Planned Development Amendments and Subdivision Requests

Ordinance 5065 - PDA 3-18

Ordinance 5069 - PDA 4-18

Ordinance 5070 - S 3-18

Oak Ridge Meadows

City Council

July 23, 2019

STAFF REPORT

Section 2.36.040(D) of the MMC governs public hearings process at the City of McMinnville.

A staff report is part of the process. However, staff gave an extensive presentation on the three land-use decisions on June 25, 2019. In order to ensure time for the applicant report and public testimony, the June 25, 2019, staff report and presentation are being submitted as part of the public record. Those councilors who were not present on June 25, 2019 have watched a recording of the presentation.

Tonight we will summarize the new material entered into the record between the June 25, 2019 City Council meeting and the July 23, 2019 public hearing.

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DECISION DEADLINE

Per ORS 227.178, the City of McMinnville needs to render a decision on these three land-use decisions within 120 days unless the applicant requests an extension.

This is done to ensure timeliness in terms of decision-making.

The applicant has requested an extension to August 13, 2019 extending the processing time to 201 days.

- Public Hearing: July 23rd, 2019
- Decision with 2nd Reading of Ordinance: August 13, 2019

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ORD. No. 5065 / PDA 3-18

Oak Ridge Planned Development

- Ord. No. 4722 (2000)
- 30.2 acres

Request:

- Remove 11.47 acres undeveloped, unplatted property from PD

Criteria:

- Section 17.74.070 Applicable criteria met

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City of McMinnville

ORD. No. 5069 / PDA 4-18

Oak Ridge Meadows PD

- Ord. No. 4822 (2005)
- 24 acres

Request:

- Add 11.47 acres to PD
- Zoning departures
- Require amenities

Criteria:

- Section 17.74.070
- Applicable criteria met

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City of McMinnville

ORD. No. 5070 / SUBDIVISION 3-18

Oak Ridge Meadows PD (PDA 4-18)

- 35.47 total acres

Request:

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

Criteria:

- Ch. 17.53 Land Div. Standards
- Applicable criteria met

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NEW PUBLIC TESTIMONY

- 10 new written testimonies submitted to the Planning Dept.
  - PBS, letter re: Baker Creek Hydrologic Analysis rebuttal
  - Mike Colvin, letter in opposition re: flooding
  - Mike Colvin, letter in opposition re: Shadden Drive
  - Rick & Linda Thomas, email in opposition
  - Carmen Mendenhall, email in opposition
  - Sandi Colvin, letter in opposition
  - Friends of Baker Creek, testimony binder in opposition
  - Randy & Jan Hartzell, email in opposition
  - Mark & Sandy Hyder, email in opposition
  - Sandi Colvin, email in opposition
    - Sandi Colvin, correction to testimony

PUBLIC TESTIMONY & DISCUSSION

Oppositional testimony expressed concern related to 3 primary issues:

1. **Impact of Development on Surrounding Street Network and Transportation System**
   - **Local street standards are too congested for a neighborhood.**
2. **Impact of Development on Wetlands**
   - **Any impact is too much impact**
3. **Impact of Development on Downstream Flooding**
   - **Development will increase flooding**

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TRAFFIC IMPACT

Street standards adopted by 2010 Transportation System Plan

Complete Street Design Standards

				Arterial		Collector		Neighborhood Connector	Local Residential	Alley
				Major	Minor	Major	Minor			
Streetscape	Street Profile		Auto/Truck Amenities (lane widths) [1]	2-4 lanes (12 ft.)	2 lanes (11 ft.)	2 lanes (11 ft.)	2 lanes (10 ft.)	See Street Width	See Street Width	20 ft.
			Median / Center Turn Lane	14 ft.	12 ft.	12 ft.	10 ft.	None	None	None
		Bike	Bike Facility [2]	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (5 ft.)	2 Lanes (5 ft.) or Shared Lane	Shared Lane	Shared Lane	None
			Curb-to-curb Street Width [3]							
			On-Street Parking							Not Apply
			Two Sides	na	na	na	30 or 40 ft.	28 ft.	28 ft.	
			None	74 ft.	46 ft.	44 ft.	30 or 40 ft.			
		Pedestrian Zone (with ADA requirements)	Pedestrian Amenities [4]							
			Sidewalks (both sides)	8 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft.	5 ft.	None
			Planter Strips		6 ft. Res na Com	6 ft. Res na Com	6 ft. Res na Com	5 ft. Res	5 ft. Res	None
			Preferred Adjacent Land Use - Intensity	High	Medium to High	Medium	Medium	Medium to Low	Low	Low
		Traffic Management	Maximum Average Daily Traffic	32,000	20,000	16,000	10,000	1,200 - 3,000	1,200	500
			Traffic Calming	Not Typical	Not Typical	Not Typical	Permissible/ Not Typical	Permissible/ Not Typical	Typical	Not Typical
			Managed Speed [5]	35 mph	30-35 mph	25-30 mph	25 mph	25 mph	15-25 mph	10 mph
			Through-traffic Connectivity	Primary	Typical	Typical	Typical	Not Typical	Not Permissible	Not Permissible
			Access Control	Yes	Yes	Some	Some	No	No	No
			Maximum Grade	6%	6%	10%	10%	12%	12%	12%
			Right-of-Way:	104 ft.	96 ft.	74 ft.	56 ft. (no bike lane) 66 ft. (bike lane)	50 ft.	50 ft.	20 ft.

