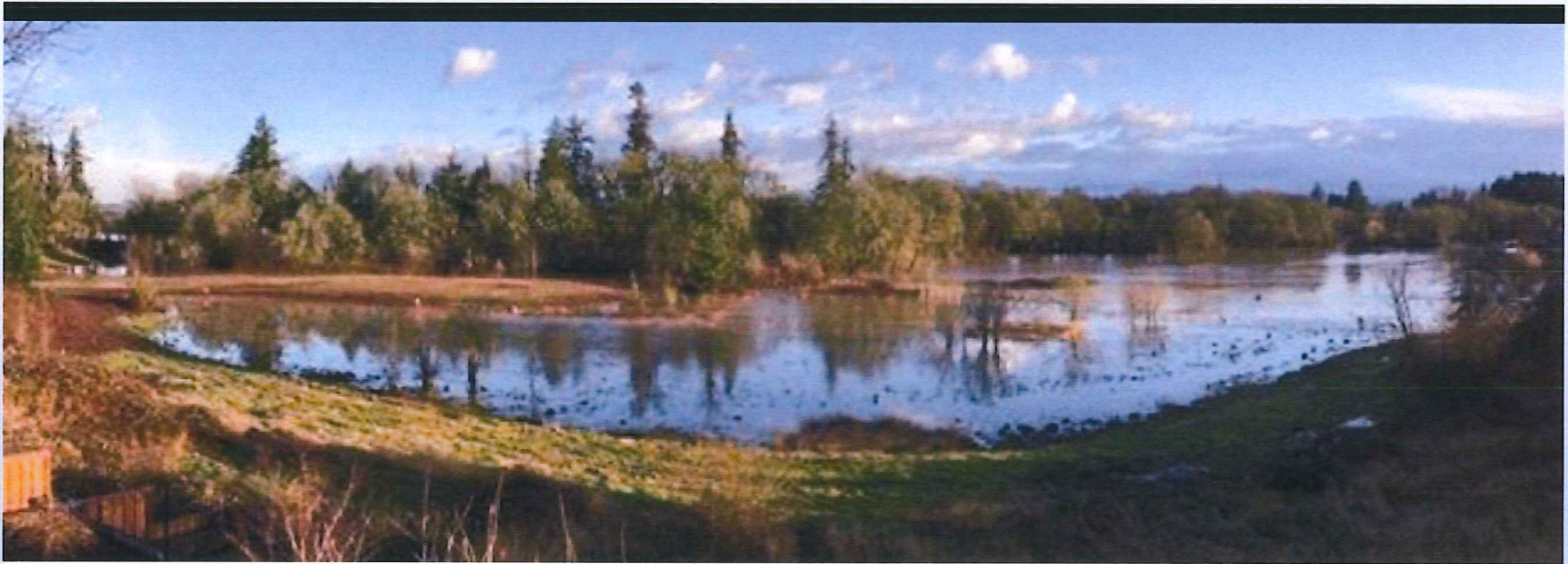
No development where the water is
& upland is proposed park area



