



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: July 23, 2019
TO: Mayor and City Councilors
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Oak Ridge Meadows Land-Use Applications - Ordinance Nos. 5065, 5069 and 5070.

- PDA 3-18 (Amendment of Oak Ridge Planned Development), and
- PDA 4-18 (Amendment of Oak Ridge Meadows Planned Development), and
- S 3-18 (Tentative Subdivision Plan, Oak Ridge Meadows).

STRATEGIC PRIORITY & GOAL:

 <p>GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.</p> <p>OBJECTIVE: Strategically plan for short and long-term growth and development that will create enduring value for the community.</p>	 <p>HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.</p> <p>OBJECTIVE: Collaborate to improve the financial feasibility of diverse housing development opportunities.</p>
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Report in Brief:

This is a public hearing for City Council to consider Ordinances 5065, 5069 and 5070, representing three land-use applications for the Oak Ridge Meadows housing development. Two are amendments to existing planned developments approved in 2000 and 2005. Both land-use decisions are still valid and have not expired. The applicant, Premier Development LLC, would like to combine the last unbuilt phase of the Planned Development approved in 2000 with the unbuilt Planned Development approved in 2005 to create one master planned development in order to improve connectivity, protect the floodplain and riparian corridor and provide better open space amenities for the neighborhood. The third land-use application is a Tentative Subdivision Plan for the one resulting amended Planned Development. The sum total of these land-use decisions would allow a 108 lot, single-family residential housing development on 35.47 acres of R-2 (low density residential) zoned land within the city limits.

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Exhibit A – PDA 3-18 Decision Document

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Attachment D: Memorandum and Supplemental Findings

Attachment E - G: Applicant Materials Received

Attachment H - N: Public Testimony Received Attachment : Ordinance No. 4921-Floodplain Ordinance

Attachment P: McMinnville Municipal Code, Ch. 17.48 Floodplains

Attachment Q: Storm Drainage Email Communication

Attachment R: Oregon State Model Floodplain Code, modified January 2014

The land-use requests are summarized below:

- 1) Ordinance No. 5065 would approve **Planned Development Amendment PDA 3-18**, removing 11.47 acres of undeveloped land (Tax Lot R44170300) from the Oak Ridge Planned Development, (adopted by Ordinance No. 4722).
- 2) Ordinance No. 5069 would approve **Planned Development Amendment PDA 4-18**, adding the 11.47 acres of undeveloped land removed from the Oak Ridge Planned Development via PDA 3-18 to the current 24 acre Oak Ridge Meadows Planned Development (adopted by Ordinance No. 4822), Tax Lot R440700602, for a total of 35.47 acres, and approve the following amendments to the existing design and development standards of the Oak Ridge Meadows Planned Development.

- That the average lot size shall be amended from 7,500 square feet to approximately 7,770 square feet.
- That the setbacks be amended from:

Setbacks	Current	Proposed
Front Yard	20 feet	20 feet
Side Yard	Lots less than 6,000 square feet in area - 6 feet. All other lots – 7.5 feet.	5 feet
Exterior Side Yard	15 – 20 feet	10 feet
Rear Yard	20 feet	20 feet
Open Side of Garage	20 feet	20 feet

- That side lot lines that do not run at right angles to the street upon which the lots face shall be allowed where necessary to respond to physical conditions of the site.
 - That the maximum block length be amended to 2,305 feet, with a maximum distance of 800 feet between pedestrian ways.
 - That a lot depth to width ratio exceed the recommended two (2) to one (1) ratio shall be allowed where necessary to respond to physical conditions of the site, not to exceed 2.75:1.
 - That a minimum 0.85 acre private active neighborhood park be provided and improved.
 - That a minimum 5.6 acre public open space greenway be dedicated and improved.
- 3.) Ordinance No. 5070 would approve **Tentative Subdivision Plan S 3-18**, a 108 lot single-family residential subdivision, for the Oak Ridge Meadows Planned Development created by Ordinance No. 5069.

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Oak Ridge Meadows PD

- 35.47 total acres

Request:

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

Background:

These land-use requests were considered at a public hearing by the McMinnville Planning Commission on April 18, 2019 and May 16, 2019. The public hearing was closed on May 16, 2019, following which the Planning Commission deliberated and then voted to recommend that the Council consider and approve the Planned Development requests and the Tentative Subdivision Plan subject to conditions outlined in Ordinances No. 5065, 5069 and 5070, based on the Findings of Fact, the Planning Commission’s Conclusionary Findings for Approval, and the materials submitted by the applicant.

These land-use requests were then presented at the June 25, 2019 City Council meeting. Following the staff report and consideration of the Planning Commission recommendations, the Council elected to hold a public hearing at the July 23, 2019 City Council meeting. The public hearing was noticed on June 27th, 2019, and the record was re-opened.

Per Oregon Revised Statute, 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. The applicant submitted a request on March 1, 2019 to extend the 120 day decision timeframe for an additional 60 days and on June 5, 2019 for an additional 21 day extension, therefore the City’s final decision is subject to a 201 day processing timeline, and a decision will need to be rendered by August 13, 2019 on all three land-use decisions.

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The City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and are entitled to notice as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code.

Discussion:

The Planning Commission held a public hearing for the two Planned Development Applications (PDA 3-18 and PDA 4-18), as well as the Tentative Subdivision (S 3-18) at their regular meeting on April 18, 2019. Fourteen written testimonies were received by the Planning Department prior to the public hearing. Several oral testimonies were provided during the April 18, 2019 public hearing, along with additional written testimony. The testimonies provided were oppositional, and primarily focused on three issues:

1. That development impacting wetlands should not be allowed by the City;
2. That proposed development could cause increased downstream flooding;
3. That anticipated traffic from the development (construction and new residents) would negatively impact surrounding neighborhoods until such time as a northerly extension of Shadden Drive was completed.

Due to the length of the meeting and the amount of public interest, the Planning Commission voted to continue the public hearing to their May 16, 2019 regular meeting to provide additional opportunity for public testimony. Between the April 18, 2019 public hearing and the continued hearing on May 16, 2019, the Planning Department received nineteen additional written testimonies with similar themes as prior testimonies – that the wetlands should not be allowed to be impacted, that the proposed development could cause increased downstream flooding, and that traffic generated by the proposed development would negatively impact the existing Oak Ridge residential development. Included in the written testimony from opponents to the development, submitted in advance of the May 16, 2019 public hearing was a Hydrologic Analysis of Baker Creek, which concluded the current FEMA flood maps were in need of updating, and that the proposed development would not increase downstream flow.

Additional public oral testimonies were provided at the continued hearing on May 16, 2019, along with rebuttal from the applicant. Specifically, the applicant's rebuttal called into question the methodology and data used in the hydrologic analysis, and referenced the Traffic Impact Analysis indicating the proposed and existing street network to be within City standards. The rebuttal also addressed the "Goal Post Rule", the requirement that the rules and regulations in place at the time of application are the applicable criteria and standards the application is to be judged by. This was relevant to the issue of FEMA floodmap accuracy raised by the hydrologic analysis, because even if the analysis did conclude flood maps were in need of updating, the standard by which the application is judged per MMC, Section 17.48.010, is the current, adopted floodplain mapping, FIRM Map panels, March 2, 2010.

The public hearing was closed on May 16, 2019, following which the Planning Commission deliberated and discussed the public testimony.

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July 23, 2019 Update:

On June 25th, 2019, City Council considered the Planning Commission recommendations, deliberated, and requested a public hearing on the matter. The focus of public testimony and debate regarding the proposed Oak Ridge Meadows development remains centered on three main issues – impact to the wetlands, potential increases to downstream flooding, and the impact of the proposed development on the surrounding street network and transportation system. Following the direction of City Council from the June 25, 2019 meeting, staff has been further researching the issues, and updated/new information is provided below, in update boxes similar to this one.

TRAFFIC IMPACT:

Many opponents testified that Pinot Noir cannot handle increased traffic as proposed: The traffic impact analysis provided by the applicant indicates that Pinot Noir as built to the local street standards specified in the City of McMinnville’s 2010 Transportation System Plan will be able to handle the amount of traffic generated by 108 new homes without a secondary access to Baker Creek Road per the City of McMinnville’s adopted capacity standards of 1200 vehicle trips per day for local residential streets. A condition of approval on the land-use decision caps the amount of dwelling units that will be permitted prior to Shadden Drive being built as a secondary public access to Baker Creek Road to 108 new dwelling units. Planning Commissioners did not find the public testimony warranted changing the City’s findings.

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							
		Two Sides	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
		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	
	Maximum Average Daily Traffic	32,000	20,000	16,000	10,000	1,200 - 3,000	1,200	500	
	Traffic Management								
	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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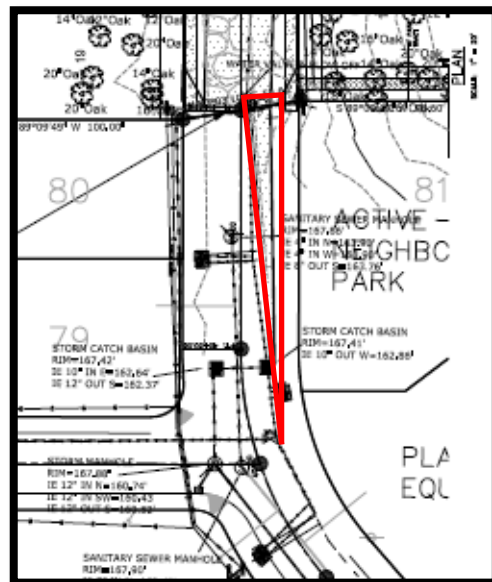
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Many opponents testified that development should be limited based upon previous planned development limitations. Previous limitations on how many homes could be built on the planned development reflected the need for a secondary emergency fire access. This proposal provides that secondary emergency fire access with an easement over the future Shadden Drive on property owned by a neighboring property owner. A condition of approval requires this easement prior to development. Planning Commissioners did not find the public testimony warranted changing the City's findings.