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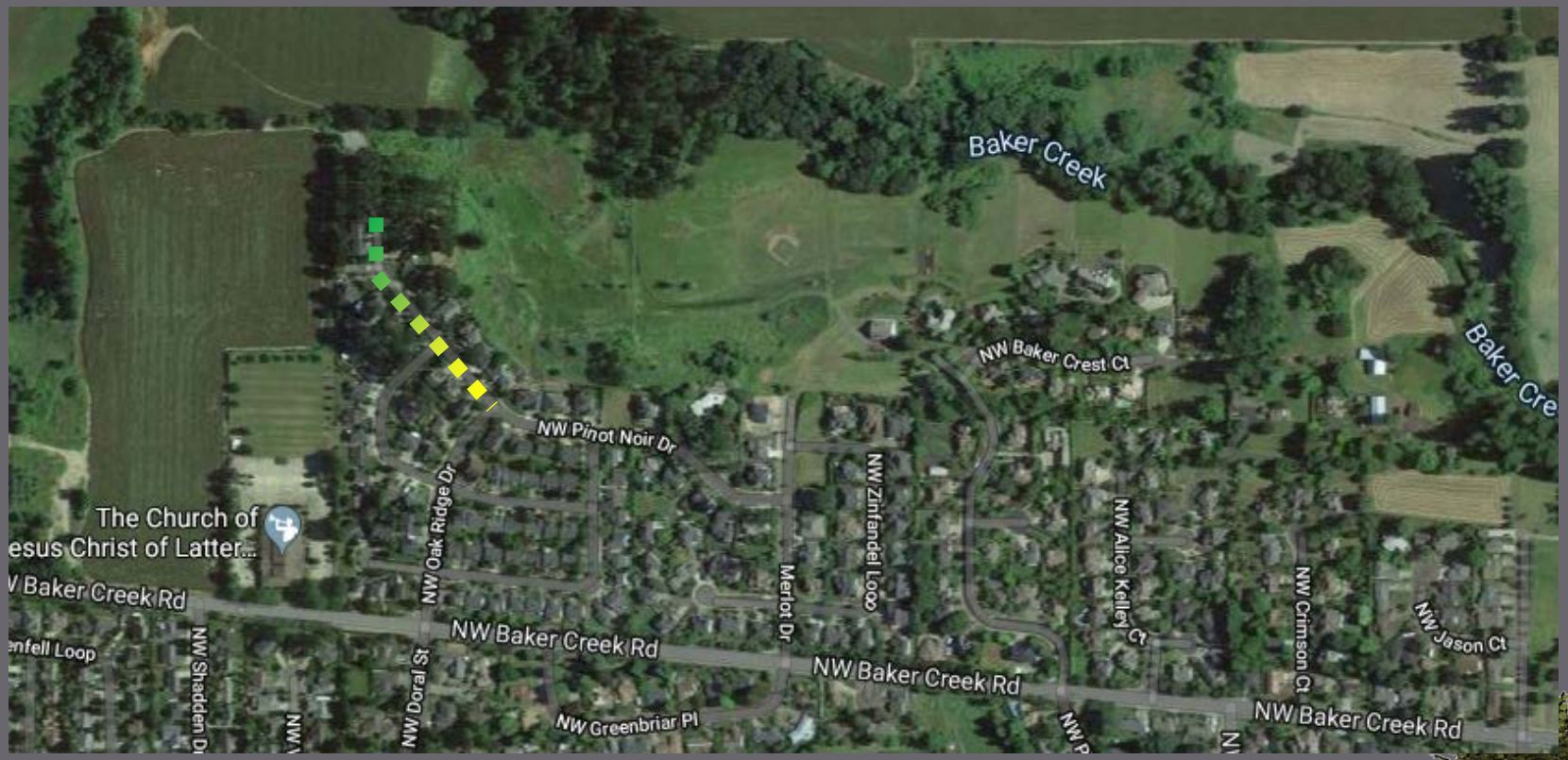
TRAFFIC IMPACT

Existing Traffic on Pinot Noir = approx. 200 ADT

Assumption = 1 household generates approx. 9.5 ADT



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TRAFFIC IMPACT

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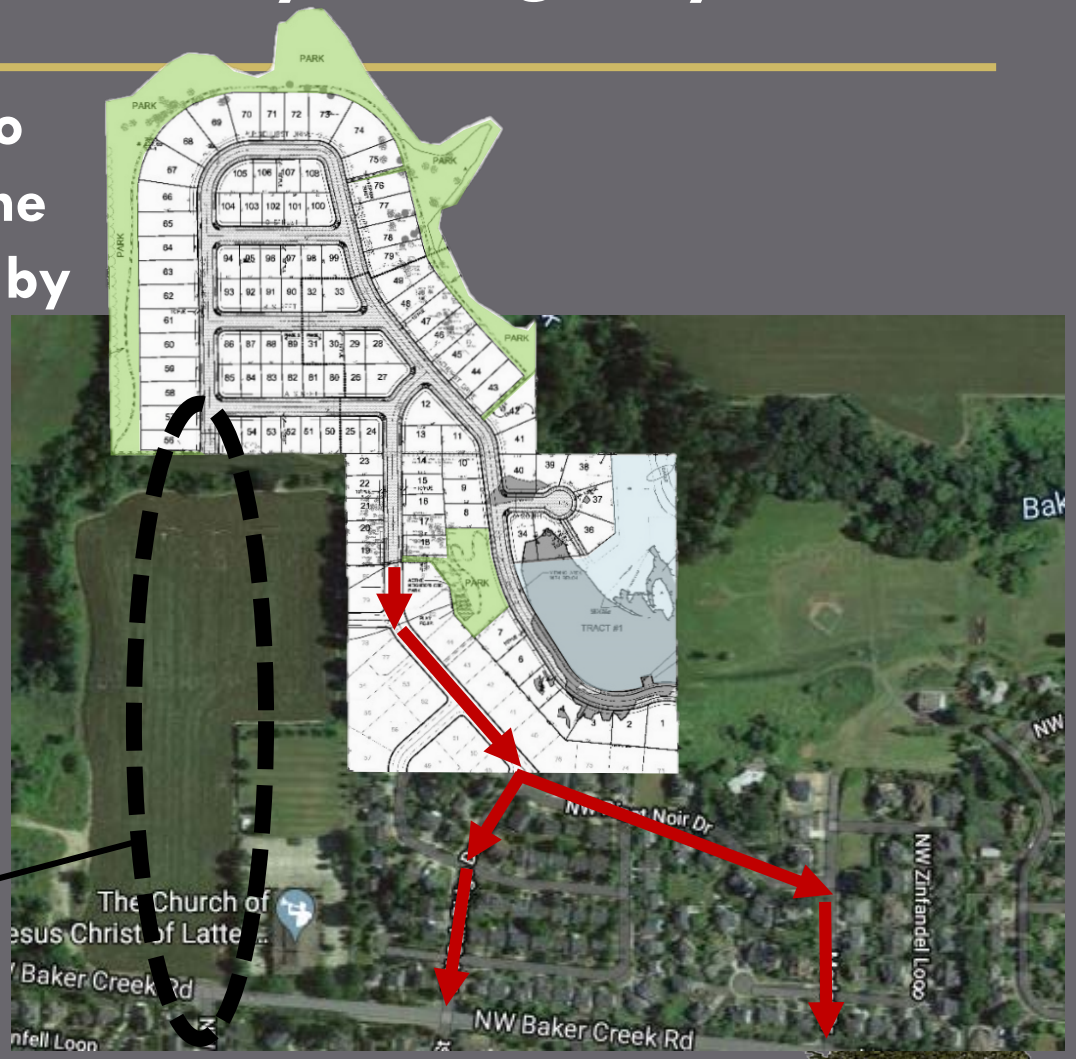
SHADDEN DRIVE – Secondary Emergency Access

