

- Land Use Applications -

- **Planned Development Amendment: Ord. 4722 (Oak Ridge)**
- **Planned Development Amendment: Ord. 4822 (Oak Ridge Meadows)**
- **Residential Subdivision**

Submitted to: City of McMinnville, Planning Department
231 NE Fifth Street
McMinnville, OR 97128

Applicant/Owner: Premier Development, LLC
1312 NE Hwy, 99W
McMinnville, OR 97128

Applicant's Consultants: Navigation Land Use Consulting, LLC
P.O. Box 1514
McMinnville, OR 97128
Contact: Ron Pomeroy, AICP
Email: ron@navigationlanduse.com
Phone: 503.687.3012

4

Westech Engineering, Inc.
3841 Fairview Industrial Drive SE, Suite 100
Salem, OR 97302
Contact: W. Josh Wells, P.E.
Email: jwells@westech-eng.com
Phone: 503.585.2474

Yamhill County Tax Map: T. 4 S., R. 4 W., W.M., 17, Tax Lot 01300, and
T. 4 S., R. 4 W., W.M., 07, Tax Lot 00602

Site Size: 35.47 acres

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



I. Executive Summary

Navigation Land Use Consulting, LLC is pleased to submit this land use proposal for consideration on behalf of Premier Development, LLC for approval of two separate Planned Development Amendment applications in addition to an application for approval of a residential tentative subdivision plan. These application requests are briefly identified as follows:

- The first Planned Development Amendment application requests approval to amend the existing Oak Ridge Planned Development (Ordinance No. 4722) (Exhibit 1) to remove the unplatted fourth phase of the Oak Ridge phased subdivision from the boundary of the Oak Ridge Planned Development.
- The second Planned Development Amendment application requests approval to amend the existing Oak Ridge Meadows Planned Development (Ordinance 4822) (Exhibit 2) in a number of ways to: 1) Add the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned Development; 2) Modify setbacks from those previously approved; 3) Allow for construction of a portion of NW Pinehurst Drive to modified standards; 4) Allow for some lots to exceed the recommended lot depth to width standard; 5) Allow some block lengths to exceed the recommended maximum block length standard; 6) Allow for the designation of a private Nature Park; and, 7) Allow for dedication of public open space.
- Approval of a tentative phased residential subdivision plan on approximately 35.47 acres of land that, if approved, would provide for the construction of 106 single-family homes on lots ranging in size from 4,950 to 14,315 square feet and averaging 7,738 square feet in size. In addition, a private 0.85 acre Nature Park and 5.6 acres of public open space with a pedestrian walking trail along the Baker Creek greenway are proposed.

The Oak Ridge and Oak Ridge Meadows Planned Developments (PDs) were approved by the McMinnville City Council on October 13, 1999 and April 12, 2005, respectively, and remain in place and in force as no expiration dates of the Planned Development approvals were identified in either of the enacting ordinances.

The R-2 PD zoned Oak Ridge tentative subdivision plan (S 6-99) was approved by the McMinnville Planning Commission as a three phase plan for a total of 107 residential lots with an average minimum lot size requirement of 7,000 square feet. Through subsequent amendments to the approved tentative subdivision layout and phasing plan later approved by the McMinnville Planning Director (Minor Amendments to an approved plan as allowed by a condition of approval of ORD No. 4722 and by Chapter 17.74.070 of the McMinnville zoning ordinance), three phases



of the residential subdivision, totaling 82 lots averaging 7,387 square feet in size were eventually platted leaving a fourth and final 11.47-acre phase unplatted. North of Oak Ridge, the R-2 PD zoned Oak Ridge Meadows tentative subdivision plan (S 14-04), which did not include the unbuilt fourth phase of the adjacent Oak Ridge subdivision, was approved by the McMinnville City Council as a two-phase subdivision with a total of 99 residential lots and an average minimum lot size requirement of 7,500 square feet. The City Council's March 8, 2005 approval with conditions of S 14-04 was detailed in an April 18, 2005 letter from Planning Director Doug Montgomery to Premier Development, LLC (Exhibit 3).

Due to the severe market constrictions and economic volatility that occurred during the mid to late 2,000's (the "Great Recession") and that was experienced across the country as well as in McMinnville, the applicant was not able to move forward with the development of these subdivision approvals as anticipated. Since that time, McMinnville has experienced a recovery in the housing market although at a somewhat lesser pace than that experienced by many other Oregon communities. While subsequent subdivision approval extensions were granted by the City, these two subdivision approvals both eventually expired. However, with recent improvements in the local and regional economy, in addition to increasing demand in the local housing market, the applicant is now able, prepared and excited to bring this current development proposal forward for your consideration and approval to help provide a solution to some of our increasing local housing needs.

II. Site Description

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

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

The site exhibits two main topographic characteristics. The central portion of the site, north of the existing temporary terminus of NW Pinot Noir Drive, is relatively flat. Wrapping around this central area of the site to the west, north and east is a band of steeply sloping land beyond which can be found generally level ground at many locations near the site's edge. Slopes within the site vary from near one



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

III. Requests – Planned Development Amendments

As stated above in the Executive Summary portion of this application, Premier Development, LLC is requesting approval of:

- A Planned Development Amendment to amend the Oak Ridge Planned Development (Ordinance No. 4722) to remove the unplatted fourth phase of the Oak Ridge phased subdivision (approximately 11.47 acres) from the boundary of the Oak Ridge Planned Development.
- A Planned Development Amendment approval to amend the existing Oak Ridge Meadows Planned Development (Ordinance 4822) in a number of ways to: 1) Add the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned Development; 2) Modify setbacks from those previously approved; 3) Allow for construction of a portion of NW Pinehurst Drive to modified standards; 4) Allow for some lots to exceed the recommended lot depth to width standard; 5) Allow some block lengths to exceed the recommended maximum block length standard; 6) Allow for the designation of a private Nature Park; and, 7) Allow for dedication of public open space.

Additional relevant background information and context to these current Planned Development Amendment requests is necessary to adequately frame the current proposal. The last approved subdivision design that existed to implement Ordinance 4822 showed that the intersection of Pinot Noir Drive and Pinehurst Drive (which was needed to enable the construction of the southerly portion of Pinehurst Drive and "A" Court (Exhibit 4) as part of the fourth phase of the Oak Ridge subdivision) was last approved by the City Council as being located within the Oak Ridge Meadows tentative subdivision plan and within the Oak Ridge Meadows Planned Development boundary (ZC 12-04/S 14-04). Following this approval, Premier Development filed an appeal with the Oregon Land Use Board of Appeals (LUBA) on the decision. At issue was Condition of Approval number five (5) of Ordinance 4822 related to a limitation on the number of lots allowed within the Oak Ridge Meadows subdivision until such time that NW Pinehurst Drive was extended southward to connect to Baker Creek Road. LUBA remanded the decision back to the City Council. The Council



held a public hearing as directed by the remand and concluded to adopt additional findings in support of their April decision to adopt Ordinance 4822. This action was then memorialized by the adoption of such additional findings as referenced in Ordinance 4845 (Exhibit 5) which the Council approved on March 14, 2006. The Council's approval of the S 14-04 tentative subdivision plan, including the locating of this intersection within the Oak Ridge Meadows Planned Development site, remained unchanged through the subsequent Land Use Board of Appeals (LUBA) remand (LUBA 2005-065) of the City's approval of ZC 12-04/S 14-04.