Many opponents testified that Pinehurst Drive should not dead-end at Les Toth's property if Les Toth provided testimony that he never plans to develop the property. Public testimony in opposition to the development expressed concern about the establishment of a road that terminated adjacent to a property that is not expected to develop under its current ownership. The property to the east of the 11.47 acre parcel, owned by Les Toth, is inside the Urban Growth Boundary, but outside City limits. Mr. Toth provided testimony that he will not annex this parcel into the City to allow development. However, because the land is inside the Urban Growth Boundary, the expectation is that it will urbanize within a given planning horizon, and the proposed extension of Pinehurst Drive to the property limits responds to this. Previously, developments to the east of Toth's property have extended streets (NW Merlot Drive and Pinehurst Drive) to the property line and terminated the road to plan for future access to the property. These future street connections, including the proposed extension of Pinehurst Drive through the Oak Ridge Meadows development would allow for future development if and/or when the property is urbanized and developed.

McMinnville City Code for land divisions require that connecting streets be considered and platted to support future planned development within the city limits. Planning Commissioners did not find the public testimony warranted changing the City's findings.

Many opponents testified that Pinot Noir Drive's northern terminus is not wide enough to accommodate the traffic. Public testimony raise the issue that at the current northerly terminus of Pinot Noir Drive, the width of the road is only 21 feet and the road was not built to standards that could accommodate any additional construction or residential resulting from new development. However, a provision of the application is, and a condition of approval #21 of S 3-18 requires, the widening of Pinot Noir Drive from Blake Street north to the terminus from 21 feet to 28 feet, the current City standard for local residential streets. The existing public right-of-way for Pinot Noir Drive is 50 feet, which will accommodate the widened cross-section of roadway. Planning Commissioners did not find the public testimony warranted changing the City's findings, but added a condition of approval to S 3-18 to ensure this occurs.



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July 23, 2019 Update

TRAFFIC:

Shadden Drive as “Primary” access for Development. Opponents to the development have requested that the City of McMinnville mandate that Shadden Drive be identified as the “Primary” access street for the new development, and that the developers be required to develop Shadden Drive prior to any building permits being issued for the subdivision.

However, Shadden Drive is not part of the development proposal, except to serve as a secondary emergency access route to the neighborhood, and the development as proposed meets the City of McMinnville’s adopted local street standards.

Per long established case law, *Nollan* and *Dolan*, cities cannot exact an undue burden on local development unless a “nexus” in the regulations exist to justify the exaction. In this case, the City of McMinnville would be requiring the developer to build approximately ½ mile of a local residential street to full street standards to accommodate a development that already meets the adopted Transportation System Plan street standards.

Shadden Drive is a proposed street to serve a neighboring development, that is owned by a separate property owner (Stafford Land Company) and that will eventually connect with Pinehurst Drive as a secondary access to Oak Ridge Meadows when it is developed.

Per Stafford Land Company’s land use application submitted on April 30, 2019, Stafford plans to build ½ of Shadden Drive with the first phase of their development, and the other ½ of Shadden Drive with the last three phases of their development (there are ten phases in total). They estimate that the last three phases of their development and the second ½ of Shadden Drive will be built between 5 – 10 years after starting their build-out. Please see site plan below.

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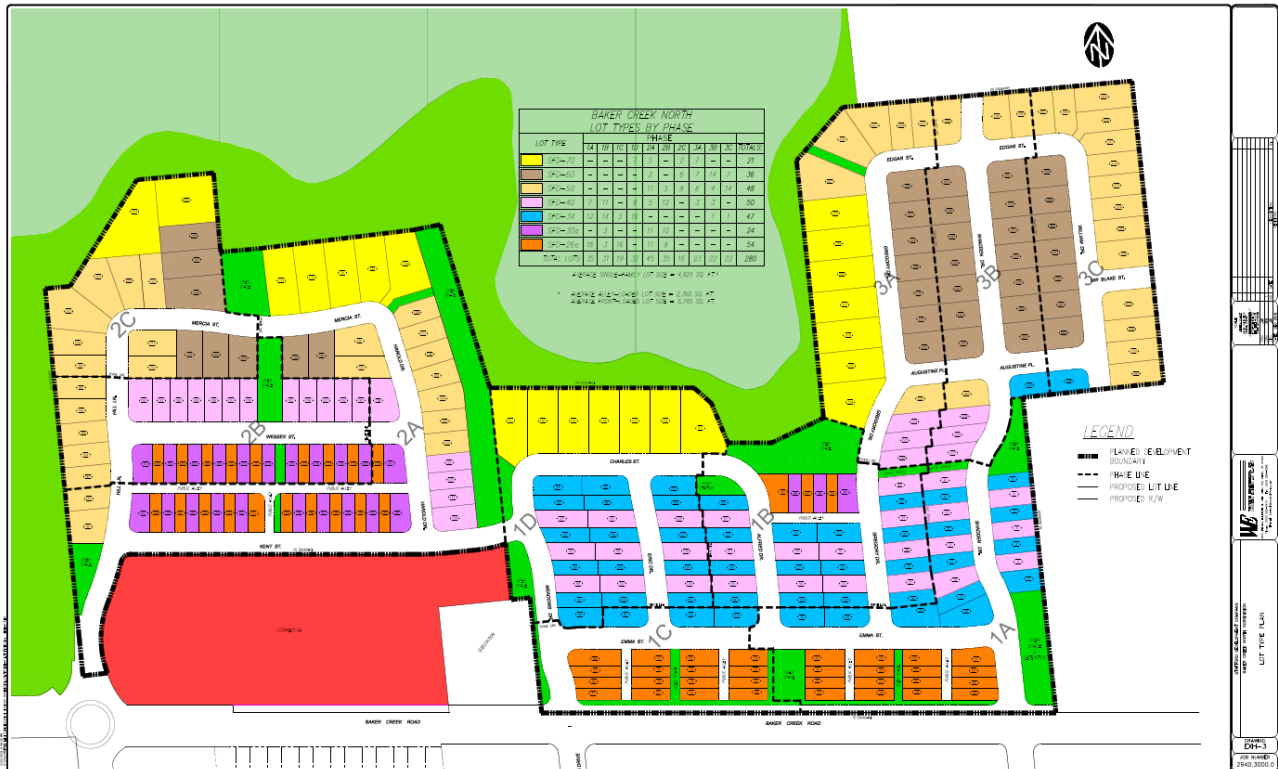
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July 23, 2019 Update (cont'd):

TRAFFIC:

Shadden Drive as “Primary” access for Development (cont'd)



Baker Creek North Planned Development, Stafford Land Company, Submitted April 30, 2019

There has been some confusion about an email between Gordon Root of Stafford Land Company and Premier Development regarding the negotiation of an access agreement to build an emergency fire access road on the future right-of-way location of Shadden Drive.

This email pertains to an emergency access route for fire and requires a less extensive build-out than a full street standard.

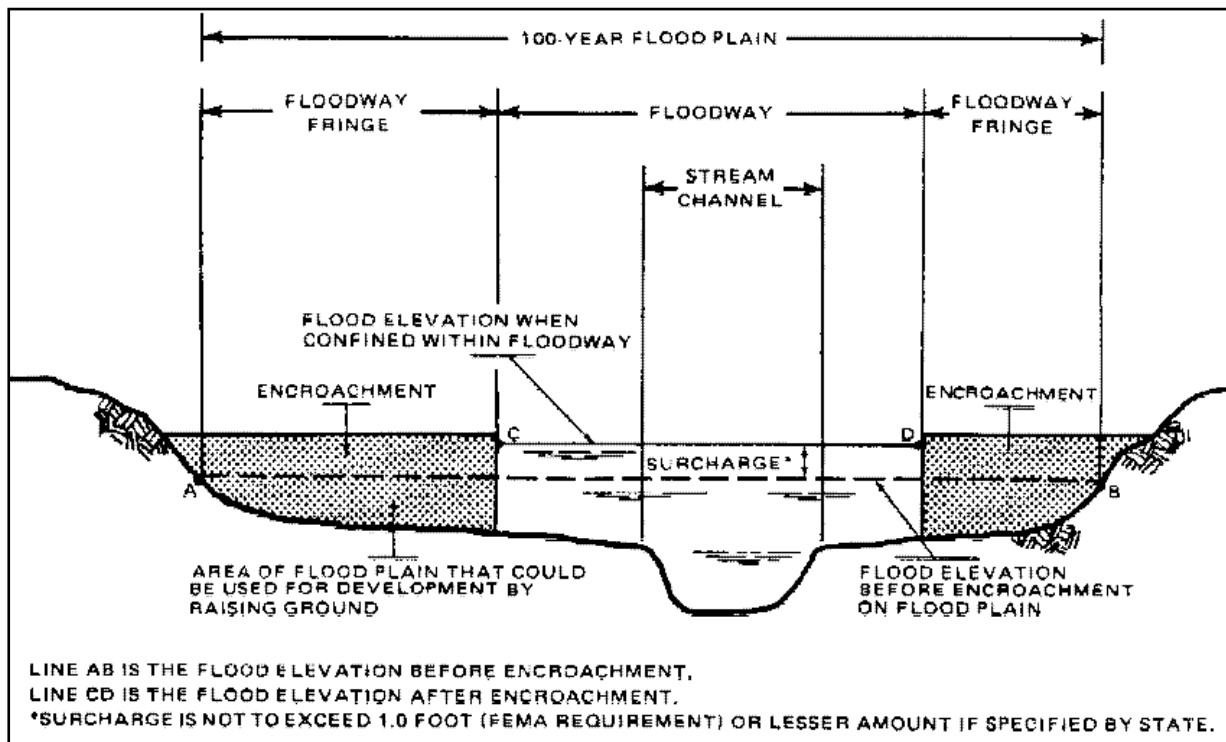
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FLOODPLAIN:

Many opponents testified that the development could harm the floodplain. In the City of McMinnville, the floodplain is protected by a Floodplain Zone (MMC Chapter 17.48), and very limited development is allowed in the Floodplain Zone – this is the means in which the City protects the floodplain. The Floodplain Zone incorporates the floodplain hazard area, including the 100 year floodplain, the floodway and the floodplain fringe per the illustration below. Additionally, McMinnville City Code does not allow anything but low density residential development adjacent to the floodplain to further protect it. This proposal not only does not develop in the floodplain but it also dedicates the entire floodplain to the City of McMinnville as a natural greenway park so that the city can maintain the land, thus protecting the floodplain and its associated riparian corridor. In many historical developments, the floodplain is privately owned and often private land owners are inadvertently building fences, sheds and clearing brush in the floodplain impacting the capacity of the floodplain to manage water events. Additionally, all housing lots adjacent to the floodplain are larger lots to control the density of development adjacent to the floodplain. Planning Commissioners did not find the public testimony warranted changing the City’s findings.

