



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

STAFF REPORT

DATE: June 25, 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 <small>(ACROSS THE INCOME SPECTRUM)</small> Create diverse housing opportunities that support great neighborhoods.</p> <p>OBJECTIVE: Collaborate to improve the financial feasibility of diverse housing development opportunities.</p>
--	--

Report in Brief:

This is the consideration of 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 R2 (low density residential) zoned land within the city limits.

Attachments:

- Attachment A: Ordinance No. 5065 including:
 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
 Exhibit A – S 3-18 Decision Document*
- Attachment D: Memorandum and Supplemental Findings*
- Attachment E: Planning Commission Minutes, 4-18-19*
- Attachment F: Planning Commission Minutes, 5-16-19*

- 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 a **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.

Both the Oak Ridge Planned Development and the Oak Ridge Meadows Planned Development are existing approved planned developments. This project would combine the undeveloped last phase of the Oak Ridge Planned Development with the undeveloped Oak Ridge Meadows Planned Development creating one comprehensive Planned Development allowing for improved connectivity, bicycle and

Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document
- Attachment D: Memorandum and Supplemental Findings
- Attachment E: Planning Commission Minutes, 4-18-19
- Attachment F: Planning Commission Minutes, 5-16-19

pedestrian mobility, open space amenities and better protection of environmentally sensitive areas, such as the floodplain, wetland, slopes, mature trees and the riparian corridor.

As proposed the amended Oak Ridge Meadows Planned Development would yield 108 home lots, varying in size from approximately 5,000 square feet to 14,000 square feet; preserve approximately 2 acres of wetland and mitigate 1 acre of wetland, dedicate and improve 5.6 acres of land along Baker Creek to the City of McMinnville for a natural greenway park and trail system; locate higher density housing away from the wetlands and floodplain to help buffer the ecological systems; and preserve and maintain mature oak trees on the site.

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 Conclusory Findings for Approval, and the materials submitted by the applicant.

Normally, a Tentative Subdivision Plan would be a final decision of the Planning Commission and would not be considered by the City Council unless it was appealed to the City Council. However, since these three land-use applications were submitted together, per McMinnville Municipal Code (MMC) Section 17.72.070, *Concurrent Applications*, "when a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously." With this provision, the Tentative Subdivision Plan will be decided by the City Council along with the Planned Development Amendments.

Per MMC, Section 17.72.130(C)(6), once the Planning Commission makes a decision to recommend a land-use decision to the McMinnville City Council, the Council shall:

- a. Based on the material in the record and the findings adopted by Commission and transmitted to the City Council, adopt an ordinance effecting the proposed change, or;
- b. Call for a public hearing on the proposal subject to the notice requirements stated in Section 17.72.120(D) – (F).

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.

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.

Attachments:

*Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19



Oak Ridge Meadows PD

- 35.47 total acres

Request:

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

Background:

The subject site being considered for the amended Oak Ridge Meadows PD and new 108-lot subdivision tentative plan consists of a total of 35.47 acres, including the 11.47 acres of undeveloped land in the Oak Ridge Planned Development (Ordinance No. 4722) and the 24.0 acres of undeveloped land in the Oak Ridge Meadows Planned Development (Ordinance No. 4822).

Although these planned developments were originally approved in 2000 and 2005 respectively, due to the Great Recession, the last phase of the Oak Ridge Planned Development (Phase IV) approved in 2000 and the entire Oak Ridge Meadows Planned Development were not developed. And although the planned developments did not expire, the approved subdivision plans did expire. When the developer decided to start moving forward on the development they elected to amend the two planned developments to create one planned development for the remaining undeveloped land. **See Figures 1 & 2.**

Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*
- Attachment D: Memorandum and Supplemental Findings*
- Attachment E: Planning Commission Minutes, 4-18-19*
- Attachment F: Planning Commission Minutes, 5-16-19*