Shadden Drive – scheduled to be an emergency access to the neighborhood until it is built by Stafford Land Company.



Shadden Drive

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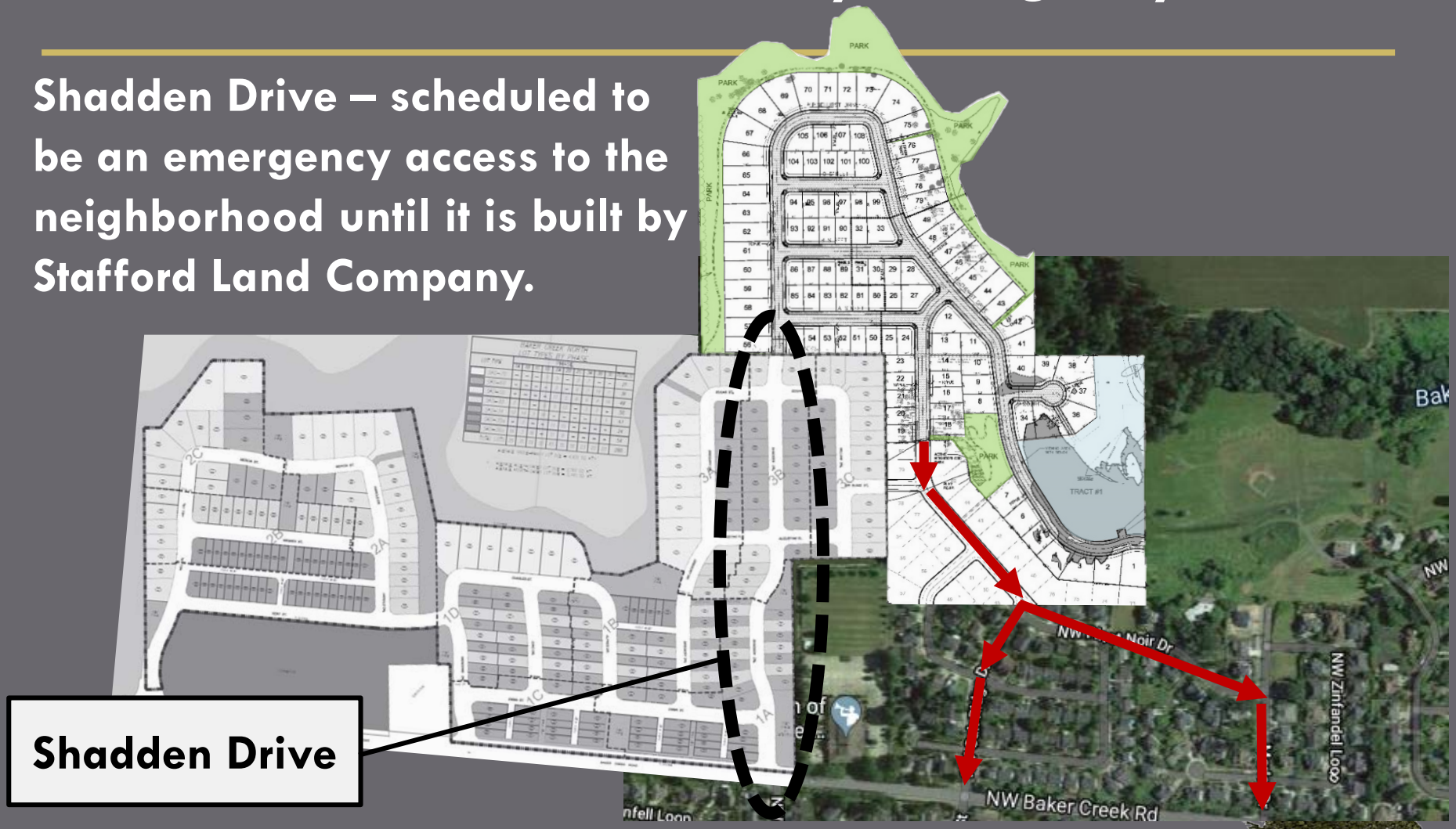