FLOODWAY SCHEMATIC – Chapter 17.48 of the McMinnville City Code



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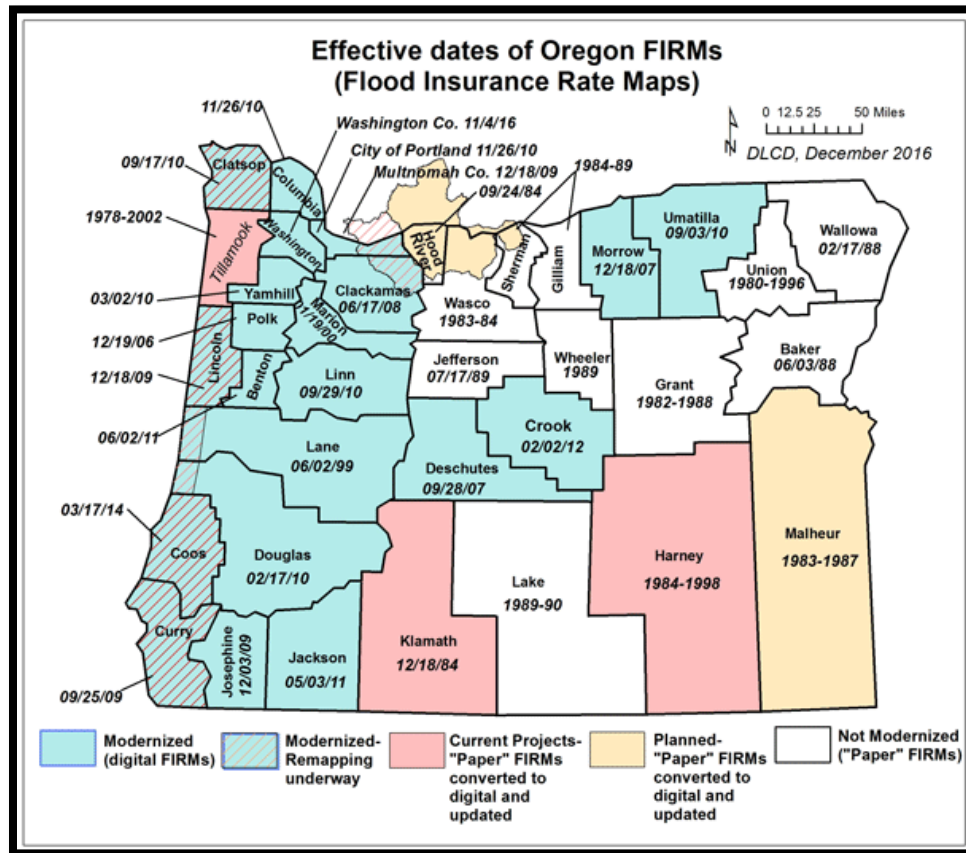
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Several opponents testified that the 2010 FEMA maps that the City of McMinnville relies on to define the Floodplain Zone are outdated and were erroneously calculated when they were updated in 2010, relying on old data and not updated data.

FIRM panels (FEMA maps delineating floodplains) in Yamhill County were updated in 2010 as part of a state-wide effort to modernize and update FIRM maps. Please see illustration below. City staff worked with Department of Land Conservation and Development staff and FEMA staff for three years (2007-2009) to provide updated “as-builts” for developments adjacent to the floodplains in McMinnville as part of the modernizing process.

Final adoption of the updated maps were an amendment to the Development Code and adopted locally by the City of McMinnville with a public hearing process and then acknowledged by the Department of Land Conservation and Development.

Oregon FIRM Map Modernization Plan



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Friends of Baker Creek provided a hydrology report from PBS on May 8, 2019 and testified about it at the continued public hearing on May 16, 2019.

The hydrology report submitted by PBS studied factors affecting the extents of the floodplain around Baker Creek, and concluded that the effective flood insurance rate maps are in need of revision, based on current data and methodology. Several figures (see below) are provided in the report indicating the extent of the proposed 1% annual chance floodplain (100 year floodplain) that could be anticipated if the FEMA floodplain maps were updated. The report indicated that based on the new study, the only lots that would be impacted by the new floodplain boundary would be Lots 34 and 35 (as numbered on Applicant's Exhibit 6) south of the cul-de-sac, and Lots 41, 42, and 43 (as numbered on Applicant's Exhibit 6), north of the cul-de-sac. It appears that the southeasterly extension of Pinehurst Drive and the lots it would serve would not be impacted by the anticipated proposed floodplain.



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

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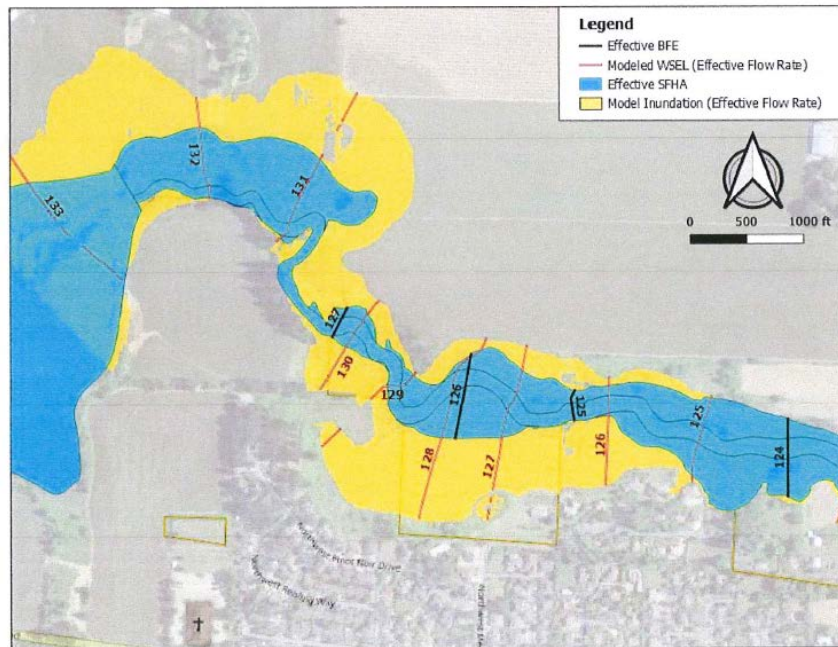


Figure 26: FEMA Effective SFHA and BFEs Overlain on Hydraulic Model Results for the Effective Flow Rate (2,030 cfs).

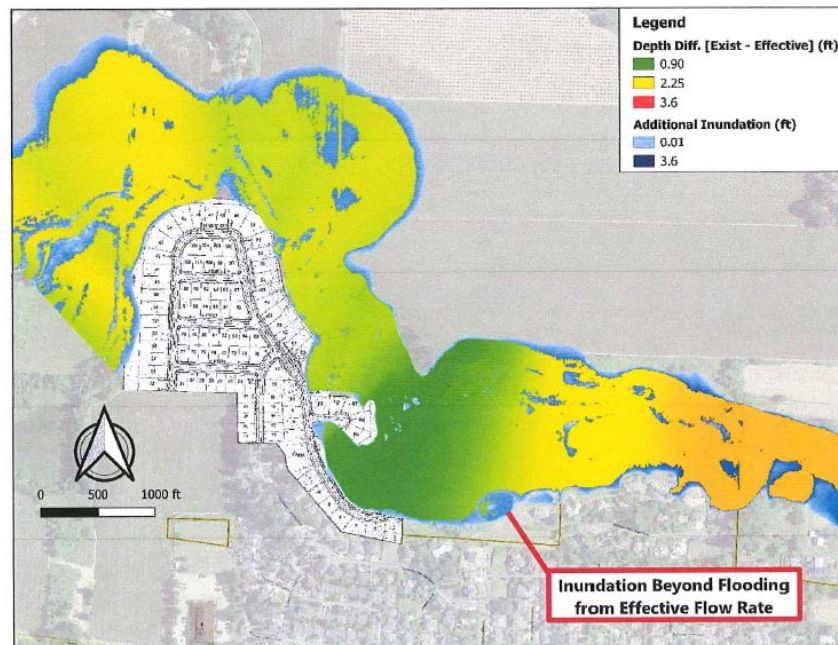


Figure 27: Difference Between Depth for Existing Condition (~6,150 cfs) and Depth for Modeled Effective Flow Rate (2,030 cfs).