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

Additionally, McMinnville Zoning Ordinance Section 17.74.070 (Planned Development Amendment – Review Criteria) provides examples of changes to an adopted site plan that are determined to be a major modification and are to be reviewed according to Section 17.72.120 (Applications – Public Hearings) for reasons including, but not limited to “An increase in the amount of land within the subject site.” This request is for a reduction of the amount of land currently within the boundary of one Planned Development (Ordinance 4722) and the inclusion of that same land within the boundary of an adjacent Planned Development (Ordinance 4822) and is therefore subject to the requirements of process as per 17.72.120 and the requirements of review as per 17.74.070.

IV. Request – Subdivision

Premier Development is also requesting approval of a tentative two-phased residential subdivision plan (Subdivision Layout and Preliminary Plat, Exhibits 6 and 7, respectively) on approximately 35.47 acres of land that, if approved, would provide the opportunity for the construction of 106 single-family homes on lots ranging in size from approximately 4,950 to 14,315 square feet and averaging approximately 7,738 square feet in size. Additionally, an approximately 0.85-acre Nature Park and approximately 5.6 acres of public open space with a pedestrian pathway along the Baker Creek greenway are proposed.



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 in order to 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 but not as large as the nearby existing developed lots to the south and located along the east side of NW Pinot Noir Drive. This transition of lot sizes along the east side of NW Pinot Noir Drive is mitigated by a proposed approximately 15-foot wide open-space accessway leading eastward from NW Pinot Noir Drive to provide pedestrian access to an approximately 36,833 square foot (0.85-acre) Nature 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 eastern edge. 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; as was also supported as part of the previous 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 most of the outer edge of the site. This public space 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. This bark chip path would be located entirely within the public dedication and greenway. In total, this dedication totals approximately 5.6



acres of public open space located adjacent to this neighborhood for use by all members of the public.

This proposal also includes for the creation of the approximately 0.85 acre (approximately 36,833 square feet) Nature Park mentioned above and proposed to be located in Phase One. This park will afford neighborhood residents a convenient location from which to enjoy the scenic viewshed of the preserved wetlands and floodplain to the east. Access through the nature park would be provided by a curvilinear pedestrian pathway connecting NW Pinot Noir Drive to NW Pinehurst Drive. The nature park will also provide a designated area on the upland portion from which to view the wetlands and floodplain to the east. With the proposed arrangement of park spaces, pedestrians will be able to enjoy continuous access from the Nature 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 move east along the access walkway leading from NW Pinehurst Drive and enjoy the walking trail which will wind its way through the entire greenway what 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 of being 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.

The materials contained in the narrative and conclusionary findings of fact for this proposal address the relevant criteria for approval of the two planned development amendment requests and the companion subdivision request. Individual applications for the two Planned Development Amendment requests and the Subdivision request have been prepared and filed with the City to run concurrently.

V. Conclusionary Findings for Approval

1. Premier Development, LLC, is requesting approval of:
 - A Planned Development Amendment to amend the existing Oak Ridge Planned Development (Ordinance No. 4722) to remove the unplatted fourth phase of the Oak Ridge phased subdivision (approximately 11.47 acres) from the boundary of the Oak Ridge Planned Development.
 - The second Planned Development Amendment application requests approval to amend the existing Oak Ridge Meadows Planned Development (Ordinance 4822) in a number of ways.
 - A Planned Development Amendment to amend the existing Oak Ridge Meadows Planned Development (Ordinance 4822) in a number of ways to: 1) Add the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned Development; 2) Modify setbacks from those previously approved; 3) Allow for construction of a portion of NW



Pinehurst Drive to modified standards; 4) Allow for some lots to exceed the recommended lot depth to width standard; 5) Allow some block lengths to exceed the recommended maximum block length standard; 6) Allow for the designation of a private Nature Park; and, 7) Allow for dedication of public open space.

- A tentative phased residential subdivision plan on approximately 35.47 acres of land that, if approved, would provide for the construction of 106 single-family homes on lots ranging in size from 4,950 to 14,315 square feet and averaging 7,738 square feet in size. In addition, an approximately 0.85 acre Nature Park and approximately 5.6 acres of public open space with a pedestrian walking trail along the Baker Creek greenway are proposed.

The subject site is approximately 35.47 acres in size and is located generally north of Baker Creek Road and the multi-phased Oak Ridge residential development, and south of Baker Creek and is more specifically described as R4417 01300 (approximately 11.47 acres in size) and R4407 00602 (approximately 24 acres in size).

2. The two parcels that comprise the subject site are currently zoned R-2 PD (Single-Family Residential, Planned Development) and designated as Residential on the McMinnville Comprehensive Plan Map.
3. Sanitary sewer and municipal water and power can sufficiently serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected flows resulting from development of the property as proposed. Northwest Natural Gas, Comcast, McMinnville School District 40 and the McMinnville Police and Fire Departments can also sufficiently serve this site.
4. The following citation from Volume I (Background Element) of the McMinnville Comprehensive Plan is applicable to the request:

Chapter V. Housing and Residential Development – Land Use Controls – Planned Developments:

“The planned development (PD) is a method by which creative, large-scale development of land is encouraged for the collective benefit of the area’s future residents. [...] As written, the planned development provisions are intended to provide specific benefits to a development (e.g., developed parks, retention of unique natural areas, etc.). [...] It is important that the City continue to scrutinize planned development designs to insure that amenities are being provided in excess of what is normally required.”



4. Future planned developments should be carefully scrutinized to insure that there are trade-offs favorable to the community when zoning ordinance requirements are varied. Those trade-offs should not just include a mixture of housing types.

Pedestrian paths (sidewalks) are required by ordinance to be constructed in all new residential developments. Bike paths, however, have only been constructed in a few selected areas. The City should encourage the development of bike paths and foot paths to activity areas, such as parks, schools, and recreation facilities, in all development designs.

Additional Design Considerations

2. Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. Planned developments can preserve large open areas for open space by clustering development in smaller areas. [..]
5. The City should encourage the provision of bike and foot paths within residential developments to connect to public and/or private parks, or recreation facilities and to connect to any paths which currently abut the land.

Finding: This proposal meets the intent of this portion of Volume I of the Comprehensive Plan. This is evident, in part, by the approvals of Ordinances 4722 and 4822 which were based on observations and findings of fact as reflected in the public record. Since the Council's approval of Ordinance 4722, all but 11.47 acres has residentially developed through three separate phases (Oak Ridge, Oak Ridge First Addition and Oak Ridge Second Addition residential subdivisions). Approving this proposal to remove the undeveloped 11.47 acres from the this Planned Development boundary and add it to the boundary of the adjacent Planned Development represented by Ordinance 4822 will not affect the existing three Oak Ridge Planned Development subdivisions' continued compliance with this portion of Volume I of the Comprehensive Plan or the existing conditions of approval of Ordinance 4722. Additionally, approval of this proposal will allow Premier Development the ability to continue moving forward toward developing a neighborhood offering a mix of residential lot sizes which will result in housing options being made available at varying market price points which was the original intent embodied by the City's prior approvals of both Ordinances 4722 and 4822 and their associated phased subdivision approvals.



For the collective benefit of area residents, open space is proposed in three forms by this proposal in addition to that provided by zoning setbacks as directed by the Comprehensive Plan Volume I Section cited above: 1) a protected wetland area along the eastern edge of the site; 2) an approximately 0.85 acre Nature Park internal to the neighborhood; and, 3) an approximately 5.6 acre open space greenway located around the site's perimeter which is proposed to be publicly dedicated. The protected wetland mentioned above is located along the eastern edge of the site, east of NW Pinehurst Drive and will remain in its natural state as required by the Declaration of Covenants and Restrictions for the Oak Ridge Wetland Mitigation Site (Exhibit 8); these wetlands have already been mitigated relative to the construction and impact of NW Pinehurst Drive. Additional discussion of wetland protection is provided in the findings below and is also herein incorporated at this point.