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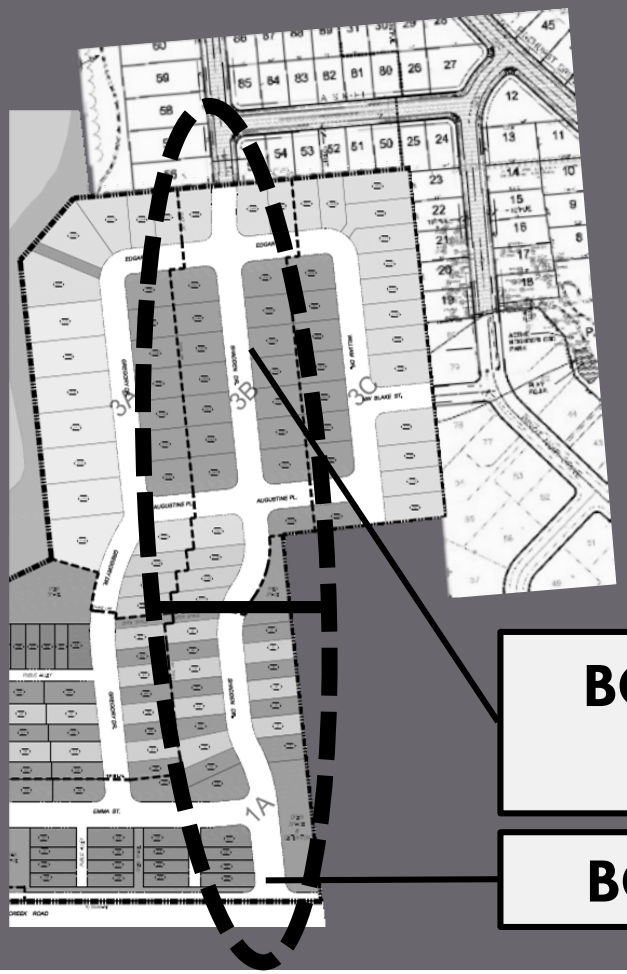
SHADDEN DRIVE BUILDOUT



Shadden Drive as "Primary" Access

- **Property is not owned by applicant**
- ***Nollan* and *Dolan* case law**
- **Evidence in record shows the proposed street network meets standards in TSP**

BCN – Phase 3B, 5-10 Years

BCN – Phase 1A

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INTERSECTION IMPACTS

- Oak Ridge Meadows Supplemental Traffic Analysis – July 2019

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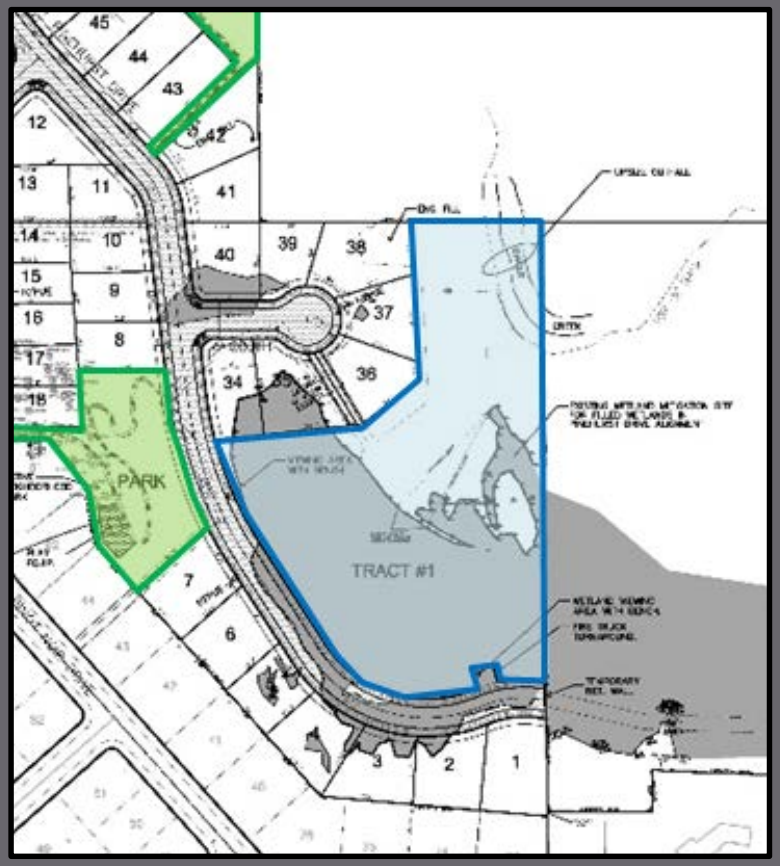
WETLAND IMPACT AND MITIGATION

Impact of Development on Wetlands



3.09 acres of delineated wetlands.

2.03 Preserved

1.06 Impacted

Impacted wetland is on the periphery and primarily for road.

Compensatory mitigation would be required by DSL for impacted wetlands

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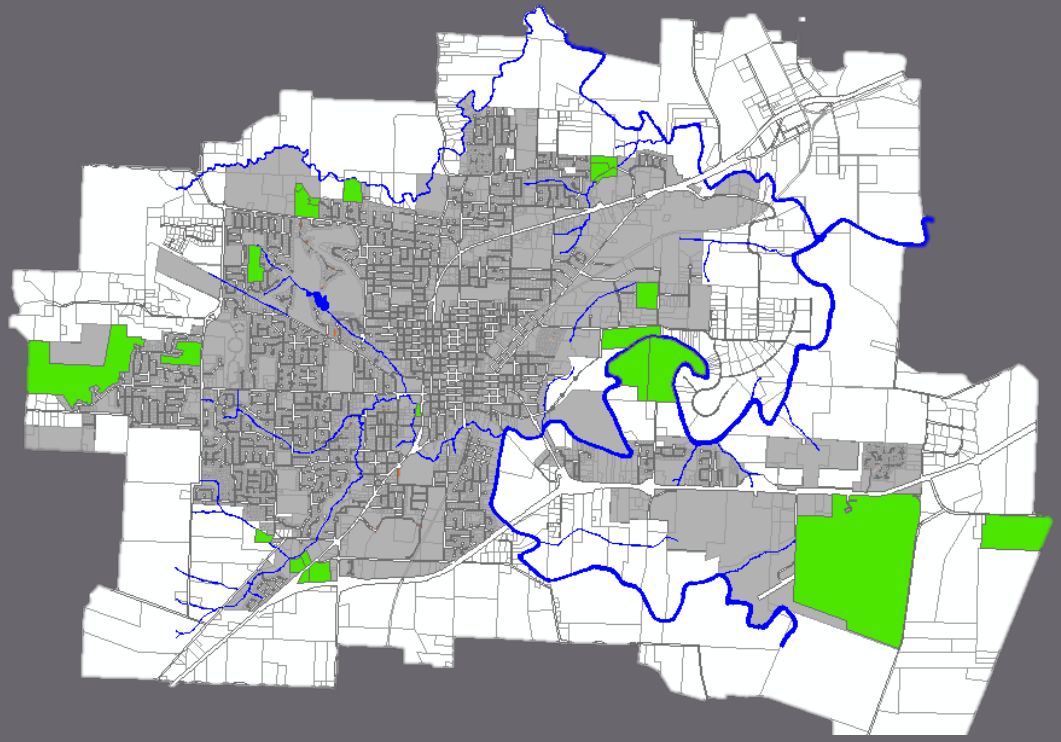
WETLAND IMPACT AND MITIGATION

Precedent of Mitigated Wetlands in McMinnville for development.