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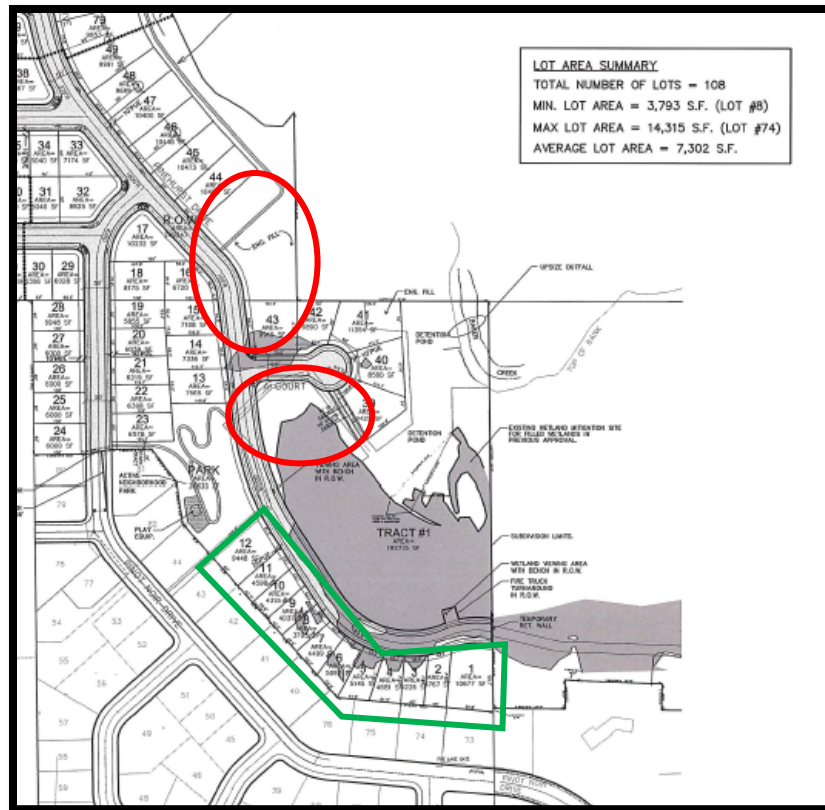
Premier Development provided rebuttal testimony that the data used in the hydrology report, rainfall and survey data, was not McMinnville data and therefore the accuracy of the report was flawed.

Thalweg Comparison of LIDAR vs Survey Data				Rainfall Chart		
<i>Thalweg - a line connecting the lowest points of successive cross-sections along the course of a river</i>						
Cross Section	Survey Elevations (ft)	LIDAR Elevations (ft)	Difference (ft)	Station	Date	Precipitation (in inches)
1	118.7	121.6	2.9	McMinnville	October 31, 2015	1.39
2	117.4	119.4	2	Lake Oswego	October 31, 2015	2.02
3	115.6	120.4	4.8	McNary	October 31, 2015	3.09 ⁴
4	116	119.5	3.5	McMinnville	December 3, 2015	0.45
5	115.3	119.6	4.3	Lake Oswego	December 3, 2015	2.41
6	112.9	118.1	5.2	McNary	December 3, 2015	0.57 ⁵
7	112.4	117.7	5.3	McMinnville	October 2018	3.08
8	112.9	117.3	4.4	Lake Oswego	October 2015	1.20
9	111.3	116.5	5.2	McNary	October 2018	2.52 ⁶
10	107.3	115.8	8.5			
11	109.6	115.8	6.2			
12	110.2	115.3	5.1			
13	109.2	114.7	5.5			
14	107.4	114.3	6.9			
15	108.5	114.3	5.8			
16	108.3	113.6	5.3			
			Max	8.5		
			Min	2		
			Avg	5.1		
Comments:						
1. All LIDAR data that the opponets used is higher than the real surveyed data.						
2. This means that the opponents report underestimates the real flow capacity of the channel.						
3. The opponents report overestimates the flood stage water surface elevations.						

Premier Development also provided testimony that they would conduct further research on the floodplain and that if it was discovered that the floodplain had expanded they would amend their subdivision plan per the following illustration which removes the five potentially impacted lots and transfers that density to make smaller lots along the western fringe of Pinehurst Drive overlooking the preserved wetland.

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Planning Commissioners noted that the applicable zoning standards are those in effect at the time of application. Section 17.48010 of the McMinnville Zoning Ordinance establishes the area defined as the flood area zone:

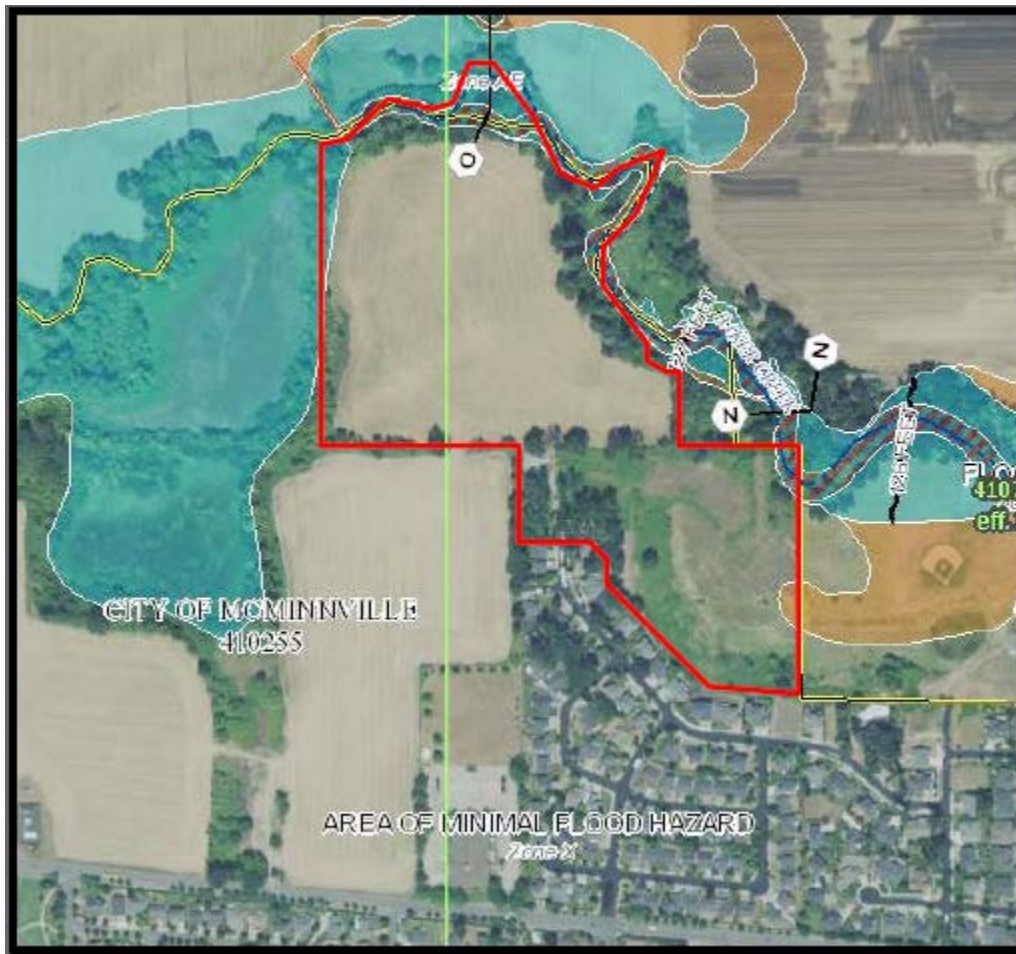
17.48.010 Established—Area included. In accordance with Section 17.09.010, all property within the corporate limits of the City lying within Special Flood Hazard Areas (100-year flood) identified by the Federal Insurance Administration in the report entitled “The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas,” (effective date March 2, 2010), and accompanying Flood Insurance Rate Maps (FIRM) is declared to be flood area zone property and subject to the requirements of this Chapter. (Ord. 4921 §4A, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Therefore, the decision must be based on current FEMA mapping, dated March 2, 2010 per the map below with the subject site outlined in red. Planning Commissioners did not find the public testimony warranted changing the City’s findings.

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Planning Commissioners also found that since the hydrology report and the revised site plan were entered into the record at the public hearing, they did not feel that there had been enough time to review the revised plan and wanted to leave it for future consideration.



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July 23, 2019 Update

FLOODPLAINS:

Opponents provided testimony asserting that the City of McMinnville staff were not involved in the floodplain map update in 2010. The City of McMinnville was contacted by FEMA in April, 2007, indicating that they would like to digitally update the floodplain maps for Yamhill County. Lucy Falcy, Associate Planner for the City of McMinnville was appointed as the project manager to work with the Department of Land Conservation and Development and FEMA representatives under the direction of Doug Montgomery, Planning Director and Mike Bisset, City Engineer. This was almost a three year process of information gathering and public process and on February 9, 2010, the McMinnville City Council adopted Ordinance No. 4921 as a result of the work. This ordinance established how the City of McMinnville would manage its floodplains governed by Chapter 17.48 of the McMinnville City Code. (Please see attached Ordinance No. 4921). The recitals of the ordinance describe the process that the City undertook as part of the update (please see excerpts below). The project files indicate the amount of correspondence and careful coordination that city staff conducted with both the Department of Land Conservation and Development and FEMA staff to ensure that the City of McMinnville was compliant with the program. The resulting revisions to Chapter 17.48 of the McMinnville City Code is what governs this land-use decision. (Please see attached Chapter 17.48 of the McMinnville City Code).

Ordinance No. 4921, adopted by the McMinnville City Council on February 9, 2010.

In 2007, the Federal Emergency Management Agency (FEMA) advised the City of McMinnville that they intended to review the 1982 Flood Insurance Rate Maps (FIRM) that cover lands within the City and provide updated maps for our use in administering the National Flood Insurance Program (NFIP). In summary, these maps provide the location and elevation of the floodplains and floodways associated with the various waterways within our jurisdiction. Staff uses this information to advise residents, lending institutions, and other interested parties of the floodplain's location and to ensure that development within this area is consistent with the City's F-P Flood Area zone requirements.

[...]

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July 23, 2019 Update

FLOODPLAINS (cont'd):

Ordinance No. 4921, adopted by the McMinnville City Council on February 9, 2010.