SANDI COLVIN
Rebuttal

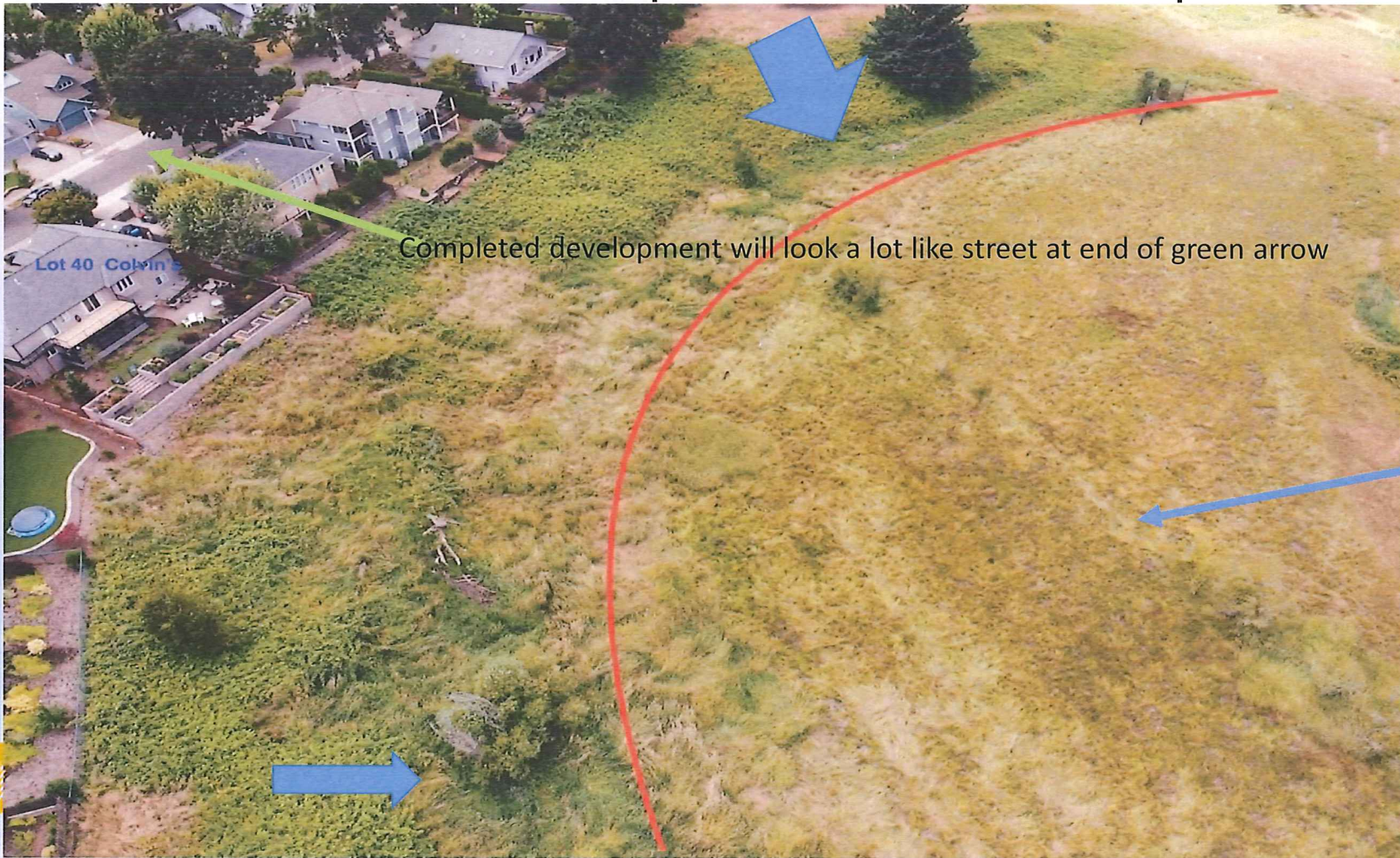


No development where the water is here
either



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Area to be developed in 11.4 acre portion