Regarding parks and greenways, based on Table 1 of the McMinnville Parks, Recreation, and Open Space Master Plan, Mini Parks/Playlots range from 2,500 square feet to one acre in size and are provided at a ratio of one such park per 1,000 anticipated residents based on Table 2 of that same Plan. Premier development proposes the construction of 106 single-family residential homes on this site which results in far fewer than the 1,000 resident threshold established in Table 2 of that Plan. At approximately 0.85 acres in size, the Nature Park is size-appropriate for this anticipated population while, for example, neighborhoods located near this site to the south and east have provided no such park of any size to serve their neighborhood populations. Premier Development supports the installation of picnic tables and a trash can for the enjoyment of residents on a portion of the upland area of the Nature Park. Additionally, the proposed Oak Ridge Meadows development is located within one-half mile from the specialty park proposed as part of the adjacent Stafford Land Planned Development to the west. The McMinnville Planning Department has already identified and communicated to Premier Development that this proposed specialty park provides the necessary benchmark for the level of service of every residence within this Oak Ridge Meadows proposal as being within one-half mile of a neighborhood park as identified in the McMinnville Parks, Recreation, and Open Space Master Plan.

Both of the park/open spaces proposed by Premier Development will be developed with pedestrian trails. The pedestrian pathway planned to extend through this park connecting NW Pinot Noir Drive and NW Pinehurst Drive will further enhance pedestrian mobility throughout this development beyond the standard network of public sidewalks found in most other residential developments. This proposal, through the proposed arrangement of park spaces, will afford pedestrians the ability



to enjoy continuous access from the Nature Park entrance on NW Pinot Noir Drive through to NW Pinehurst Drive and, then by walking northward along the public sidewalk for approximately 300 feet, be able to move along the access walkway leading from NW Pinehurst Drive and enjoy the walking trail winding its way through the entire greenway that will wrap the neighborhood all the way to its southwestern-most corner; at this point the public pedestrian pathway will have the opportunity of being extended as a pedestrian access feature as part of the future development of adjacent land to the south and west which is currently owned by Stafford Land Company.

5. The following Goals and Policies of Volume II of the McMinnville Comprehensive Plan (1981) are applicable to the request:

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

Policies:

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.

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.

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.

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.

Finding: 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. 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.

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

Finding: 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.

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.

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.

Westside Density 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)

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)

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)

Finding: Goal V 2 and Policies 68.00, 71.01, 71.06 (1-4), and 71.08 (1-6) are met by this proposal in that the 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 lots of various sizes in a cohesive arrangement throughout the development. While the more moderate and smaller lots tend to 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 help to 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 the 0.85-acre Nature Park, to be maintained by a Homeowner's Association to be created by Premier Development, which will help to preserve a number of the mature Oak trees that exist on the 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 to be available within one-mile of the site and identified as Conceptual Bus Route 2 on Figure 5-6 of the McMinnville Transit Feasibility Study (Exhibit 9). In addition, land comprising the subject site is currently zoned R-2 PD. This proposal does not exceed a residential density of 6 dwelling units



per acre so does not exceed McMinnville's Westside Density Policy, and the proposed density is also commensurate with that 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.

Planned Development Policies:

72.00 Planned unit 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.

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

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

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 homeowner's association, assessment district, or escrow fund will be required to maintain the common area.

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



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.

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

Finding: Policies 72.00, 73.00, 74.00, 75.00, 76.00, 77.00 and 78.00 are met by this proposal in that these policies having already been determined to be met by evidence of the adoption of Ordinance 4722 and Ordinance 4822. 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 in the following ways.

This proposal encourages social, economic and environmental benefits by arranging lots of various sizes in a cohesive manner throughout the development. 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 (please refer to the more detailed description of this lot arrangement found in Section IV above as additional support in satisfying these policies). The remaining lots are generally somewhat larger in size and 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 help to 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 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 Nature Park to be created by Premier Development and maintained by a Homeowners Association will help to preserve a number of the mature Oak trees that exist on the site. Both of these open space areas are new to this development proposal and were not part of that which was previously reviewed or approved by the City Council. 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. The proposed street network complies with current adopted City public street standards 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.

Residential Design Policies:

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.

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.

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.

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.

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.

Finding: Policies 79.00, 80.00, 81.00, 82.00 and 83.00 are met by this proposal in that the overall residential density, while commensurate with the underlying R-2 zoning requirements, is set by the existing Planned Development which governs the minimum density of this site (Ordinance 4828, 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. As part of this development, the natural drainage and wetland features are



proposed to be preserved as previously described in this application and as shown on the tentative subdivision plan. The street layout proposes to connect with the existing street network of the adjacent existing residential development and provides the ability to access other adjacent undeveloped land to serve future development proposal(s). 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 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 31 and 32 of Phase 2) and then 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 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. 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.

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 30 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 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 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 28) 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 18 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.

While not part of this proposal or part of the subject site, there is also a very large Oak tree located on Lot 74 of the already platted and mostly built-out Oak Ridge First Addition residential subdivision. This lot is currently not developed and Premier Development has heard from a resident of the area that they would like that tree preserved if possible. Again, while not under the purview of this request or review, Premier Development is interested in protecting this tree through the future residential building permit review process for Lot 74 as far as practicable.

Urban Policies:

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.

Finding: As provided on the submitted Overall Utility Plan (Exhibit 11), and 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. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site.

Lot Sales Policy:

99.10 The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the City Planning staff shall develop a formula to be applied to medium and large size subdivisions that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.

Finding: Policy 99.10 shall be satisfied in that, while the City has not yet formally developed and memorialized this formula, a condition of approval implementing this policy was employed in the 2017 final approval of the Baker Creek Development project (Condition of Approval 26 of S 3-16). That condition of approval required:

“That 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 twenty (120) days prior to building permit issuance for said lots.”

That condition of approval was based on associated findings that that the applicant would be required to provide information to the



McMinnville Planning Director detailing the minimum number of lots they proposed to offer for individual sale. Premier Development suggests that this same condition of approval be made a condition of approval of this proposal as well. As previously conditioned as noted above, the information detailing the number of lots to be made available for individual sale to builders would be required to be provided to the Planning Director for review and approval prior to recording the final plat. The referenced lots would be made available for sale to the general public prior to building permit issuance for said lots. By Premier Development's agreement and request that the City apply this same condition of approval to the current proposal, this Policy is satisfied.

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:

117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

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.
3. 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.
4. 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)
5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist

119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.



Finding: 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, or as modified by City approval, 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 the characteristic natural features of the land as 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 detailed in Exhibit 8, and other low-lands 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.

Parking:

126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.

Finding: Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be required for all single-family residences as specified by the McMinnville Zoning Ordinance. Such off-street parking (a minimum of two on-site 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.

Bike Paths

130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connect residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.



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.

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.

Finding: Policies 130.00, 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 Nature 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; this trail will also provide a future opportunity to extend and continue this pedestrian pathway through adjacent residential land 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 are 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. Bike facilities are noted as being Shared Lanes for Neighborhood Connector and Local Residential streets in the McMinnville TSP. In Chapter 4 of the McMinnville TSP, the Neighborhood Traffic Calming Program provides three major types of traffic calming devices for local residential streets: vertical deflection, horizontal deflection, and obstruction. These traffic calming strategies however address motorized vehicle traffic and are implemented as mechanisms to slow vehicle speeds where deemed necessary to address problem areas that have been studied and warrant such measures. So, by designing and constructing the proposed local residential streets to the applicable requirements of the TSP's Complete Streets Design Standards, and the findings presented in the paragraph above, these Policies have been met.