Staff has been working with FEMA since 2007 to help them update their flood maps in preparation for the March 2, 2010 date. This has involved providing FEMA with the City's elevation data, annexation and road map information, and several site-specific data sets. In April 2009, FEMA released their draft FIS and FIRM updates for City and public review. In May 2009, FEMA held an explanatory workshop for residents of Yamhill County at which staff was in attendance as well as an additional workshop for staff. The public voiced no concerns at that time. The official maps have been on file and available for public review at the Planning office since mid November 2009. During that time, there have been no inquiries from the public regarding the proposed amendments.

Opponents provided testimony that the City of McMinnville's Stormwater masterplan has contributed significantly to the flooding of the Baker Creek Basin: New testimony received by the planning department raised concerns about the discharge of stormwater from recent development into Baker Creek. The testimony claims that new developments discharging into Baker Creek upstream of the proposed development is causing increased downstream flooding, specifically after 2015. The Storm Drainage Master Plan identifies a drainage basin generally north of Baker Creek Road and extending east of Westside Road. No new developments within the Baker Creek drainage basin, or elsewhere, upstream of the Oak Ridge Meadows site are discharging stormwater into Baker Creek (See Attachment, Storm Drainage Email Communication). The testimony further implies that Comprehensive Plan 142.00 is causing the increasing flooding. Policy 142.00 reads, "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 natural drainage ways, where required." This policy does not encourage unchecked discharge into natural drainage systems, but rather mandates standards and guidelines for the release of storm water into natural drainages, like Baker Creek. These standards and guidelines are found in the Storm Drainage Master Plan. The proposed Oak Ridge Meadows storm water system is designed to the standard that discharge does not exceed pre-development levels, and would not contribute to downstream flooding.

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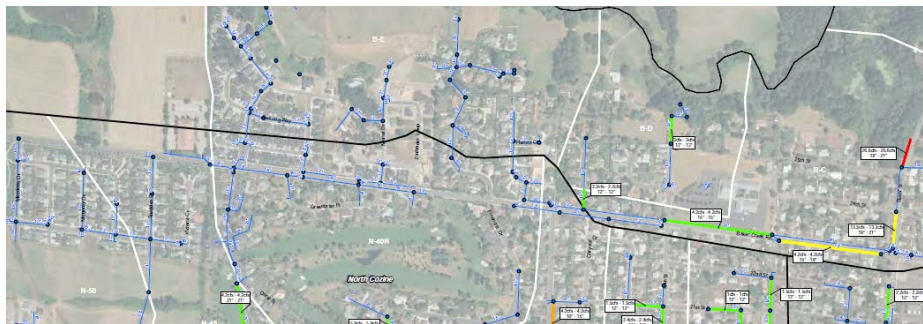
Attachment Q: Storm Drainage Email Communication

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July 23, 2019 Update (cont'd):

FLOODPLAINS (cont'd):

Opponents provided testimony that the City of McMinnville’s Stormwater masterplan has contributed significantly to the flooding of the Baker Creek Basin: Attachment Q, an email dialogue between Mike Colvin, on the record opponent of the proposed land-use applications, and Mike Bisset, City of McMinnville Engineer, demonstrates that Mike Colvin misunderstood the stormwater conveyance plan for this area of the city. Originally, Mike Colvin assumed that the new Baker Creek East and West Subdivisions, as well as Hill Road all drained into the Baker Creek Basin. However, per Mike Bisset, City Engineer, there have been no new developments built since 2010 that drain to the Baker Creek basin. Below is a map that demonstrates constraints on the stormwater system. Blue is not constrained, green is constrained, and red is most constrained.



How to Respond to the Friends of Baker Creek Hydrology Report. There are two things to consider when evaluating how to respond to the Friends of Baker Creek Hydrology Report – 1) validity of the report; 2) safety of built environment in floodplain; and 3) how much the City of McMinnville can require of the applicant as part of a land-use decision.

Since the Friends of Baker Creek Hydrologic Analysis was submitted to the City of McMinnville on , staff has consulted with the following individuals on how to incorporate the hydrology analysis into the land-use decision making process, and to ascertain whether or not there is anything that the city could do in regards to requiring a condition of approval for the development proposal that would respond to the concerns raised in the analysis.

- Celinda Adair, CFM, National Flood Insurance Program (NFIP) Coordinator, DLCD
- Joshua Crowley, PE, CFM, D.WRE. RSC Lead I STARR II, Region X Service Center
- David M. Ratte, P.E., Regional Engineer, FEMA Region X
- Roxanne Pilkenton, Floodplain Management Specialist, FEMA Region X

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July 23, 2019 Update (cont'd):

FLOODPLAINS (cont'd):

How to Respond to the Friends of Baker Creek Hydrology Report (cont). Celinda Adair is the National Flood Insurance Program Coordinator at the Department of Land Conservation and Development. She works with FEMA on the risk mapping program for the State of Oregon and her position is partially grant funded to support cities manage their local floodplain management programs in accordance with local, state and federal regulations.

Joshua Crowley is an engineer contracted by the Department of Land Conservation and Development to help support their National Flood Insurance Program in coordination with FEMA.

David Ratte is the lead regional engineer with floodplain mapping for Region X of FEMA, and Roxanne Pilkenton is their specialist to assist communities with floodplain management.

Conclusions from discussions:

- The FEMA Firm Panels from March 2, 2010 are the most updated FEMA maps for the City of McMinnville.
- There are processes to update the FEMA floodplain maps – either comprehensively or site specific. Site specific updates (Letters of Map Revisions – LOMRs) can be initiated by any one and is property specific. Review is typically 6 – 8 months. Comprehensive city wide map updates are a much more detailed process and can typically take 2 – 5 years depending upon the resources. The City of McMinnville applied for a FEMA grant to update its floodplain maps in collaboration with the Department of Geology and Minerals and Yamhill Council in 2018 as part of a Natural Hazards mapping update and was turned down due to limited resources and other communities with more pressing needs. City staff is currently in dialogue with David Ratte of FEMA, Region X, to see if the City of McMinnville would be a candidate for the FEMA Cooperating Technical Partners Program (CTP), which is a partnership program with FEMA on floodplain management. These discussions are very preliminary and will evolve over the next 12 months as staff learns more about the program, the benefits to the community and the obligations of the city to participate.

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July 23, 2019 Update (cont'd):

FLOODPLAINS (cont'd):

How to Respond to the Friends of Baker Creek Hydrology Report (cont).

- Joshua Crowley reviewed the Baker Creek Hydrologic Analysis by PBS for the Friends of Baker Creek, dated May, 2019, and the PBS Rebuttal dated May 24, 2019. He found that although the Hydrologic Analysis was incomplete (it did not appear to include a symmetry analysis, an analysis of abrupt grade changes and an analysis of bridges and crossings) it did use an approved FEMA methodology. He agrees with the conclusions of the Analysis that the data in the Yamhill County Flood Insurance Study from March 2, 2010 should be updated and that the flood risk may be understated, explaining that all data for waterways is old by the time it is utilized as waterways are continually evolving and that it is always good practice to update evaluations as often as possible, and that peak flow rates appear to have changed. He also conveyed that the Hydrologic Analysis was not enough information to prepare a MT-2 Application to request a Letter of Map Revision and that more analysis would need to be conducted including updating the model, completing the Hydrologic Analysis by providing a symmetry analysis, and an analysis of any bridges or crossings, and providing a Hydraulic Analysis. The Hydrologic Analysis focuses on the rate and flow of water. The Hydraulic Analysis determines flood elevations and floodways.
- Although the Hydrologic Report provided by Friends of Baker Creek suggests that five lots of the proposed subdivision may be in an expanded floodplain, both the Department of Land Conservation and Development and FEMA were concerned that the City could not enforce any additional conditions on a land-use decision that is not supported by the current adopted ordinances.

Validity of the Hydrologic Report – Per third party review (Crowley), the methodology employed by the Report, although not common, is an acceptable methodology for FEMA. The report though is still missing some components to serve as one of the two reports needed for a MT-2 Letter of Map Revision application. With that said though, the third party review believes that the underlying assertions in the report are valid – ie that the data for the FEMA Firm Panels is outdated and should be updated.

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July 23, 2019 Update (cont'd):

FLOODPLAINS (cont'd):

How to Respond to the Friends of Baker Creek Hydrology Report (cont).

Safety of Built Environment in Floodplain – the City of McMinnville manages its floodplain by not allowing any development to occur in the Floodplain Zone. However, construction is allowed in floodplains per state and federal regulations, it just needs to ensure that the lowest floor of the structure is above the base flood elevation. Even if it is discovered through a more thorough analysis that the floodplain has expanded and that there are some proposed lots of the subdivision in the floodplain, the developer would still be able to develop those residential lots following approved floodplain development standards which would presumably prevent future flooding of the structure associated with the expanded floodplain.

How Much the City of McMinnville Can Require of an Applicant as part of a Land-Use Decision – It is clear from the current City of McMinnville ordinances that the City of McMinnville does not allow development in the Floodplain Zone. However, it is also clear from the current City of McMinnville ordinances that the Floodplain Zone is defined by the FEMA Firm Panels adopted on March 2, 2010. Thus the city cannot tell the developer that they cannot develop on land that is not within the current City's Floodplain Zone. However, it is also clear that there is a reasonable assertion that the 1% floodplain may be larger than what is indicated on the FEMA Firm Panels, and that any structures built on those lots could be exposed to flooding. It is in the developer's best interest to conclude the study and determine if the floodplain base flood elevations have changed and then to build any structures on those lots to the standards of the Oregon Model Floodplain Code.