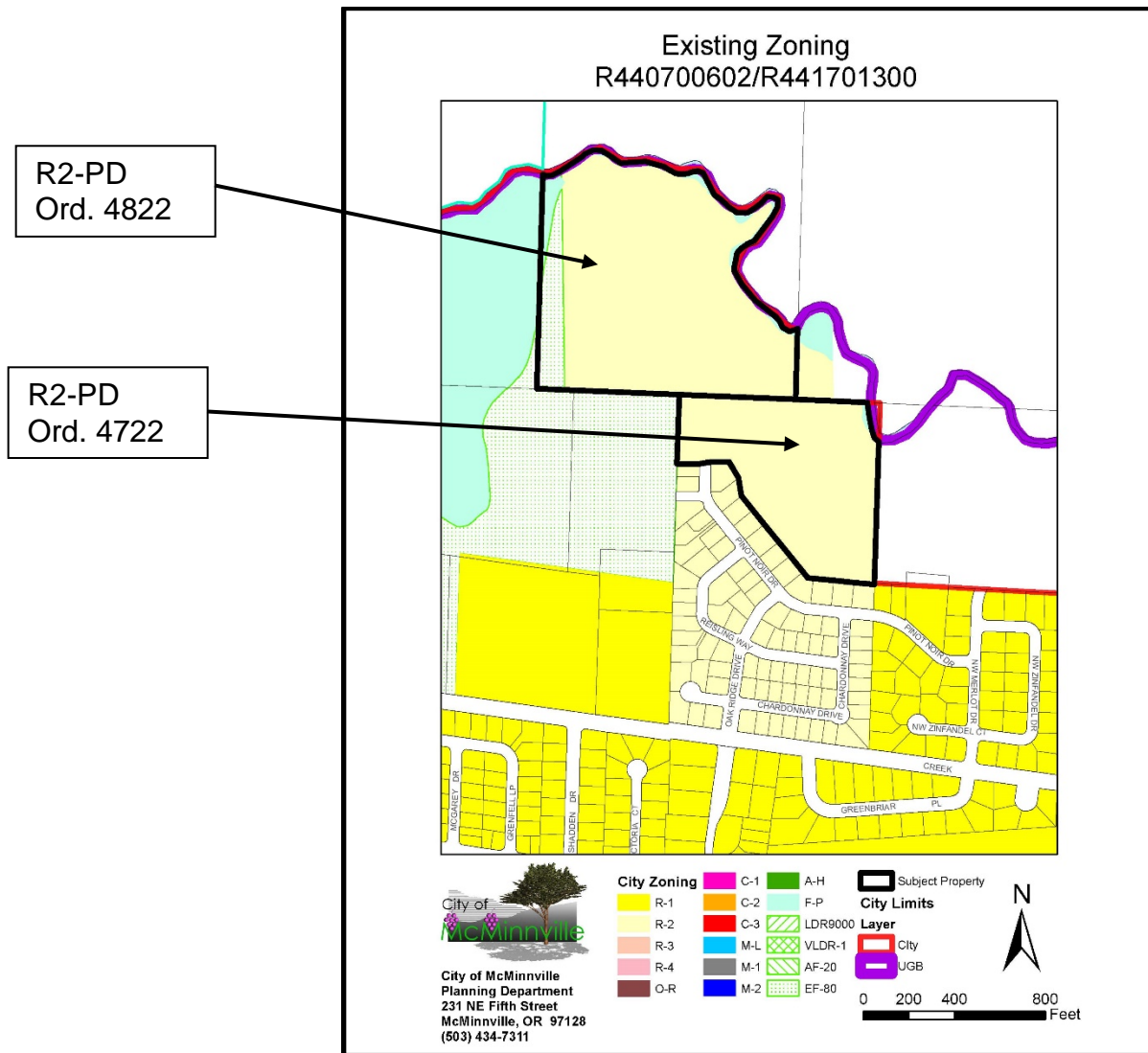
Figure 1. Subject site proposed for removal from Oak Ridge PD and addition to amended Oak Ridge Meadows PD



Attachments:

- Attachment A: Ordinance No. 5065 including:
 - 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:
 - Exhibit A – S 3-18 Decision Document
- Attachment D: Memorandum and Supplemental Findings
- Attachment E: Planning Commission Minutes, 4-18-19
- Attachment F: Planning Commission Minutes, 5-16-19