Connectivity and Circulation:

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)

Finding: Policy 132.26.05 is satisfied by this proposal in that the new street connections and the 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.

Supportive of General Land Use Plan Designations and Development Patterns -- Policies:

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.

Finding: 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.

Public Safety:

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)

Finding: 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. 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 31 and 32 of Phase 2) and then 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 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 31 and 32 (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.

Livability:

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)

Finding: 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.

Circulation -- Policies:

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)

132.41.05 Cul-de-sac streets – 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)

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)

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)

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)

Finding: Policies 132.41.00, 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 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. 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.



Environmental Preservation:

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)

Finding: 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.

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. (Ord. 4922, February 23, 2010)

Finding: 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. 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.

Pedestrian Programs

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)

Finding: Policy 132.54.00 is satisfied by this proposal in that, should this proposal be approved, the City will have demonstrated support and encouragement for efforts that promote health, and environmental benefits of walking for the individual and the McMinnville community. This would be achieved by the City's receipt of a 5.6 acre public greenway dedication improved with a walking path as well as supporting the creation of a private Nature Park, also to be provided



with a curvilinear walking path connecting two neighborhood streets. 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.

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 McMINSVILLE URBAN GROWTH BOUNDARY.

Sanitary Sewer System:

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.

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:

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.



143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Water System:

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.

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:

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.

Finding: Goal VII 1 and Policies 136.00, 139.00 (1-4), 142.00, 143.00, 144.00, 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 of utilities (Exhibits 11 and 25), and as conditioned through approval of this phased development proposal.

Police and Fire Protection:

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.

Finding: Policy 155.00 is satisfied in that 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 or as may be modified by the City.

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 satisfies 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, 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 31 and 32 (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.

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.

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.

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.

Finding: 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 whole by Premier Development's receipt of park SDC credits made available by way of their forthcoming public dedication of open park space within the planned development area.



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)

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.

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.

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)

Finding: 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 linear greenway park is proposed to be dedicated by Premier Development for the use and enjoyment of the public. This greenway park space 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 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 51 then transitioning to a rip-rap channel to be installed within the greenway.



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 open 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 some land dedicated to 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 in the Stafford Land Proposal. Premier Development welcomes this direction and clarity from the City, and supports the Department's guidance and is proud to dedicate this land and improvement for public enjoyment of the natural greenway along this portion of Baker Creek. Premier Development welcomes the City's interest in the review of this public dedication proposal regarding the location for the dedication of this land and how the greenway would be accessed.

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 0.85 acre Nature Park as part of Phase I of this subdivision. This Nature 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. 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.

Energy Conservation:

Goal VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

Finding: 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) that currently governs minimum density on this site 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.

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.

Finding: 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 applicable 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.

Citizen Involvement:

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

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.

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.

Finding: 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.

6. The subject request complies with the applicable requirements of the McMinnville Zoning Ordinance (Findings of Fact No. 6) as follows:

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

Finding: Section 17.03.020 is satisfied by this request for the reasons enumerated in Conclusionary Findings for Approval No. 1, 2, 3, 4 and 5.

17.15 R-2 Single-Family Residential Zone

17.15.010 Permitted uses. In an R-2 zone, the following uses and their accessory uses are permitted:

- A. Site built single-family dwelling [..]

Finding: This criterion is satisfied as Premier Development proposes to construct only site built single-family style dwellings within this phased subdivision.

17.15.030 Lot size. In an R-2 zone, the lot size shall not be less than seven thousand square feet except as provided in Section 17.15.010 (C) of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: This criterion is satisfied as the subject site is currently governed by Planned Development Ordinances 4722 and 4822 which both support and allow lot size averaging within the subject site. This subdivision application is being submitted concurrent with requests to modify Ordinances 4722 and 4822 as described above while retaining the existing authorization of lot size averaging. The current average minimum lot size for a portion of the subject site is 7,000 square feet as conditioned by Ordinance 4722 and the current average minimum lot size for the balance of this site is 7,500 square feet as conditioned by Ordinance 4822. This currently proposed phased subdivision



exceeds these requirements for the subject site as well as within each of the two individual proposed phases of this subdivision (Exhibit 10). As the proposed average minimum lot sizes described are greater than the 7,000 square foot minimum lot size required by 17.15.030, this criterion has been satisfied. -- Section 17.15.010(C) referenced by this standard speaks only to single-family common-wall dwellings and is not applicable as no single-family common-wall dwellings are proposed as part of this development.

17.15.040 Yard requirements. In an R-2 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than twenty feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than seven and one-half feet, except an exterior side yard on the street side of a corner lot shall be not less than twenty feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: This criterion is satisfied as the subject site is currently governed by Ordinances 4722 and 4822 which both support and allow amended setbacks for certain lots and amended setbacks for lots in certain circumstances. Approval of these setback adjustments were based on sensitivity to existing tree locations, the natural topography and shape of the site, and Premier Development's proposal to provide homes on lots of varying sizes and configurations to provide a wider range of choice in the residential market. As this application proposes to incorporate the undeveloped fourth phase of the Oak Ridge Planned Development area into the Oak Ridge Meadows Planned Development area, Premier Development requests modifications to Condition of Approval 3 of Ordinance 4822. As currently adopted, Condition of Approval 3 of Ordinance 4822 states:

"That setbacks for the Oak Ridge Meadows subdivision are as follows:

- Front Yard: 20 feet
- Side Yard: (Lots less than 6,000 square feet in area): 6 feet
- Side Yard (all other lots): 7.5 feet
- Exterior Side Yard (Lots 40, 45, 46, 52, 54, and 55): 15 feet
- Exterior Side Yard (all other lots): 20 feet
- Rear Yard: 20 feet
- Open side of garage: 20 feet



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

For those same reasons noted in reference to the prior approval of Ordinance 4822, specifically, sensitivity to existing tree locations, the natural topography and shape of the site, and Premier Development’s proposal to provide homes on lots of varying sizes and configurations to provide a wider range of choice in the residential market, and as further articulated in these conclusionary findings, Premier Development proposes that Condition 3 of Ordinance 4822 be modified as follows; this recommended condition of approval retains the same Planning Director setback modification authority as currently exists in Condition of Approval 5 of Ordinance 4722 and Condition of Approval 3 of Ordinance 4822 except that Premier Development is no longer requesting Planning Director authority to reduce the setback to the open side of a garage to 18 feet as is currently allowed by Ordinance 4822:

“That setbacks for the Oak Ridge Meadows subdivision are as follows:

- Front Yard: 20 feet
- Side Yard: 5 feet for corner lots
- Side Yard: 7.5 feet for all other lots
- Exterior Side Yard: 15 feet for corner lots
- Exterior Side Yard: 20 feet for all other lots
- Rear Yard: 20 feet
- Open side of garage: 20 feet

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the rear yard setback or the side yard setback be reduced to less than five feet, or the exterior side yard setback to less than 15



feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.74 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.”

17.15.050 Building height. In an R-2 zone, a building shall not exceed a height of thirty-five feet. (Ord 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: Premier Development is not proposing to construct any building within the subject site at a height that would exceed this height limitation of thirty-five feet. This standard has been satisfied.