Development requiring DSL permitting and compensatory mitigation for impact on wetlands/waters of the state:

- Residential Subdivisions
- Commercial
- Municipal

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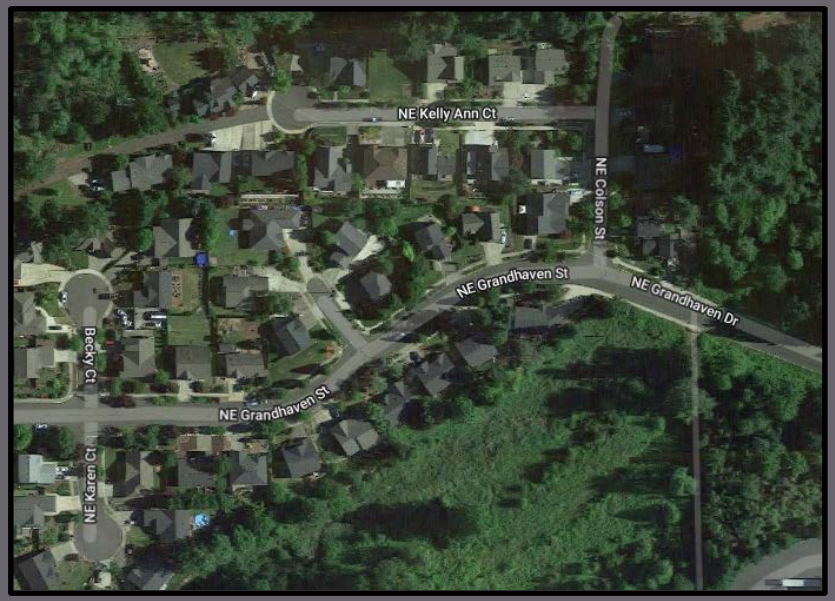
WETLAND IMPACT AND MITIGATION

- No city policy that does not allow wetland impact/mitigation.
- Several examples similar to proposal: Peripheral impact & mitigation for road development, preservation of primary wetland. Development should minimize impact.



Bixler & Gerhart Subdivisions

NE Grandhaven Dr. adjacent to wetlands

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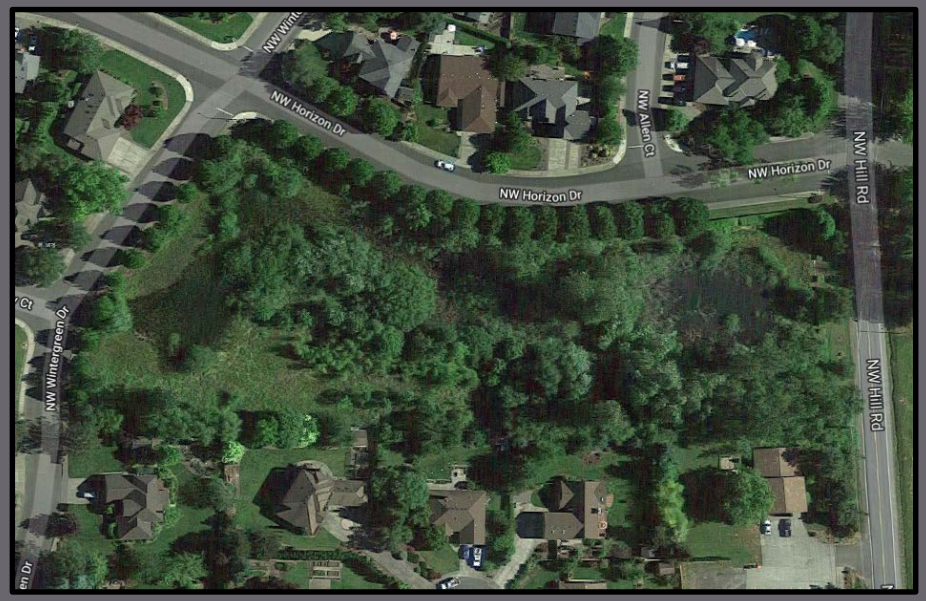
WETLAND IMPACT AND MITIGATION



Horizon Heights Subdivision

NW Horizon Dr. adjacent to wetlands

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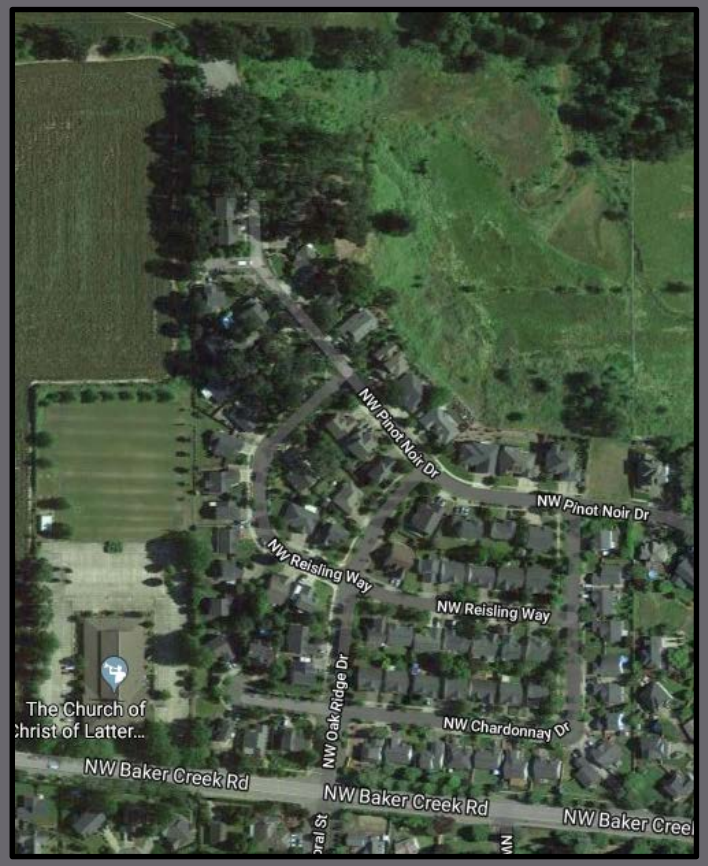
WETLAND IMPACT AND MITIGATION