Completed development will look a lot like street at end of green arrow

Steep

Wetlands

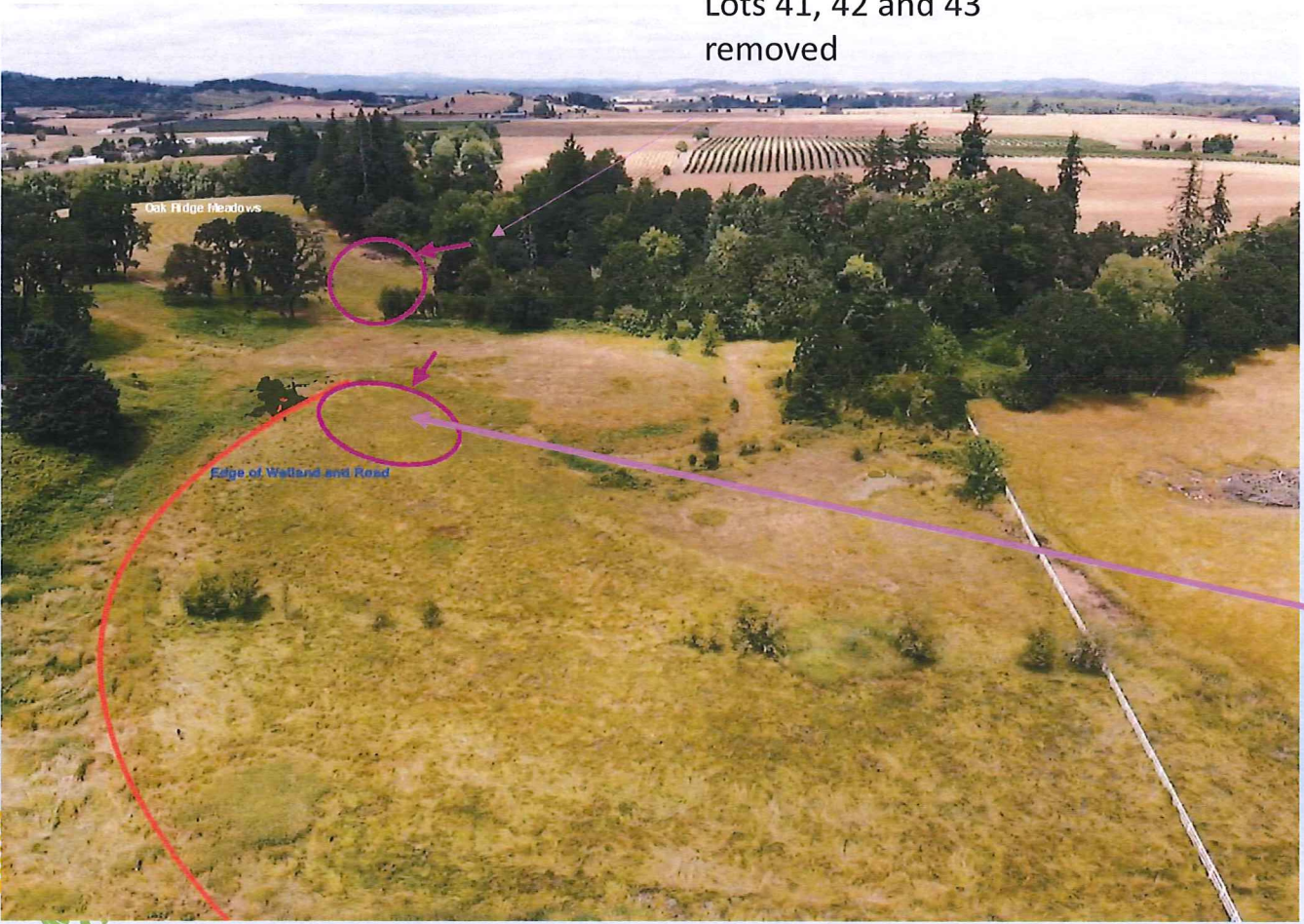


Cul De Sac



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Lots 41, 42 and 43 removed



Oak Ridge Meadows

Edge of Wetland and Road

Lots 34/35 removed and removes associated wetland fill





Road

Edge of wetland

Edge of Wetland and Road



R
I

Saved wetlands



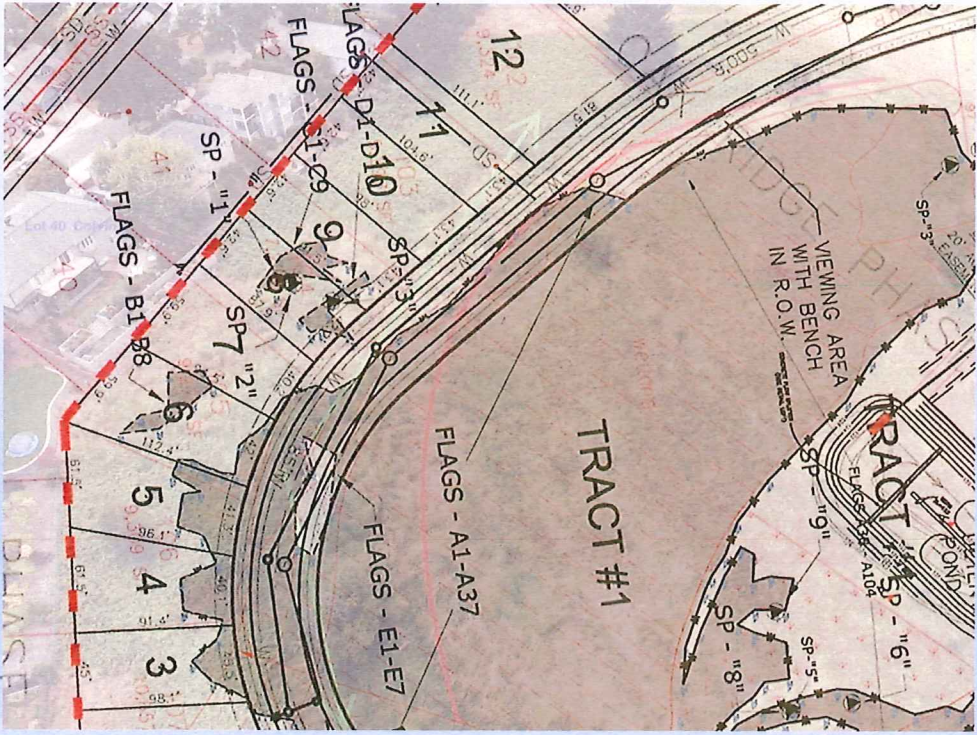
Development as Proposed Should not be a Surprise

- Property is zoned residential and is currently covered by a PD approval since before 2005
- That approved development is nearly identical to proposal here



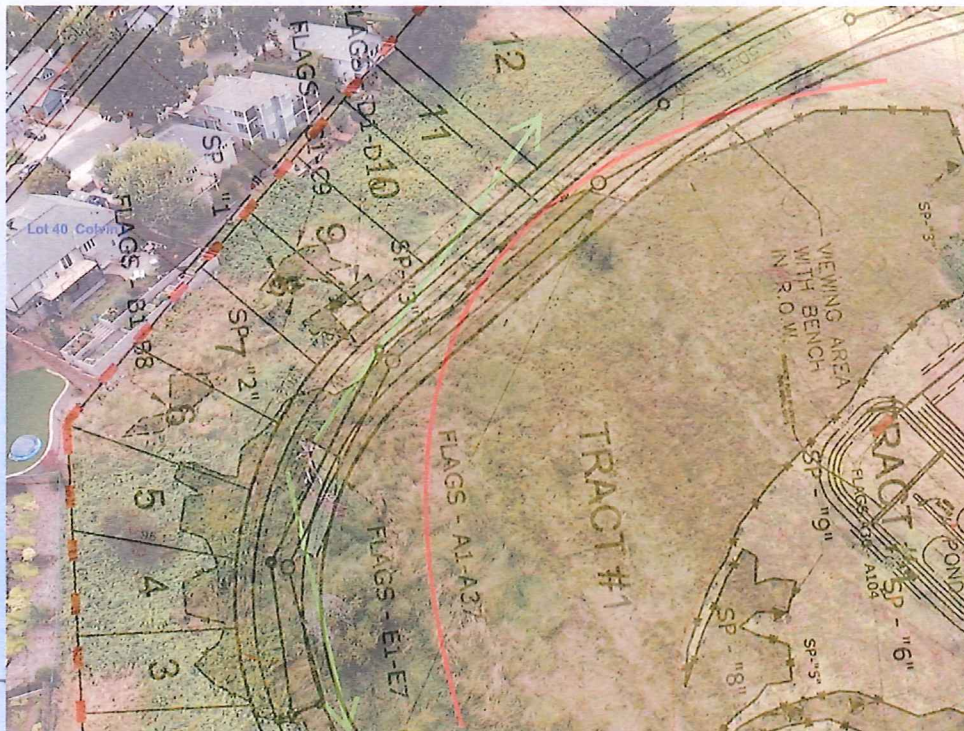
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Image is 2005 plat (red lines) and proposed 6ALT plat over photograph



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Old plat lines are light red/proposal (6ALT) is black – almost indistinguishable



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All Traffic Standards Are Met

- DKS Traffic Study, First Supplement and Second Supplement
 - All streets and intersections operating within code based capacity at 108 residences.
 - Supplemental studies examined more intersections than required to evaluate impacts on intersection delays.
 - Table 1 at p. 263 shows all intersections performing at level C or better = standard required by TSP.
 - Table 4 at p. 266 shows under a “worst case scenario” [p. 262] condition, peak hour turn delays = most see a delay of less than one second; the worst intersection increases to 4.4 seconds.
- Conclusion - “There is no evidence that the additional traffic generated by the Oak Ridge Meadows development will degrade traffic operations, and the estimated increase in delay for accessing NW Baker Creek Road are, for all intents and purposes, negligible (less than five seconds).”