17.15.060 Density requirements: In an R-2 zone, the lot area per family shall not be less than seven thousand square feet, except that the lot area for two-family corner lots and common wall, single-family corner lots shall not be less than eight thousand square feet for two families. This requirement does not apply to accessory dwelling units. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: The tentative phased subdivision plan submitted with this application proposes an average minimum lot size of 7,500 square feet as required by Ordinance 4822 and which surpasses that required by Ordinance 4722. The tentative subdivision plan also proposes lot size averaging as described and supported by the findings provided addressing Section 17.15.030, above. This proposed average minimum lot size of 7,500 square feet also satisfies this standard through the previously approved, and the proposed modifications to, Planned Development Ordinance 4822. Therefore, this criterion is met.

Planned Developments:

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A



planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

Finding: Section 17.51.010 is satisfied by the request in that the applicant proposes a development plan to provide for a range of single-family residential lot sizes. Premier Development also proposes adjustments to lot setbacks for some lots, modification of street improvement requirements for a portion of NW Pinehurst Drive, and allowances to exceed the preferred lot depth-to-width ratio and block length as further described in these conclusionary findings for approval. While these adjustments are requested, Premier Development also proposes to preserve significant natural features, facilitate a desirable aesthetic and efficient use of open space, and create public and private common open spaces for the benefit of the greater community primarily by providing an approximately 0.85-acre privately held Nature Park and approximately 5.6 acres of greenway to be dedicated to the public along the site's Baker Creek edge and extending further to the south along the site's western edge. Preservation of wetlands along the site's eastern edge is also provided as part of this development proposal. Additional tree protection is also proposed through Premier Development's proposal to submit a tree survey prepared by a certified arborist that will be instrumental to tree preservation on individual lots. This application of balancing adjustments to standards in exchange for public benefits is allowed and encouraged to be supported through the Planned Development application process. Beyond the provision of public sidewalks as part of the pedestrian network within the public street system as described in sections of the Comprehensive Plan addressed above, Premier Development also proposes to extend pedestrian walkways through the entirety of both of the offered park spaces to aid in enhancing pedestrian mobility and recreational opportunities within the area.

To provide assured variety in house plans and front façade treatment viewable from public rights-of-way, Premier Development offers a specific design amenity to further address the portion of the Planned Development purpose statement "A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance." Specifically, Premier Development proposes to provide an Architectural Pattern Book of specific design elements to be used in the construction of the residences for the two-phased residential development. This Architectural Pattern Book will result in a more pedestrian friendly streetscape for the proposed development to help set a new residential aesthetic above that found in other portions of the urban area and to help visually blend these residences in with those of the adjacent established neighborhoods. Premier



Development offers the following two conditions to achieve this vision and requests that they be made conditions of approval of this project.

That, prior to issuance of residential building permits, the applicant shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in the Oak Ridge Meadows development. This book will contain architectural elevations, details, materials and colors of each building type. The dominant building style for residences in the area identified in the Oak Ridge Meadows subdivision tentative plan can be best described as generally Northwest Craftsman or English Cottage style dwelling. In order to protect property values, front entries will need to be clearly defined, at least two material types will need to be used on the front elevations, driveways should be adjacent to each other to enhance opportunities for front yards and landscaping, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

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

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

And,

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

Premier Development is pleased to suggest that these conditions be made binding with the approval of this proposal. With that however it is also instructive to note that, without approval of a Planned Development application request or a request to amend an existing Planned Development, the City does not currently have the authority to require such design standards of residential subdivision development as the means to do so do not otherwise exist within McMinnville's regulatory authority. This further highlights the value of



the interplay and balancing of public and private benefits woven into the Planned Development process and is, in part, why Comprehensive Plan Policy 72.00 states that Planned Developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

17.51.020 Standards and requirements. The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:

- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;
- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: Section 17.51.020 (A-B) is satisfied by the request in that Premier Development proposes a development type (Single-Family detached) consistent with the residential zoning indicated on the comprehensive plan map and zoning map. While Sub B of this standard states that the density of the residential planned development shall be determined by the underlying zone designations, Condition of Approval 2 of Ordinance 4822 sets the average minimum lot size as being 7,500 square feet which is slightly less dense than the maximum density that could be theoretically achieved on otherwise unencumbered R-2 zoned land. Premier Development is not proposing to modify this condition (Condition 2) of Ordinance 4822 and has designed this proposal to maximize the unique topography and shape of the site and to honor the standing 7,500 square foot average minimum lot size requirement. This Finding is additionally supported by Findings provided in Section 5, above.

17.51.030 Procedure. The following procedures shall be observed when a planned development proposal is submitted for consideration:

- C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:



1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
2. Resulting development will not be inconsistent with the comprehensive plan objectives of the area;
3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels (as amended by Ordinance No. 4242, April 5, 1983);
4. The plan can be completed within a reasonable period of time;
5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the City as a whole.

Finding: Section 17.51.030 is satisfied by the request in that there are physical site conditions (shape, topography) and design objectives of this proposal (creation of a Nature Park and a large public greenway dedication, in addition to providing a wide range of lot sizes to enhance market choice) that warrant a departure from standard regulation requirements and that necessitate modification of Planned Development Ordinances 4722 and 4822 that currently govern the site. This proposal helps to enact the intended residential density of Ordinance 4822 and the comprehensive plan objectives for this area and can be completed within a reasonable period of time; targeted buildout in approximately five years. The proposed local street network is adequate to support anticipated traffic which can also be sufficiently accommodated and supported by the surrounding existing street network. Adequate access to and efficient provision of services to adjoining parcels will also be provided by extending streets and utilities to the edges of the site for future extension to serve adjacent lands (Exhibits 6, 7 and 11); a temporary compacted gravel emergency-only access roadway and easement is also proposed as addressed above in Finding of Fact No. 5. Public utility and drainage facilities currently exist adjacent to the site and have the capacity to



adequately be extended to and sufficiently serve the proposed population density and single-family detached residential development represented by this proposal and as generally shown on the Overall Utility Plan (Exhibit 11) and addressed further in findings provided below. As this site is designated Residential on the McMinnville Comprehensive Plan Map and R-2 PD on the McMinnville Zoning Map, and this proposed development complies with all applicable Comprehensive Plan purpose statements, policies, goals, requirements, standards and guidelines as provided in these conclusionary findings of fact, there are no indications that the proposal will have an adverse effect due to pollutants on surrounding areas, public utilities or the City as a whole.

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

Finding: 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 31 and 32, both of which will provide access opportunities to other adjacent sites. Therefore, this criterion is met. The proposed streets are local streets to be permitted and constructed to City standards or as modified by the City.

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

Finding: 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 protected wetlands, continuation opportunities for streets to adjacent properties are limited as was recognized in the City's prior approvals of Ordinances 4722 and 4822 and their attendant subdivisions. 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 is infeasible. However, as described above in the 17.35.101(A)(1) finding, 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. 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 revising of that street standard.

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.

Finding: 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. Therefore, this criterion is met.

- 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”]:

Finding: As shown on the tentative subdivision plans, all proposed streets will meet all applicable right-of-way, street width and streetscape requirements with one exception. Relative to the McMinnville Transportation System Plan, Exhibit 2-4 – Complete



Streets Design Standards, Premier Development is requesting a modification in the street design for a limited portion of NW Pinehurst Drive addressed in the Findings provided for 17.53.151(A)-(D) and 17.53.153 (A)-(H). Therefore, this criterion is met.

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.