Although the City of McMinnville cannot legally impose a condition of approval relative to this issue, the applicant could be asked if they agree to a condition of approval that reads per the following:

Proposed Condition of Approval:

“Prior to any building permits being issued, the applicant will submit a Letter of Map Revision to FEMA for the subject site, and if there are any lots within the proposed subdivision that are located in the base floodplain elevation, that any new construction will follow the provisions of Section 5 of the Oregon Model Flood Damage Prevention Ordinance, Modified, January 2014.”

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July 23, 2019 Update (cont'd):

FLOODPLAINS (cont'd):

How to Respond to the Friends of Baker Creek Hydrology Report (cont).

Sample Oregon Model Flood Damage Prevention Ordinance,
Modified January, 2014.

Section 5.0 – Provisions for Flood Hazard Reduction

Residential Construction

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (ii) The bottom of all openings shall be no higher than one foot above grade.
- (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

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WETLANDS:

Several opponents testified that the proposed development impacted 11.47 acres of wetlands.

The number of 11.47 acres is the total size of the un-platted 4th phase of Oak Ridge, which is proposed by the applicant to be removed from the Oak Ridge Planned Development (PDA 3-18). The Wetland Delineation Report provided by the applicant shows that the total wetland is approximately 3.09 acres of wetland of which 1.06 are impacted by the development. Planning Commissioners did not find the public testimony warranted changing the City's findings.

Several opponents testified that the City of McMinnville should not allow the development to impact any wetlands.

Discussion was also held regarding the impact of the development on wetlands, and mitigation of the impacted wetlands, referencing the Oregon Department of State Lands (DSL) permitting and wetland mitigation process and that the City of McMinnville defers regulatory authority of local wetlands and mitigation to DSL. The City of McMinnville does not have a local wetland management program and relies on the Department of State Lands to delineate wetlands and approve or deny wetland mitigation plans. Historically many housing developments within the city limits have been built on partially mitigated wetlands approved by the Department of State Lands balancing the type and amount of wetland impacted and the need for development within the city. Baker Creek East, Hillside Subdivision, Brookside Subdivision, Kauer Addition, Cottonwood First Subdivision, Bixler Addition, and Crestbrook First Addition, among others, were constructed after completing DSL Removal-Fill permitting for work impacting wetlands and waters of the state, and mitigation of those impacts. All subdivision approvals have conditions of approval requiring compliance with federal, state and local regulations, and require wetland delineation reports and mitigation plans approved by the Department of State Lands prior to starting construction if wetlands are suspected on the site. Due to the city's long tradition of relying on the Department of State Lands to manage the protection and potential mitigation of wetlands in the City of McMinnville and the historic precedent of allowing some wetland mitigation to support housing developments, Planning Commissioners did not find the public testimony warranted changing the City's findings.

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July 23, 2019 Update:

Oregon Department of State Lands provided staff with an initial list from their internal database of development projects within the McMinnville city limits or municipally owned adjacent lands that successfully completed permitting for impact to wetlands and/or waters of the state and mitigation of those impacts.

Subdivisions that received DSL permits for impact to wetlands and/or waters of the state, and mitigation of those impacts include:

- Hillside
- Brookside
- Kauer Addition
- Cottonwood First
- Bixler Addition
- Gerhard Addition
- Crestbrook First Addition
- Oak Ridge
- Horizon Heights

Commercial development that received DSL permits for impact to wetlands and/or waters of the state, and mitigation of those impacts includes:

- Lowe's
- Forest Grove Lumber

Municipal development that received DSL permits for impact to wetlands and/or waters of the state, and mitigation of those impacts includes:

- McMinnville Water & Light (Tax Lots 2200, 2400, 2402 04S04W22)
- McMinnville Municipal Airport
- BPA/Westside Trail
- City of McMinnville (Tax Lot 2301 04S04W20)

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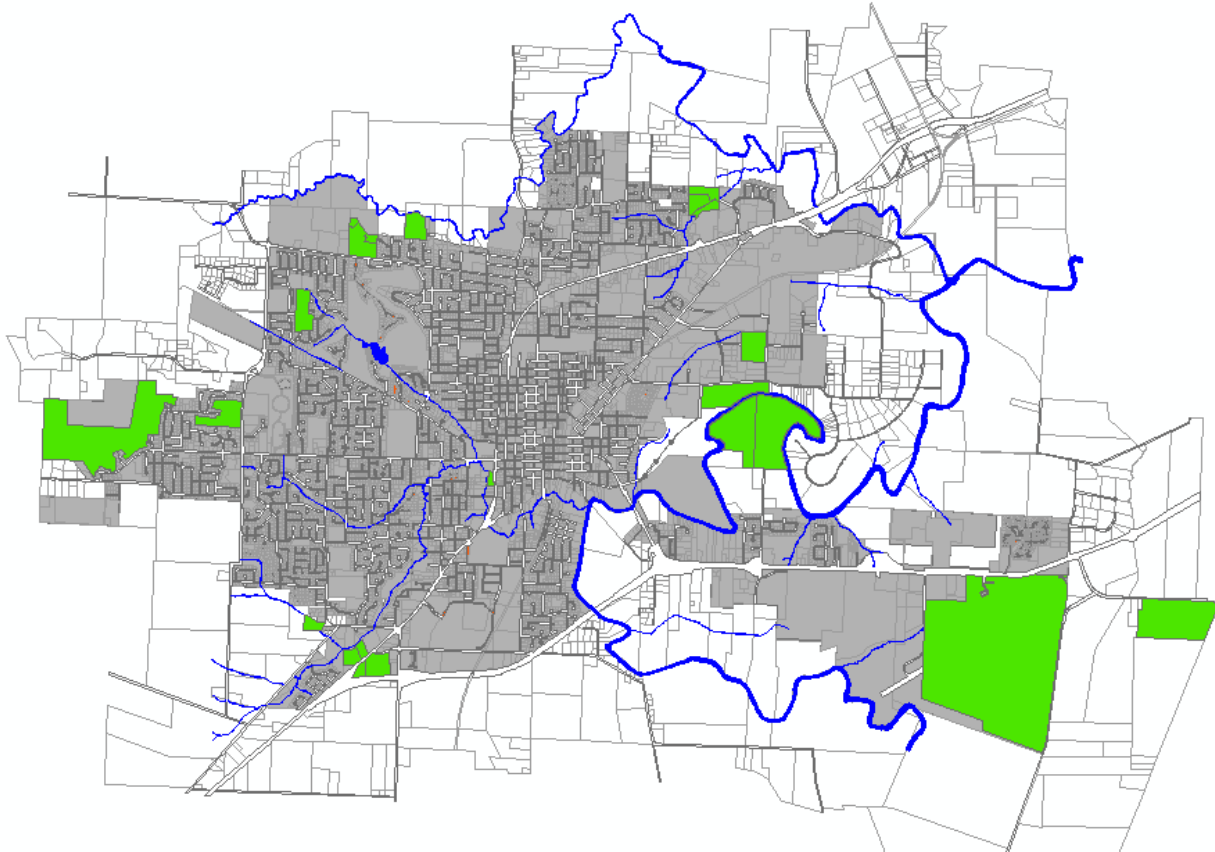
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July 23, 2019 Update (cont'd):

A map of properties/subdivisions where wetland impact mitigation was permitted by DSL is seen below (subdivisions and individual properties shown in green):



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July 23, 2019 Update (cont'd):

Several of these permitted wetland mitigations include examples of wetland impact and mitigation to accommodate residential development and public streets:

Horizon Heights Subdivision – wetland area



NW Horizon Drive – adjacent to wetlands



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July 23, 2019 Update (cont'd):

Bixler & Gerhard subdivisions



NE Grandhaven Street – adjacent to wetlands



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July 23, 2019 Update (cont'd):

Crestbrook 1st Addition – fill to accommodate housing, cul-de-sac



TREE PRESERVATION:

Several opponents testified about their concerns regarding the preservation of trees on the site.

As described in the application, the site features many mature native white oak trees, most in groves and some stand as isolated specimens. Comprehensive Plan policy 80.00 reads “In proposed residential development distinctive or unique natural features such as wooded areas, isolated preservable trees and drainage swales shall be preserved wherever feasible.” During public testimony, concern was expressed about a large tree near Lot 1, in the southeastern corner of the property. Additionally, the application identifies a second large isolated white oak tree at Lot 54, straddling the property line between the subject site and the adjacent property to the south. Both trees appears to be in what would be the rear yard of a proposed single family residence on those lots. Condition 13 of PDA 4-18 states that removal of any tree greater than nine inches in diameter would require the approval of the Planning Director. Together, with the flexibility to approve reduced setbacks provided in Condition 4 of PDA 4-18, the Planning Director has greater ability to preserve isolated preservable trees throughout the proposed development. The application also addresses the preservation of native oak groves by proposing longer than normal lots around the perimeter of the property. This lot configuration would allow building envelopes outside the proximity of the oak groves found on the slopes that define the outer boundaries of the property. Planning Commissioners did not find the public testimony warranted changing the City’s findings.

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The Planning Commission also had discussion about the community benefit of the proposed development compared to what is approved in the existing planned developments for the two parcels. Commissioners referenced the dedication of the 5.6 acre greenway which would be the first step in completing a larger vision of the Parks Master Plan, a Baker Creek greenway corridor extending from Tice Park to the Westside BPA Trail.

The Planning Commission then voted on each land use request. By a vote of 9-0, the Planning Commission voted to recommend that the Council consider and approve Planned Development Amendment PDA 3-18 subject to the conditions described in detail in Ordinance No. 5065. By a vote of 8-1, the Planning Commission voted to recommend that the Council consider and approve Planned Development Amendment PDA 4-18 subject to the conditions described in detail in Ordinance No. 5069. Additionally, the proposed subdivision (S 3-18) was approved by the Planning Commission by a vote of 7-2, conditioned on final approval of the Planned Development Amendments by City Council.