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PC and Staff Report – Approval Based Upon Standards(p. 5)

- “The traffic impact analysis provided by the applicant indicates that Pinot Noir as built to the local street standards specified in the City of McMinnville’s 2010 Transportation System Plan will be able to handle the amount of traffic generated by 108 new homes without a secondary access to Baker Creek Road per the City of McMinnville’s adopted capacity standards of 1200 vehicle trips per day for local residential streets.”
- The evidence demonstrates that traffic volumes as conditioned are consistent with the functional capacity of the streets.

No need for Shadden to be any other than emergency access

- Fire department's concerns which lead to previous lot limitation have been resolved.
- No reason to demand Shadden Dr. be used for construction access.
- Pinot, Merlot, Pinehurst, etc. - these are public streets available to everyone.

Re: Width of Pinot Dr. and opponent arguments it is too narrow

- Staff Report P. 6 “[A] provision of the application is, and a condition of approval #21 of S 3-18 requires the widening of Pinot Noir Drive from Blake Street north to the terminus from 21 feet to 28 feet, the current City Standard for local residential streets.”
- Note that the right-of-way for Pinot Noir Drive is 50 feet – so plenty of room to widen.



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Wetlands, DSL and the Corps.

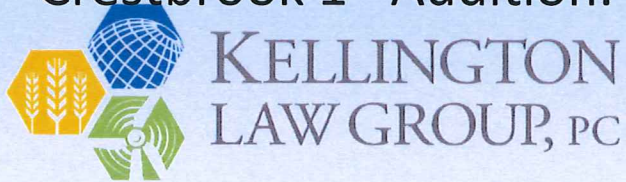
- City has no applicable standards
- Conditions require all DSL and Corps requirements be met
- Wetlands to be filled here are isolated and poor quality
- Majority of the wetlands on the subject property will be preserved



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The City Council should not deviate from established City practices for this proposal.

- P. 23 “The City of McMinnville defers regulatory authority of local wetlands and mitigation to DSL.”
- P. 23 “Historically many housing developments within the city limits have been built on partially mitigated wetlands approved by [DSL] balancing the type and amount of wetlands impacted and the need for development within the city.”
- P. 23 “Due to the city’s long tradition of relying on [DSL] to manage the protection and potential mitigation of wetlands in the [City] and the historic precedent of allowing some wetland mitigation to support housing development, Planning Commissioners did not find the public testimony warranted changing the City’s findings.”
- P. 24 and 25 projects with DSL approval for wetland fills: Oak Ridge and Crestbrook 1st Addition.



Caution with anecdotal statements that are not based on approval standards

- Many opposing statements show a lack of understanding and appreciation of the requirements and limitations of the land use planning process and the quasi-judicial land use application, review and approval process. An example of this is the casual comment that suggests the City can easily and readily revise the “UGB, TSP and other plans.” Rec at 356.
- These are complex planning actions and documents that require extensive amount of work and review processes to amend.
- That work has been done here and we agree with city’s professional staff and planning commission that approval is warranted.



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Professional Staff, Planning Commission Correctly Determined Proposal Meets All Standards

- Request that you approve all 3 applications.
- With the additional 3 conditions the Applicant has proposed (Exhibit 6Alt Site Plan; flood certifications; conforming technical changes).
- Adopt the findings and conditions prepared by Planning Staff and the supplemental findings submitted by the Applicant – the second of the two options noted by the staff report on p. 30.
- Better yet, make an oral approval decision with direction to staff including the proposed conditions, so that findings can be prepared for your next meeting that respond to all issues raised since the planning commission decision and the supplemental findings that were provided by the applicant. Thank you.



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