Finding: As shown on the tentative subdivision plans, and otherwise described, street stubs are proposed to be provided to adjacent land to the south and east by way of temporary barricades and signage at both ends of NW Pinehurst Drive to be required as a condition of approval of this proposal in order to provide opportunities for future street connectivity. Therefore, this criterion is met.

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.

Finding: 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 good 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 31 and 77 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 the submitted Preliminary Plat



(Exhibit 7), all centerline street offsets of proposed “T” intersections exceed 125 feet. Therefore, this criterion is met.

- 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.

Finding: As shown on the tentative subdivision plans, 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 lies 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 along the western edge of the site precludes a public street stub to the west; the land to the west will 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 part of that future development. Therefore, this criterion is met.

- 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.

Finding: 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 31 and 77 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 Plat, the proposed street design complies with the requirements above and provides at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection. At intersections which contain an acute angle of less than 80 (eighty) degrees there is a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and the maintenance of a uniform width between the roadway and the right-of-way line. Therefore, this criteria is met.

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.

Finding: This project abuts only one existing right-of-way which is the temporary 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 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 help serve and provide access to other planned streets and the proposed neighborhood. No additional right-of-way from adjacent existing streets is needed. Therefore, this criterion is met.

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.

Finding: 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.

- 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.

Finding: 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 five (5) dwelling units. Therefore, this criterion is satisfied.

- 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.)

Finding: As shown on the tentative subdivision plans, no eyebrows are planned. Therefore, this criterion is satisfied.

- 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.)

Finding: With the exceptions of NW Pinot Noir Drive and 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. Therefore, this criterion is satisfied.

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.

Finding: The proposed streets are local streets and are not planned to exceed a grade of 12 (twelve) percent. As shown on the submitted Overall Utility Plan and Preliminary Plat, 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. Therefore, this criterion is met.

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.)

Finding: All proposed streets will meet all applicable right-of-way, street width and streetscape requirements inclusive of curbside planter strips with one exception. Premier Development is requesting a modification local street design requirements to allow a sidewalk and planter strip to be provided along only the west side of a portion of NW Pinehurst Drive between “A” Court and the southeastern-most extent of NW Pinehurst Drive. Additional justification supportive of this modification request is found in the Findings provided for 17.53.151(A)-(D) and 17.53.153(A)-(H). and 17.74.070(A). Therefore, this criterion is met.

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.

Finding: 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 with one requested exception. Refer to additional Findings supportive of this modification request at 17.53.151, 17.53.153 and 17.74.070(A) in this proposal. This criterion is met.

17.53.103 Blocks



- A. 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.
- B. 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.

Finding: 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 configuration of the site, as well as the street pattern of an adjacent platted neighborhood. Given this, Premier Development has configured the proposed local street plan as close to the recommended standard as possible.

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.

C. 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.



Finding: 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 as necessary and that are shown on the Overall Utility Plan (Exhibit 11). Therefore, this criterion is met.

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.

Finding: As shown on the submitted Subdivision Layout, Preliminary Plat and the Overall Utility Layout, 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 67.
- A ten-foot wide public storm easement is proposed to be created along the full distance of the southern property boundary of Lot 51 then transitioning to a rip-rap channel to be installed within the greenway.
- There are wetlands located along the southeast portion of the site however this area is not proposed for development.

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 the mitigation plan, it is possible, although unlikely, that some part of the adjacent wetland area could have since manifested again into some location(s) of the already mitigated roadway area over the ensuing fourteen years since the plan's approval. To definitively determine if this has occurred, Premier Development has proactively hired the well-established environmental consulting team Pacific Habitat Services, Inc., to perform and provide a wetland analysis and assessment of this area. If wetland area requiring mitigation is identified in a location, or locations, to be



affected by the construction of this southerly portion of NW Pinehurst Drive, then a mitigation plan will be prepared and submitted to the Division of State Lands for review and approval. Verification of this approved mitigation plan would then be provided to the City of McMinnville prior to the issuance of permits or approval of work to occur in the affected area(s). The forthcoming report from Pacific Habitat Services, Inc., has not been completed and was not yet provided to Premier Development by the time of the submittal of this proposal for review by the City. Accordingly, Premier Development now requests that the City attach a Condition of Approval requiring the provision a copy of the referenced Pacific Habitat Services report to the McMinnville Planning Director and the City Engineer for review prior to the issuance of permits for work within the study area. Premier Development will accept and comply with the recommendation(s) of the report and the requirement(s) of the City of McMinnville based on their review of the findings and recommendation(s) of that report. If it is found, after City review, that additional wetland mitigation is *not* necessary or required for the construction of a portion of NW Pinehurst Drive, then Premier Development will move forward with development and improvement plans in this area without an additional wetland mitigation plan. Therefore, this criterion is met.

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)

Finding: As shown on the proposed tentative plans, a pedestrian access path is proposed to be provided connecting NW Pinot Noir Drive to NW Pinehurst Drive through the approximately 0.85 acre Nature Park. A pedestrian pathway is also proposed to be located between Lots 62 and 63 creating access to the approximately 5.6-acre public greenway proposed to extend northward and encircle the subject site leading to the site's southwestern most point west of Lot 32; this pathway can be continued upon development of adjacent residentially zoned property. 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 and previously described. 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.

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.

Finding: 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 exceeding the 2:1 depth to width ratio in this proposal are lots 15-18 and lots 32-63 (36 lots, or some 34 percent of the proposed lots in this two-phased plan). Premier Development has tried to avoid exceeding this desired 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 66 percent of the proposed lots conforming to this ratio, Premier Development submits the 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 ratio.

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 explanation and 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.

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.

Finding: 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.

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.

Finding: 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 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 are fronted by Baker Creek Road on the south and either Cabernet Court or Chardonnay Drive on the north and are all consequently defined as through lots. This criterion has been satisfied.



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.

Finding: 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, referenced before as 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. As very few (approximately 15 lots within this 106-lot proposal) do not provide side lot lines running at right angles to the street, Premier Development contends that it has met this standard as far as can practically be achieved. Therefore, this criterion is met.

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.

Finding: There are no flag lots proposed as part of this development plan. Therefore, this criterion is met.

Improvements:

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.

Finding: 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 applicable to and administered by the City of McMinnville. As shown on the submitted Overall Utility Plan and the Toth Sanitary Sewer Easement (Exhibits 11 and 25), all lots shall be served by City water, electrical, sanitary and storm sewer systems including storm outfalls south and west of Baker Creek. No private ways or drives are proposed within the subject site. Dedication and improvement of public streets shall occur as required by City standards or as requested for amendment and approved by the City.

Premier Development is requesting a modification to allow a sidewalk and planter strip to be provided along only the west side of the portion



of NW Pinehurst Drive, between “A” Court and the southernmost extent of NW Pinehurst Drive. Premier Development has already mitigated the wetlands previously in the proposed right-of-way of this portion of NW Pinehurst Drive (a previous discussion has been provided in these findings to address any potential mitigation contingency(ies) identified through a currently ongoing site analysis being performed by Pacific Habitat Services). The resulting increase in elevation between the planned street elevation and that of the adjacent wetlands would be additionally exacerbated if sidewalk and planter strip improvements were required to be installed adjacent to and in front of the preserved wetlands. In addition, placing street trees in a planter strip in front of the wetlands would not enhance the natural state of this area but rather would detract from it. Premier Development contends that it is in the neighborhood’s and the community’s best interest to provide a full-width right-of-way with curbs and gutters provided on both sides of a full-width paved section, and a planter strip and sidewalk located only on the west side of NW Pinehurst Drive for this distance. This would provide full pedestrian connectivity to serve the needs of pedestrians accessing the residences along the west side of this southernmost portion of NW Pinehurst Drive.