Figure 2. Zoning Map

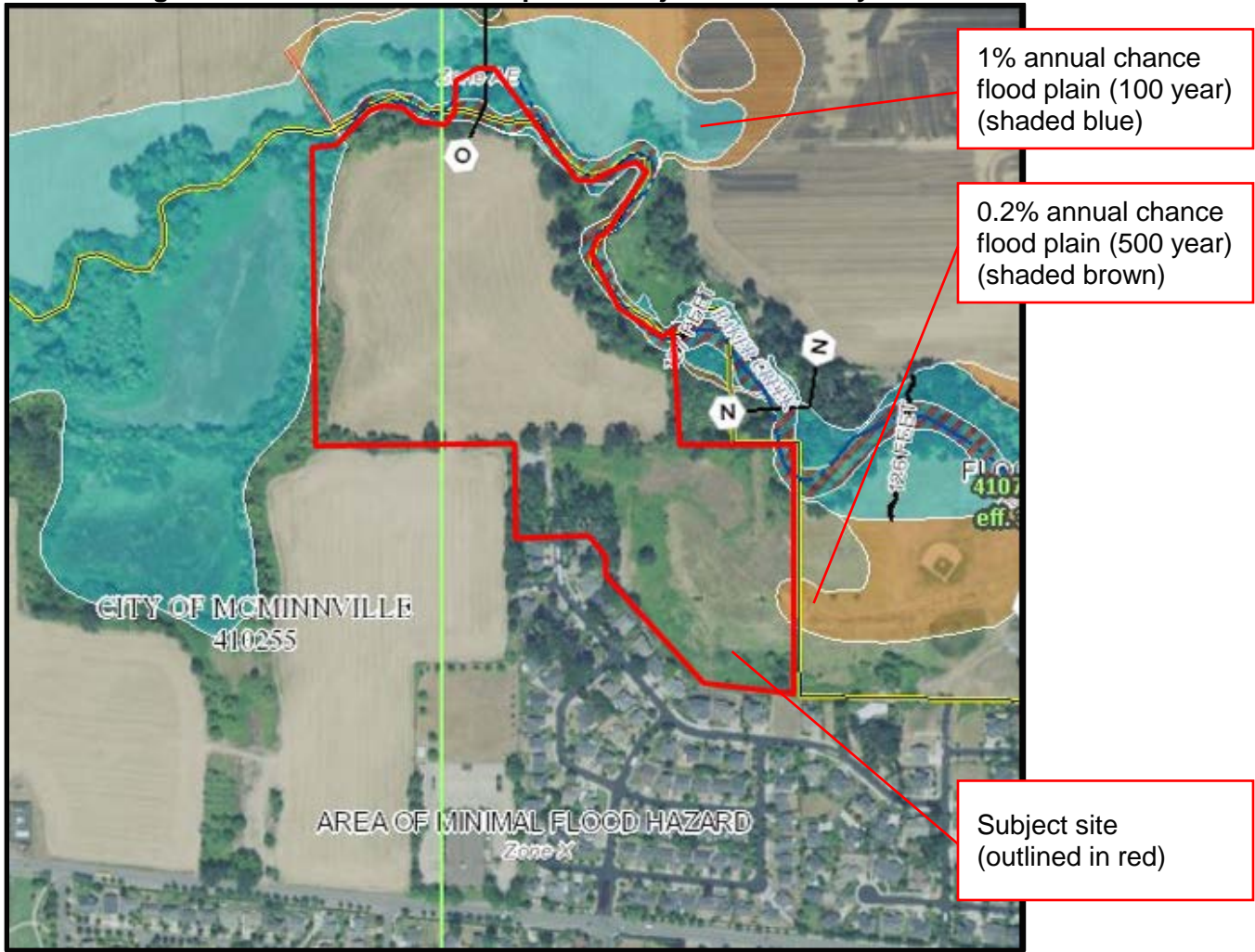


Several distinctive natural features are present on the subject site. Baker Creek forms the northern boundary of the 24 acre parcel, and its associated floodplain encroaches on the subject site. A recently completed wetland delineation identified 3.09 acres of wetlands on the 11.47 acre parcel. Steep slopes are present on the subject site, generally around the perimeter of the properties leading down from the central peninsula to Baker Creek and the wetland area. Groves of mature, native white oak trees are found on the subject site, particularly at the existing terminus of Pinot Noir Drive and on the steep slopes. **See Figures 3 & 4.**

Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*
- Attachment D: Memorandum and Supplemental Findings*
- Attachment E: Planning Commission Minutes, 4-18-19*
- Attachment F: Planning Commission Minutes, 5-16-19*