Oak Ridge Subdivision

Crestbrook 1st Addition

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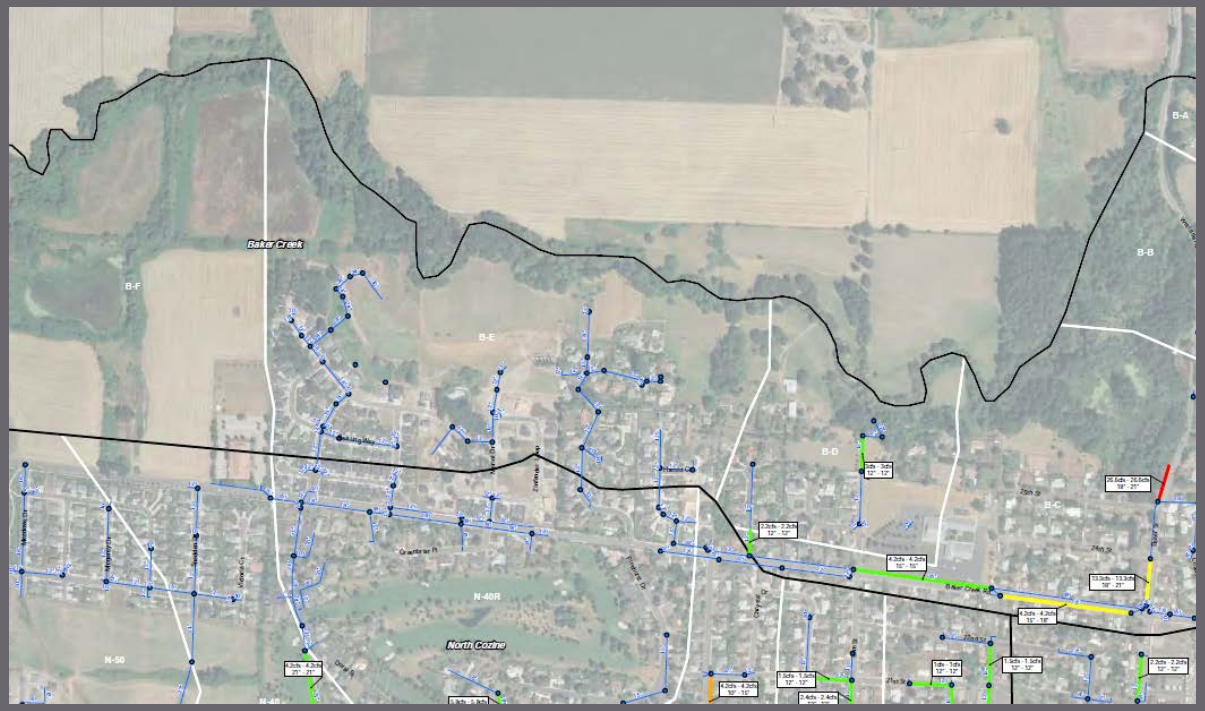
FLOODPLAIN AND DOWNSTREAM FLOODING

Impact of Stormwater Runoff

No new development since 2010 directs stormwater to Baker Creek

- Baker Creek E/W
- Hill Road



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FLOODPLAIN AND DOWNSTREAM FLOODING

Response to PBS Hydrologic Analysis

Staff worked with DLCD & FEMA to evaluate:

1. Validity of report and conclusions
2. Safety of the built environment in floodplain
3. What can McMinnville require of the applicant?

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

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FLOODPLAIN AND DOWNSTREAM FLOODING

1. *Validity of report and conclusions*

- 3rd party review by FEMA consultants and further review by applicant do not dispute validity of the PBS report's conclusions:
    - Data for the FEMA FIRM panels is outdated and should be updated
    - Floodplain shown in 2010 FIRM panel may not be representative of the floodplain's extent today
    - Proposed development would not increase downstream flooding

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City of McMinnville

FLOODPLAIN AND DOWNSTREAM FLOODING

2. *Safety of the built environment in floodplain*

- McMinnville does not allow residential development in the Floodplain Zone
- Other jurisdictions allow development in floodplain that conforms to State and Federal regulations
  - Lowest floor elevation > base flood elevation
- Impacted lots could be developed to State/Federal standards to prevent flood damage

FLOODPLAIN AND DOWNSTREAM FLOODING

3. *What can McMinnville require of the applicant?*

- **DLCD and FEMA expressed concern that additional conditions not supported by current adopted ordinances would not be legally tenable.**

- **Applicant could be asked to agree to a condition relative to determining current base flood elevation and employing Oregon Model Flood Damage Prevention Ordinance standards on impacted lots**

APPLICANT'S RESPONSE

- Subdivision Exhibit 6ALT
- Agreed upon conditions of approval to mitigate risk of flooding of lots in proposed subdivision.
- Agreed upon conditions of approval to mitigate development increasing downstream flooding.