The Planned Development process allows for such modifications as part of the intended flexibility of requirements resulting in an overall positive benefit for the community. This requested modification relates to a specific, unique physical situation and is not common to other locations in this proposal. Approval of this modification request is within purview of Planned Development procedures. Therefore, these criteria are met.

17.72.095 Neighborhood Meetings

A. A neighborhood meeting shall be required for:

1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:
 - a. Comprehensive plan text amendment; or
 - b. Zoning ordinance text amendment; or
 - c. Appeal of a Planning Director’s decision; or
 - d. Application with Director’s decision for which a public hearing is requested.
2. Tentative Subdivisions (up to 10 lots)
3. Short Term Rental

Finding: As the proposed applications are not those listed in this Section, a neighborhood meeting is required and has been held as evidenced by the materials provided in this application and supporting narrative. -- This requirement is met.



B. Schedule of Meeting.

1. The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.
2. Land use applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.

Finding: One neighborhood meeting was held prior to the submittal of this land use application for the subject site. The neighborhood meeting was held on Thursday, July 26, 2018, and this land use application has been received by the City within 180 days of July 26, 2018. -- This requirement is met.

C. Meeting Location and Time.

1. Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.
2. The meeting shall be held at a location that is open to the public and must be ADA accessible.
3. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.
4. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 p. and 8 p. or Saturdays between the hours of 10 a. and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes after the scheduled starting time for the neighborhood meeting, the applicant may leave.

Finding: The neighborhood meeting was held at 6:00 p.m. on Thursday, July 26, 2018 which is not a day recognized by the United States Federal Government as a national holiday. The neighborhood meeting was held in room 102 of the McMinnville Community Center which is located within the city limits of the City of McMinnville. Both the McMinnville Community Center and room 102 of the McMinnville Community Center are ADA accessible. An 8 ½ x 11" sign was posted on the entry door of the building before the meeting announcing the meeting, stating that the meeting is open to the public and that interested persons are invited to attend (Exhibit 12). These criteria are met.

D. Mailed Notice.

1. The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the



exterior boundary of the subject property. The notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110.

2. Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
3. An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.
4. The mailed notice shall:
 - a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.
 - b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request)
 - c. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development.
 - d. Include a conceptual site plan.
5. The City of McMinnville shall be included as a recipient of the mailed notice of the neighborhood meeting.
6. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.

Finding: The neighborhood meeting notice was mailed to the City of McMinnville Planning Department and to property owners located within 300 feet of the exterior boundary of the subject property (as required by McMinnville Zoning Ordinance 17.72.120(F)) on July 5, 2018 which was not fewer than 20 calendar days nor more than 30 calendar days prior the July 26, 2018 date of the neighborhood meeting (Exhibit 13). The official list for the mailed notice (Exhibit 14) was obtained from the McMinnville Planning Department office and was then utilized to mail the neighborhood meeting notice within the 45-day window of validity of the official mailing list. The mailed neighborhood meeting notice contained the date, time and location of the neighborhood meeting and an invitation for people to converse with the applicant regarding the proposal. Also included in the notice was a brief description of the proposal including the proposed housing type, proposed type and number of lots (single-family residential),



proposed range of lot sizes and the average lot size and a statement that the residences may be either single or two-story in design. The mailed neighborhood meeting notice also included a copy of a GeoAdvantage vicinity map from First American Title that clearly identified the location of the proposed development (Exhibit 15) in addition to the inclusion of a tentative subdivision plan showing the lot layout, phase line and open spaces (Exhibit 16). Therefore, these requirements are met.

E. Posted Notice.

1. The applicant shall also provide notice of the meeting by posting one 18 x 24" waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
2. The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.
3. It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.
4. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.

Finding: Three 18 x 24" waterproof signs notifying individuals of the July 26, 2018 neighborhood meeting were posted in easily viewable and readable locations. Specifically, those signs were posted at the northern terminus of NW Pinot Noir Drive, at the entrance to the Oak Ridge Subdivision, and on the vacant lot along NW Pinot Noir Drive just east of its intersection with NW Chardonnay Drive (Exhibit 17) nor fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting. Premier Development has made every effort to ensure that the sign remained posted until the neighborhood meeting. On two occasions however someone had moved the posted neighborhood meeting signs out to Baker Creek Road at the entrance of the Compton Crest and Crestbrook subdivisions. As soon as this was known to Premier Development, the signs were replaced by Premier Development to their original locations. Outside of these two incidences, Premier Development is not aware of the signs being otherwise removed or relocated and remained in their intended locations until after the neighborhood meeting had concluded. These requirements are satisfied.

F. Meeting Agenda.

1. The overall format of the neighborhood meeting shall be at the discretion of the applicant.



2. At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:
 - a. An opportunity for attendees to view the conceptual site plan;
 - b. A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;
 - c. An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.

Finding: An agenda for the neighborhood meeting was prepared (Exhibit 18) and provided to attendees of the neighborhood meeting that included an opportunity for attendees to view the tentative subdivision plan. The agenda also indicated that Premier Development would be providing a description of the proposal including the major elements of the plan as well as an opportunity for attendees to speak at the meeting and ask questions of Premier Development and communicate any issues that they believe should be addressed. These requirements have been met.

- G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:
 1. A copy of the meeting notice mailed to surrounding property owners;
 2. A copy of the mailing list used to send the meeting notices;
 3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;
 4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and
 5. Notes of the meeting, which shall include:
 - a. Meeting date;
 - b. Meeting time and location;
 - c. The names and addresses of those attending;
 - d. A summary of oral and written comments received; and
 - e. A summary of any revisions made to the proposal based on comments received at the meeting. (Ord. 5047, §2, 2018, Ord. 5045 §2, 2017).

Finding: Evidence of compliance with all of these requirements is as listed and referenced above in addition to the following Exhibits



representing materials that were presented by Premier Development at the Neighborhood Meeting: Large Subdivision Layout (Exhibit 19); Plat - Aerial (Exhibit 20); Overall Utility Plan (Exhibit 21); Subdivision Layout with Contours (Exhibit 22). Also provided are the names and contact information as shared by those attendance at the Neighborhood Meeting (Exhibit 23), and a summary of oral and written comments received at the Neighborhood Meeting including a summary of any of Premier Development's revisions made to the proposal based on comments received at the meeting (Exhibit 24). These requirements are satisfied.

17.74.070 Planned Development Amendment – Review Criteria.

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

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

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



Appeals (LUBA) remand (LUBA 2005-065) of the City's approval of ZC 12-04/S 14-04.

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

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

While Premier Development is requesting specific modifications to the existing Oak Ridge Meadows Planned Development ordinance (Ordinance 4822) conditions of approval, it is instructive and relevant to note the change in total number of lots within the combined Oak Ridge and Oak Ridge Meadows Planned Development sites. Oak Ridge was originally approved to allow the platting of a maximum of 107 lots in three phases. Through minor amendments to that plan approved by the McMinnville Planning Director, a total of 82 lots were ultimately platted in three phases leaving an additional new fourth unplatted phase with the theoretical opportunity to realize the platting of up to the remaining maximum of 25 additional lots. Subsequently, the Oak Ridge Meadows Planned Development was approved supporting a two-phased subdivision proposing the platting of a maximum of 99 lots. Together, these two Planned Developments, if fully realized, would have resulted in the platting of 206 total lots. The current proposal is for approval of a Planned Development supporting a tentative subdivision plan for the platting of 106 lots. Adding the 82 currently platted lots to the 106 proposed lots yields a new combined total of 188 residential lots which is 18 lots less than the 206 lots which were once envisioned and conceptually approved for this area. When reviewing the original approved Oak Ridge Meadows subdivision plan and comparing it to the current proposal it is clear that the overall reduction of lots that were once envisioned has in



large part been the result of the currently proposed dedication of a 0.85-acre Nature Park within Phase 1 of the subdivision and the proposed dedication of 5.6-acres of public greenspace around the site perimeter; this larger proposed public open space dedication has resulted in the loss of the “double-row” of lots that were once to be located along the western-most edge of the subdivision and to be accessed by a series of private easements.