Following the May 16, 2019 Planning Commission meeting, flyers in opposition to the proposed Oak Ridge Meadows development citing concern over lack of affordable housing and loss of wetlands were posted on several public buildings, possibly leading to ex parte contact by one or more Councilors. A copy of the flyer has officially been entered into the public record.

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Exhibit A – PDA 3-18 Decision Document

Attachment B: Ordinance No. 5069 including:

Exhibit A – PDA 4-18 Decision Document

Attachment C: Ordinance No. 5070 including

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Attachment E - G: Applicant Materials Received

Attachment H - N: Public Testimony Received Attachment : Ordinance No. 4921-Floodplain Ordinance

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Supplemental Findings:

July 23, 2019 Update:

Following the decision by the Planning Commission to recommend that the Council approve the proposed Planned Development Amendment (PDA) and Subdivision applications, the applicant prepared Supplemental Findings for consideration by the Council to address evidence, argument and testimony considered by the Planning Commission prior to their making their decision (***See attached Memorandum and Supplemental Findings***).

The purpose of the Supplemental Findings is to document the City's treatment of matters raised after the preparation of the final staff report and findings document, but prior to the close of the public hearing. The Supplemental Findings are not intended to present any new evidence, argument or testimony, and are simply intended to meet the City's obligation to provide written findings to support the City's decision.

If the Council chooses to follow the Planning Commission's recommendation to approve the PDA and Subdivision applications, the Council may elect to:

- Adopt the findings of the Planning Commission standing alone;
- Adopt the findings of the Planning Commission together with the Supplemental Findings prepared by the applicant; or
- Adopt new findings prepared by staff and/or the applicant following its decision and presented to the Council at a subsequent meeting.”

July 23, 2019 Update:

NEW APPLICANT MATERIALS RECEIVED SINCE JUNE 25, 2019: Following the re-opening of the record, the Planning Department has received new materials from the applicant in support of their material (See Attachments E-G Applicant Material Received).

The applicant has submitted the following:

Attachment E: Premier Development Response Letter – Letter received July 15, 2019 responding to information from opponents post-dating the Planning Commission's recommendation of approval.

Attachment F: Premier Development Response to PBS Letter – Letter received July 15, 2019, responding to the PBS rebuttal letter dated May 24, 2019 (received by the City June 18, 2019).

Attachment G: Supplemental Traffic Evaluation – Memorandum received July 15, 2019, expanding the traffic analysis of the impact of the proposed development to additional intersections within the existing neighborhoods adjacent to Oak Ridge Meadows.

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July 23, 2019 Update:

PUBLIC TESTIMONY RECEIVED AFTER JUNE 25, 2019: Following the reopening of the public record on June 27, 2019 in advance of the public hearing before City Council on July 23, 2019, the Planning Department received several new written testimonies for inclusion in the public record.

On Tuesday, June 18, Mike Colvin met with Jeff Towery, City Manager, to provide written testimonies addressing concerns about flooding, accuracy of current FEMA FIRM panels, and vehicular access into the proposed development. Also introduced at that meeting was a letter written by PBS Engineering, author of the Hydrologic Analysis of Baker Creek submitted into the record by Friends of Baker Creek, rebutting the applicant's rebuttal testimony at the Planning Commission public hearing. Following the reopening of the public record on June 27, 2019, these three testimonies were entered into the record, and are summarized below:

PBS Engineering Rebuttal

In a response to rebuttal testimony to the Baker Creek Hydrologic Analysis at the Planning Commission public hearing, PBS submitted clarification of issues raised by the applicant. The conclusion of the PBS rebuttal is that the applicant's testimony does not alter the conclusions of the initial report. Conclusions of the Baker Creek Hydrologic Analysis include that the proposed development would not increase downstream flooding, and that the currently effective FEMA study does not accurately depict the floodplain.

Towery Meeting – Flooding Testimony

Mike Colvin provided eight exhibits in support of his concerns that the proposed Oak Ridge Meadows development would increase downstream flooding, specifically in the Crestbrook neighborhood to the east of the proposed subdivision. Evidence contrary to the Baker Creek Hydrologic Analysis that concluded downstream flooding would not be significantly impacted by the proposed development was not provided.

Towery Meeting – Shadden Access

In the testimony provided by Mike Colvin regarding access to the proposed Oak Ridge Meadows development, Mr. Colvin addresses his concerns about the lack of full development of Shadden Drive as a public road for access to the proposed development. Specifically, Mr. Colvin has concerns that Planning Commissioners were not provided all the information they needed to make an informed decision regarding the use of a Shadden Drive extension to access the proposed Oak Ridge Meadows development.

Mr. Colvin alleged a pattern of deceit and dishonesty from Planning Department staff to deliberately misguide the Planning Commission and steer their vote, calling into question staff's personal and professional integrity. Staff would note that all questions of them were answered honestly and to the best of staff's knowledge to provide factual information to the decision making body. Furthermore, no attempt to hide information, avoid answering a question, or to be anything other than completely honest and forthcoming was made by staff.

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July 25, 2019 Update (cont'd):

Planning staff often meets with developers when they are conceptualizing their projects and were involved in reviewing early concepts of both Premier's Oak Ridge Meadows and Stafford's Baker Creek North developments. If possible, staff works to coordinate efforts between adjoining developments within the parameters and boundaries of the federal, state and local regulations. It is not unusual though for these concept plans to change, be refined or entirely redrawn based upon the developer's due diligence. Staff would never assume to represent the final product of a developer's concept in a public meeting unless that concept has been legally submitted as a land-use application.

In this case, as the two developers were working on their concept plans, staff encouraged an interconnected and coordinated transportation system that would function together. The City was not involved in the negotiation of a private easement between private land owners, nor was the City involved in negotiating the uses allowed in that private easement. Staff was not involved in any discussions about timing of build-out, etc. At the time of the Planning Commission public hearing, Stafford Land Company had not submitted a land-use application for the anticipated Baker Creek North development. All of which staff represented at the public hearing in response to Planning Commissioner questions. When asked if the City could require that the developer build Shadden Drive as a local street to serve Oak Ridge Meadows, staff responded that the Planning Commission needed to have a finding which created a nexus for the requirement based upon city adopted standards.

PUBLIC TESTIMONY ITEMIZED: All written public testimony received by the Planning Department has been provided in the City Council meeting materials, organized by the person(s)/organization entering the testimony into the record. The intent of grouping testimony in this manner is to provide clarity about who provided testimony at what time, as multiple people(s)/organization(s) provided multiple testimonies over the course of two public hearings and the time leading up to them. Submitted written public testimony includes the following:

- Mike Colvin, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on increased risk of downstream flooding.
 2. Letter - April 18, 2019 - expressing opposition to the application based on potential downstream flooding impact, loss of unique natural habitats that could be preserved as recreation/park space.
 3. Letter - April 18, 2019 - expressing opposition to the application based on impact of proposed public improvements on the wetlands.
 4. Letter - May 8, 2019 - expressing opposition to the application based on impact of proposed development of traffic on Baker Creek Road.
 5. Letter - May 8, 2019 - expressing opposition to the application based on Comprehensive Plan policies that do not support development on the 11.47 acre parcel and instead support it being left in a natural state for drainage and recreation.

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6. Letter - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and calling on neighbors to submit testimony.
7. Letter - May 16, 2019 - expressing opposition to the applications based on a comparison of Comprehensive Plan polices as they relate to individual parcels of the overall proposed development.

July 25, 2019 Update:

8. Letter – June 18, 2019 - expressing opposition to the applications based the timing of the development of Shadden Drive north of Baker Creek Road.
9. Letter – June 18, 2019 - expressing opposition to the applications based potential for increased downstream flooding.

- Sandi Colvin, 2718 NW Pinot Noir Drive

1. Letter - April 10, 2019 - expressing opposition of the application stating that removal of the 11.47 acre parcel from the Oak Ridge Planned would circumvent Oak Ridge CC&Rs, and that the proposed development is held to lesser standards than the current PDs.
2. PowerPoint slides - May 16, 2019 - expressing opposition to the applications based on extension of Pinehurst Drive to eastern property line, and potential impacts on downstream flooding.

July 25, 2019 Update:

3. Letter – July 15, 2019 - expressing opposition to the application, citing the example of Johnson Creek in the Portland area.

- Friends of Baker Creek, 501c3 Non-Profit, 2718 NW Pinot Noir Drive

1. Letter - April 10, 2019 - expressing opposition of the application based on lack of two access points to proposed development.
2. Letter - April 10, 2019 - expressing opposition of the application based on development in the wetland, emergency access to the development, retention of an isolated preservable tree, impact of park maintenance on HOA fees, development of the private active neighborhood park, Federal and State agency permitting, and FEMA floodplain mapping.
3. PowerPoint slides - April 18, 2019 - used as imagery and talking points for several oppositional testimonies at the April 18, 2019 public hearing.
4. Baker Creek Hydrologic Analysis (prepared by PBS Engineering for FoBC) – May 9, 2009 – providing analysis indicated that FEMA floodplain maps are in need of revision, proposed development could occur in areas of flood risk but with FEMA designation, and that proposed development would not significantly increase downstream flow.

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5. Power Point slides - May 16, 2019 - used as imagery and talking points for several oppositional testimonies at the May 16, 2019 public hearing.

July 25, 2019 Update:

6. Testimony Binder – July 15, 2019 – A collection of testimony expressing opposition to the applications due to Pinehurst Drive, lack of Shadden Drive access, outdated FEMA maps, increased downstream flooding, updated Baker Creek hydrology, environmental impacts, and the Johnson Creek case study.