FLOODPLAIN AND DOWNSTREAM FLOODING

Applicant's Response to Public Testimony re: Wetlands, Flooding

NEW CONDITION, PDA 4-18, S 3-18:

The applicant shall remove Lots 34, 35, 41, 42, and 43 as they are depicted on the application site plan Exhibit 6, and replace them elsewhere within the subdivision in substantial conformance with the site plan shown on the attached Exhibit 6ALT. The average lot size within the subdivision is authorized to be approximately 7,302 sq. ft. and the minimum lot size within the subdivision is authorized to be approximately 3,793 sq. ft. In all cases, the maximum lot depth to width ratio within the subdivision shall be 2.75:1. There would be 64 lots in the subdivision that would be less than 7,000 sq. ft in size.

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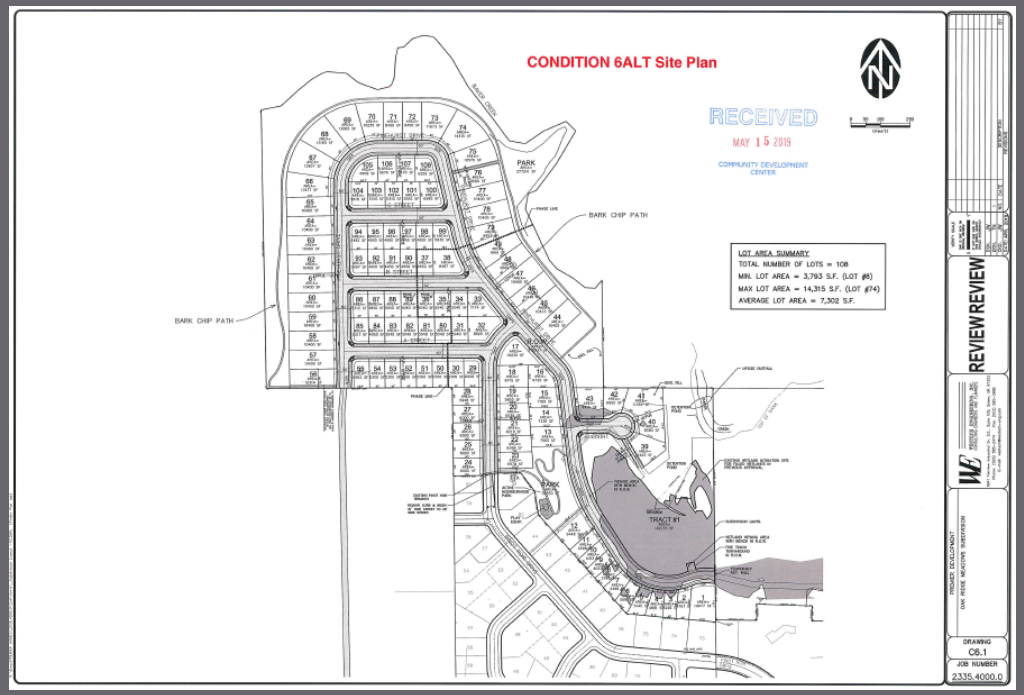
FLOODPLAIN AND DOWNSTREAM FLOODING

Applicant's Response to Public Testimony re: Wetlands, Flooding

- 6ALT Site Plan – entered into record at Planning Commission public hearing



Zoning Standard	Ex. 6 Site Plan	6Alt Site Plan
Average Lot Size	~7,770 sf	~7,300 sf
Max Lot Size	14,315 sf	No change
Min Lot Size	4,950 sf	3,793 sf
Lots < 7,000 sf	54	64
Setbacks	FY 20' RY 20' SY 5' ExSY 10' Garage 20'	No change
Lot side lines	Non-90° only where necessary	No change
Max Lot Depth:Width	2.75:1	No change
Max Block Length Ped/Bike Ways	2,305 ft 800 ft max	No change
Open Space Amenities	0.85 ac. private park	No change
	5.6 ac. public greenway	No change
	Wetland preservation & viewing amenities	No change

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City of McMinnville

FLOODPLAIN AND DOWNSTREAM FLOODING

Applicant's Response to Public Testimony re: Wetlands, Flooding

NEW ADDITIONAL CONDITION, PDA 4-18:

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

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FLOODPLAIN AND DOWNSTREAM FLOODING

Applicant's Response to Public Testimony re: Wetlands, Flooding

NEW CONDITION #6, S 3-18:

That plat phasing is approved as depicted in the applicant's submittal listed as Exhibit 6ALT in the applicant's submittal and generally described as:

a. Phase 1 – Lots 1 through 49, the northerly extension of Pinot Noir Drive, Pinehurst Drive generally south of "B" Street, "A" Court, and the easterly portions of "A" and "B" Streets. When required to meet applicable Fire Code requirements, homes shall be sprinkled.

b. Phase 2 – The balance of Oak Ridge Meadows inclusive of the temporary emergency only access.