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

Part of Premier Development’s vision and proposal for this site is achieved by the “trade-offs” attainable through the Planned Development and Planned Development Amendment processes. Primary to the enabling of the proposed development plan is the ability to receive some flexibility to the City’s standards regarding lots that are not cleanly rectangular in shape and also regarding instances where the lot depth exceeds the lot width ratio addressed in 17.53.105. Equally important is the previously requested modification of standard street improvements for a limited distance of NW Pinehurst Drive located in the southeast portion of the site addressed at 17.53.151 and 17.53.153 in these findings. Premier requests these allowances due to the unique shape and challenges of the site in addition to designing a residential subdivision proposal that provide significant recreation amenities to the neighborhood and the broader community.

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

Finding: When the Planning Commission received an application from Premier Development in October of 1999 (CPA 10-99/ZC 19-99/S 6-99), a thorough review of applicable Comprehensive Plan policies ensued in order for the Commission to reach a recommendation for approval of the comprehensive plan and zone change amendment requests to the City Council. The City Council’s approval of those requests was memorialized through their adoption of Ordinance 4722 in February 2000. The development resulting from these approved requests now exists as three platted and fully developed residential subdivisions; Oak Ridge, Oak Ridge First



Addition and Oak Ridge Second Addition. The requested removal of the subject 11.47 undeveloped acres from the boundary of this approved Planned Development (ZC 19-99) will not cause any inconsistency between the existing subdivisions and the conditions of approval of Ordinance 4722 or the Comprehensive Plan objectives for this area as those conditions are not proposed to be modified in any manner. Additionally, there is found no Comprehensive Plan Policy inconsistency by including the subject acreage within the boundary of an adjacent Planned Development (Ordinance 4822). Removal of the subject 11.47 acres from the Oak Ridge Planned Development area does not place any of the three existing phases of the Oak Ridge development in conflict with any of the requirements of Ordinance 4722.

Responses to this criterion relative to the proposal's compliance with the Comprehensive Plan objectives for the area are found under Section V Conclusionary Findings for Approval, Finding 5, above.

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

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

Responses to the criteria relative to the proposed modifications to Ordinance 4822 and requirements of the McMinnville Zoning Ordinance are found under the Section V Conclusionary Findings for Approval, Item 6, above.



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

Finding: Premier Development intends to begin work on the proposed Oak Ridge Meadows residential subdivision as soon as permitting is issued and reasonable weather allows, and plans to continue work through completion as an estimated five-year plan. This criterion is satisfied.

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

Finding: Premier Development plans to continue the local street network through the proposed Oak Ridge Meadows Planned Development area as a natural and logical extension of that developed to serve the three existing phases of the adjacent Oak Ridge Planned Development area. This proposed street design is very similar to the street design of the subdivision approvals (now expired) once supported by the adoptions of Ordinances 4722 and 4822. In this current application, all proposed streets will be public and will be developed to public standards or as otherwise approved by the City (re: the southerly portion of NW Pinehurst Drive as previously described in this application). It is also pertinent to note that during the time that the existing phases of the adjacent Oak Ridge development were constructed and platted, public local street design required a 26-foot wide paved section. This standard has since been modified by Council action to require a 28-foot wide paved section for local public residential streets which is the standard that Premier Development proposes for all such streets within this two-phase residential subdivision.

Regarding anticipated traffic, the McMinnville City Council adopted the City of McMinnville Transportation System Plan (TSP) in 2010. As part of the TSPs modeling analysis, the site of this application was assumed to build out to the residential density of its underlying R-2 zone. The TSP notes no traffic volume capacity issues or unsafe road or intersection conditions resulting from that assumption and modeling. As Ordinance 4822 limits the average lot size in the original Oak Ridge Meadows site to no less than 7,500 square feet, and Premier Development proposes to comply with this requirement (Ordinance 4822, Condition of Approval 2) for the requested expanded Oak Ridge Meadows Planned Development area, the resulting density, and associated vehicle trip generation, is less than was anticipated in the adopted TSP. Additionally, as the tentative subdivision plan described above proposes 18 lots less than was once envisioned and



conceptually approved for this area, the currently proposed single-family residential development plan will also generate fewer vehicle trips than anticipated by the earlier approvals.

This portion of the current finding is stated above at 132.32.00 and is relevant here. As there is only one public street connection currently in place to serve the two-phased Oak Ridge Meadows subdivision, a temporary emergency-only access will be required in order to exceed the 30 unsprinkled home limitation described above. This emergency access, which will be placed in an easement, will be graded and finished with compacted rock to applicable standards and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road, across land currently owned by Stafford Land Company, to the southern edge of the Oak Ridge Meadows site at a point between proposed Lots 31 and 32 (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 criterion is satisfied.

17.74.070 (F) Proposed utility and drainage facilities are adequate for the population densities and types of development.

Finding: Responses to the criteria relative to the proposed modifications to Ordinance 4822 and McMinnville Zoning Ordinance requirements are found under the Section V Conclusionary Findings for Approval, Item 6, above. This criterion is satisfied.

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



Finding: The effects on noise, air and water pollutants anticipated to be caused by this development have already been addressed through the prior review of more impactful (more lots) development proposals for this site and the Council's related supportive approval of Ordinances 4722 and 4822. This current proposal impacts the site and adjacent neighborhoods to a lesser degree than the combined effect of the earlier subdivision approvals due to the current proposal to plat 18 fewer single-family residential lots than was originally proposed and approved for the Oak Ridge Meadows site and the portion of the Oak Ridge subdivision approval that has become a de facto fourth phase. The anticipated pollutant impact of this current plan is also lessened by Premier Development's proposal to provide both a 0.85-acre Nature Park and dedicate approximately 5.6-acres of open space to the public for use as preserved greenway along the south side of Baker Creek. Further discussion of noise, air, and water pollutants potentially caused by the proposed development is found above in these findings. This criterion is satisfied.

VI. Conclusion and Approval Request

The evidence in the record is substantial and supports approval of this proposal.

Premier Development respectfully requests that Ordinance 4722 be amended to remove the referenced 11.47 acres from the Planned Development area as proposed. The resulting Planned Development area continuing to be bound by Ordinance 4722 will be that area defined as containing the Oak Ridge, Oak Ridge First Addition and Oak Ridge Second Addition residential subdivisions.

In an effort to create a clean and clear land use record, and given the requested modifications to some of the Conditions of Approval of Ordinance 4822 in addition to the modifications to current Zoning Ordinance requirements requested as part of this proposal, Premier Development respectfully requests that Ordinance 4822 and the associated Ordinance 4845 be repealed in their entirety and a new ordinance be adopted putting in place a new Planned Development approval with conditions of approval necessary to allow Premier Development to move forward with this development proposal.

Premier Development also respectfully requests that the submitted tentative phased residential subdivision plan be approved as proposed including conditions of approval as proposed and requested.