- Steve and Catherine Olsen, 2650 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on concerns of development in the wetland, increased traffic in the Oak Ridge developments, Great Neighborhood Principles, and Federal and State agency permitting, and FEMA floodplain mapping.
 2. Letter - May 8, 2019 - expressing opposition to the application because of impact of the proposed development on traffic, public safety, and existing Oak Ridge CC&Rs, and the desire to preserve the 11.47 acre parcel as a nature preserve.
 3. Letter - May 16, 2019 - expressing opposition to the applications and support for preserving 11.47 acre parcel as a nature preserve.
- Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on concerns of development in the wetland, steep slopes, construction access, potential loss of trees, and loss of lifestyle on Pinot Noir Drive.
 2. Letter - May 6, 2019 - expressing opposition to the application based on traffic impact to the surrounding neighborhoods, and the impact of development on the lifestyle of the surrounding neighborhoods.
 3. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
- Tim and Margaret Roberts, 1069 NW Baker Crest Court
 1. Letter - April 15, 2019 - expressing opposition of the application based on concern for potential downstream flooding impact.

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- Friends of Yamhill County, 501c3 Non-Profit, PO Box 1083, McMinnville
 1. Letter - April 15, 2019 - expressing opposition of the application based on impact to wetlands.
- Yamhill Soil & Water Conservation District, 2200 SW 2nd Street
 1. Email - April 16, 2019 - expressing concern over the proposed development based on potential impacts to wetlands, and removal of vegetation along Baker Creek.
- Jan and Randy Hartzell, 1093 NW Baker Crest Court
 1. Email - April 17, 2019 - expressing opposition to the application based on potential downstream flooding impact and inaccurate FEMA maps.
- Housing Land Advocates and Fair Housing Council of Oregon, 501c3 Non-Profit, 1221 SW Yamhill Street #305, Portland
 1. Letter - April 17, 2019 - expressing concern that Statewide Goal 10 findings had not been made, and the proposal not evaluated under the HNA and BLI.
- Glen Westlund (no address provided)
 1. Email - April 18, 2019 - expressing concern over the proposed development based on potential impacts to wetlands and wildlife habitat.
- Carmen Mendenhall, 2410 NW Zinfandel Loop
 1. Letter - April 18, 2019 - expressing opposition to the applications based on the impact of the proposed development on neighborhood livability.
 2. Email - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, development impact to the Baker Creek riparian corridor, and loss of wetlands.

July 25, 2019 Update:

1. Email – July 15, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood, downstream flooding, and the inability to apply Great Neighborhood Principles.

- Gail Norby, 2840 NW Pinot Noir Drive
 1. Letter - April 18, 2019 - expressing opposition to the application based on potential impact of traffic on neighborhood livability.

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- Scott Wellman, 2756 NW Pinot Noir Drive
 1. Letter - April 18, 2019 - expressing opposition to the application based on potential impact on wildlife habitat.
 2. Letter - May 16, 2019 - expressing opposition to the applications based on loss of wetlands.

- Bill Kabeiseman, Bateman Seidel (representing Friends of Baker Creek), 888 SW 5th Avenue, Suite 1250, Portland
 1. Letter - April 18, 2019 - expressing opposition to the application based on impact on the wetlands that would be inconsistent with the Comprehensive Plan, that Ordinance 4845 limits Oak Ridge Meadows to 76 lots, and that there is no approved wetland delineation or mitigation plan.
 2. Letter - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, extension of Pinehurst Drive to eastern property line, potential impacts on downstream flooding, and loss of wetlands.

- Valerie Kelly, McMinnville
 1. Email – April 22, 2019 - expressing opposition to the application based on potential downstream flooding impact and inaccurate FEMA maps.

- Helen Bitar, 30500 SW Moriah Lane, Sheridan
 1. Email - May 6, 2019 - expressing opposition to the application based on loss of wetlands.

- Michael and Sherill Roberts, 2812 NW Pinot Noir Drive
 1. Letter – May 7, 2019 - expressing concern for public safety and livability during construction of proposed development. The testimony suggests requiring the improvement of Shadden Drive for construction access, and expediting the restriping project for Baker Creek Road.
 2. Letter - May 16, 2019 - expressing concern for public safety and livability during construction of proposed development. The testimony suggests requiring the improvement of Shadden Drive for construction access, and expediting the restriping project for Baker Creek Road.

- Rob Stephenson, 1081 NW Baker Crest Court
 1. Letter – May 8, 2019 - expressing opposition to the application based on potential downstream flooding impact, and impact of the development on wetlands.

- Les Toth, 2700 NW Pinehurst Drive
 1. Letter – May 13, 2019 - expressing opposition to the applications based on impact of proposed Pinehurst Drive on wetlands and adjacent property.

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- Stephanie Rudolph, 2849 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing concern about traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.

- Melba Smith, 2780 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and impact on existing streets.
 2. Photograph - May 16, 2019 - indicating extent development impact on existing wetlands.

- Terry and Beth Uhrinak, 2731 NW Pinot Noir Drive
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.

- Anniedear Chappell, 1334 NW Zinfandel Court
 1. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood.
 2. Email - May 14, 2019 - expressing concern over existing traffic systems and pedestrian safety in Oak Ridge neighborhood that would be compounded by new traffic.

- Erin Stanton & Sarah Hadfield, 2687 NW Pinot Noir Drive
 1. Email - May 14, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and calling on neighbors to submit testimony.

- Steve and Sarah Fox, 2687 NW Oak Ridge Drive
 1. PowerPoint slides - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and concern over previous land fill activity.

- Ray and Nina Clevidence, 1493 NW Riesling Way,
 1. Letter - May 16, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road, and loss of wetlands.

- Justin Maynard (submitted by Catherine Olsen), PBS Engineering, 415 W 6th Street, Vancouver, WA
 1. Letter - May 16, 2019 - summarizing the analysis and findings of the Baker Creek Hydrologic Analysis. The analysis indicated that FEMA floodplain maps are in need of revision, and proposed development could occur in areas of flood risk but with FEMA designation.

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July 25, 2019 Update:

1. Letter – June 18, 2019 – rebutting applicant’s rebuttal of the Baker Creek Hydrologic Analysis, and confirming the conclusions of the report.
- Unattributed (no name provided)
 1. Letter - May 16, 2019 – provided at the public hearing - listing several Comprehensive Plan policies related to natural features, transportation and traffic systems, and provision of open space and natural areas.
 2. Letter – May 18, 2019 – posted to several public buildings – expressing opposition to proposed development based on lack of affordable housing and loss of wetlands.

July 25, 2019 Update:

- Rick and Linda Thomas, 2631 NW Merlot Drive,
 1. Email – July 15, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood, outdated FEMA maps, and increased downstream flooding.

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- Attachment E: Premier Development Response Letter (Kellington Law Group, July 15, 2019)*
- Attachment F: Premier Development Response to PBS Letter (Westech Engineering)*
- Attachment G: Supplemental Traffic Evaluation (July 15, 2019)*
- Attachment H: Letter from PBS – Rebuttal of Applicant Rebuttal of Hydrologic Report*
- Attachment I: Mike Colvin to Jeff Towery – Meeting 06.18.19*
- Attachment J: Mike Colvin to Jeff Towery – Shadden Access, Meeting 06.18.19*
- Attachment K: Email from Rick and Linda Thomas, 07.14.19*
- Attachment L: Letter from Carmen Mendenhall, 07.15.19*
- Attachment M: Letter from Sandi Colvin, 07.15.19*
- Attachment N: Binder from Friends of Baker Creek, 07.15.19*
- Attachment O: Ordinance No. 4921-Floodplain Ordinance*

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Fiscal Impact:

None.

Ordinance No. 5065 Alternative Courses of Action:

1. **Close the Public Hearing, Conduct a Second Reading of the Ordinance and vote to ADOPT** Ordinance No. 5065, approving PDA 3-18 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings, approving the land-use application.
2. **Close the Public Hearing, Conduct a Second Reading of the Ordinance and Vote NOT TO ADOPT** Ordinance No. 5065, providing findings of fact based upon specific code criteria to deny the application in the motion to not approve Ordinance No. 5065, effectively denying the land-use application.
3. **Close the Public Hearing and Elect not to Conduct a Second Reading of the Ordinance,** effectively not rendering a land-use decision within the governed timeframe, at which point the applicant's proposal is by default approved.

Ordinance No. 5065 Recommendation:

Staff recommends that the Council adopt Ordinance No. 5065 which would approve PDA 3-18, subject to conditions of approval as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5065.”

Ordinance No. 5069 Alternative Courses of Action:

1. **Close the Public Hearing, Conduct a Second Reading of the Ordinance and vote to ADOPT** Ordinance No. 5069, approving PDA 4-18 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings, approving the land-use application.
2. **Close the Public Hearing, Conduct a Second Reading of the Ordinance and Vote NOT TO ADOPT** Ordinance No. 5069, providing findings of fact based upon specific code criteria to deny

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the application in the motion to not approve Ordinance No. 5069, effectively denying the land-use application.

3. **Close the Public Hearing and Elect not to Conduct a Second Reading of the Ordinance**, effectively not rendering a land-use decision within the governed timeframe, at which point the applicant's proposal is by default approved.

Ordinance No. 5069 Recommendation:

Staff recommends that the Council adopt Ordinance No. 5069 which would approve PDA 4-18, subject to conditions of approval as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5069.”

Ordinance No. 5070 Alternative Courses of Action:

1. **Close the Public Hearing, Conduct a Second Reading of the Ordinance and vote to ADOPT** Ordinance No. 5070, approving S 3-18 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings, approving the land-use application.
2. **Close the Public Hearing, Conduct a Second Reading of the Ordinance and Vote NOT TO ADOPT** Ordinance No. 5070, providing findings of fact based upon specific code criteria to deny the application in the motion to not approve Ordinance No. 5070, effectively denying the land-use application.
3. **Close the Public Hearing and Elect not to Conduct a Second Reading of the Ordinance**, effectively not rendering a land-use decision within the governed timeframe, at which point the applicant's proposal is by default approved.

Ordinance No. 5070 Recommendation:

Staff recommends that the Council adopt Ordinance No. 5070 which would approve S 3-18, subject to conditions of approval as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5070.”

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