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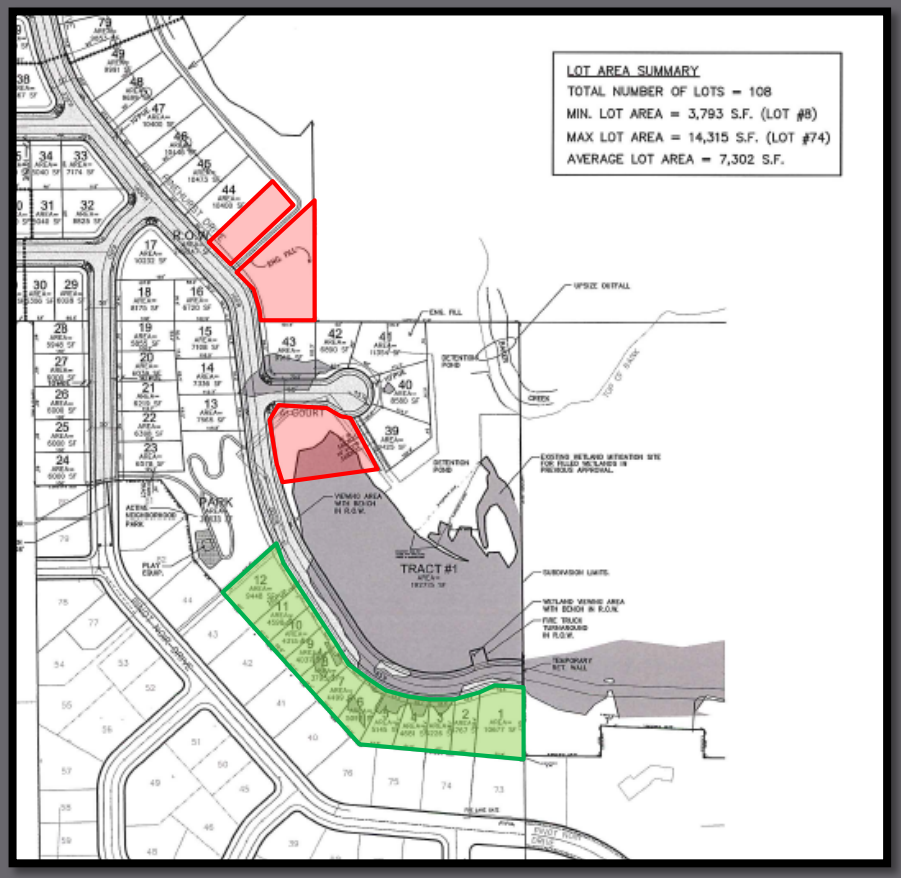
FLOODPLAIN AND DOWNSTREAM FLOODING

What does Exhibit 6ALT Site Plan achieve?



- Remove 5 lots likely in expanded floodplain
  - Eliminate risk of developing in a potential floodplain
- Add 5 smaller lots to subdivision
  - Increase variety of housing types offered
- Reduce wetland impact from 1.06 acres to approximately 0.9 acres
- Provide "No-Rise Certification"
  - Verify that development has zero downstream impact on floodplain

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NEXT STEPS

- Hold Public Hearing
- Close Public Hearing
- Elect to Conduct or Not Conduct a Second Reading of the Ordinance(s)
- Vote to Adopt or Not Adopt Ordinance(s)

- Land Use Decision timeline expires August 13, 2019

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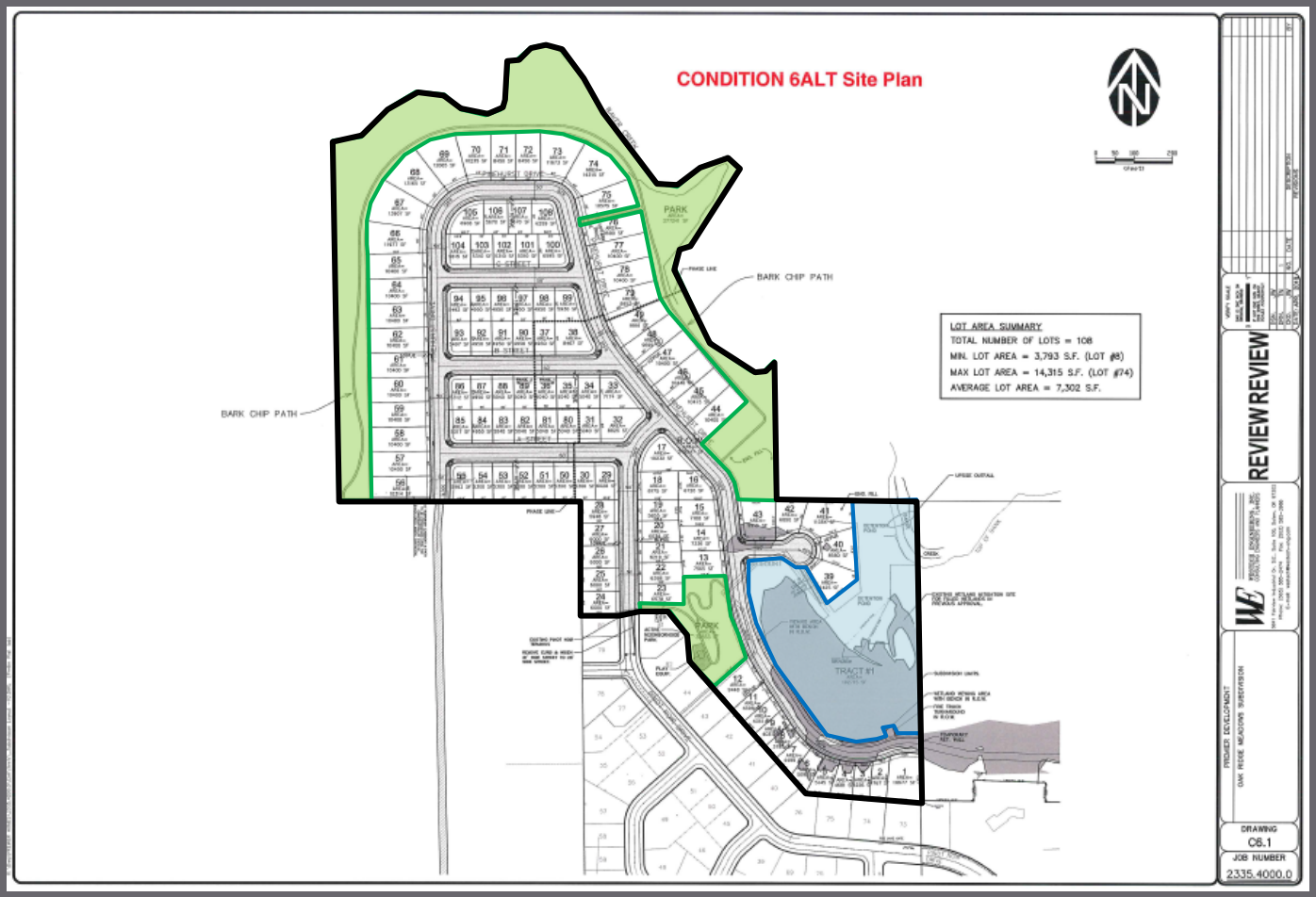
QUESTIONS?



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