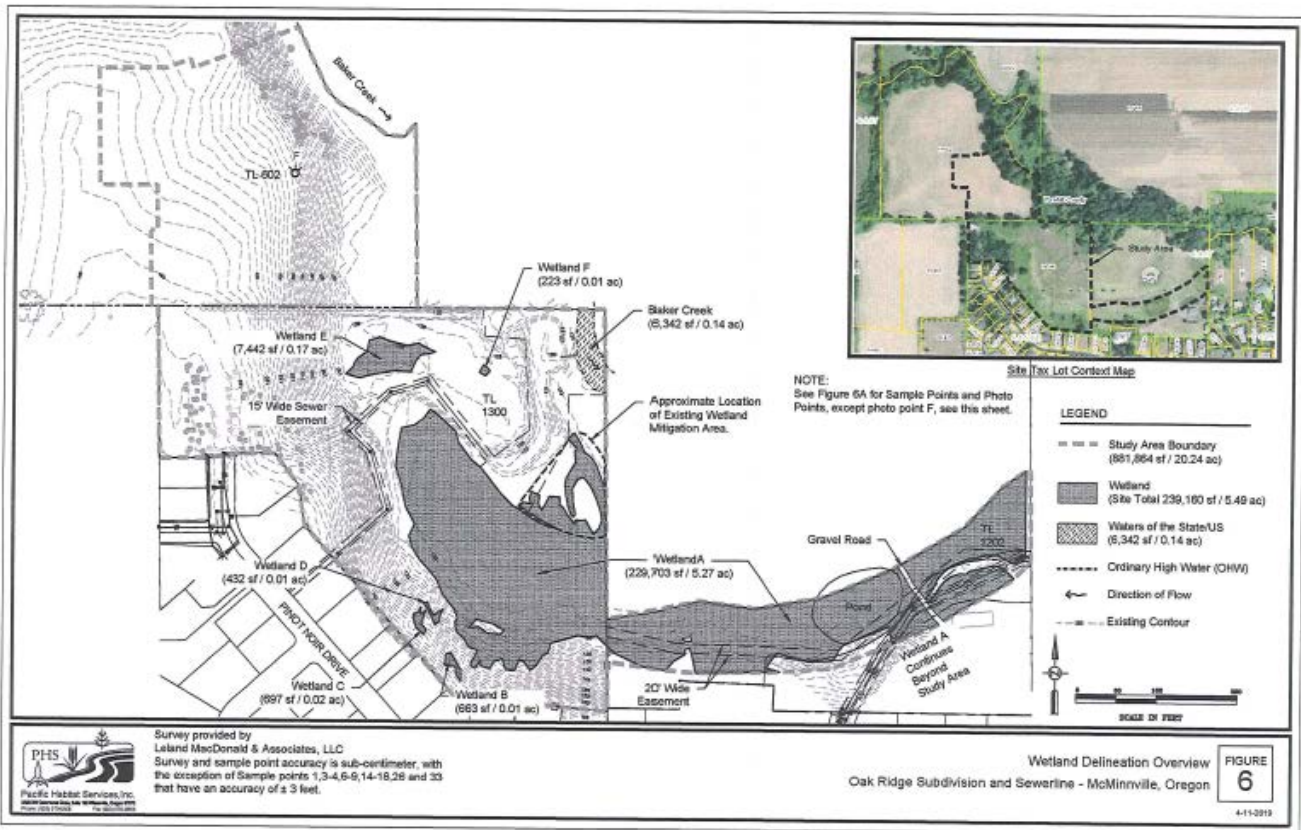
Figure 3. 2010 FEMA Flood Map with Subject Site Overlay



Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*
- Attachment D: Memorandum and Supplemental Findings*
- Attachment E: Planning Commission Minutes, 4-18-19*
- Attachment F: Planning Commission Minutes, 5-16-19*

Figure 4. Wetland Delineation



The Oak Ridge Planned Development was approved in February, 2000, adopted by Ordinance 4722. A tentative subdivision plan (S 6-99) of 107 residential lots with an average minimum lot size requirement of 7,000 square feet, was approved by the McMinnville Planning Commission as a three phase plan for the Oak Ridge Planned Development Overlay District. The original subdivision plan was eventually amended to reallocate the 107 lots from three phases into four phases. The first three phases of the residential subdivision were developed, totaling 82 lots averaging 7,387 square feet in size. The fourth phase (approved for 30 lots) was left undeveloped due to the onset of the Great Recession in 2007, leaving 11.47 acres unplatted and undeveloped. The Oak Ridge Meadows Planned Development Overlay District was approved in April, 2005, adopted by Ordinance 4822. A tentative subdivision (S 14-04) was approved for 99 residential lots averaging 8,059 square feet. Again, due to the Great Recession in 2007 development did not move forward. **See Figures 5 & 6.** Although both Tentative Subdivisions S 6-99 and S 14-04 have since expired, each development plan became part of its respective zone and binding on the property owner and developer.

Attachments:

- Attachment A: Ordinance No. 5065 including:*
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*
Exhibit A – S 3-18 Decision Document
- Attachment D: Memorandum and Supplemental Findings*
- Attachment E: Planning Commission Minutes, 4-18-19*
- Attachment F: Planning Commission Minutes, 5-16-19*

Figure 5: Oak Ridge Phase 4 (2004)

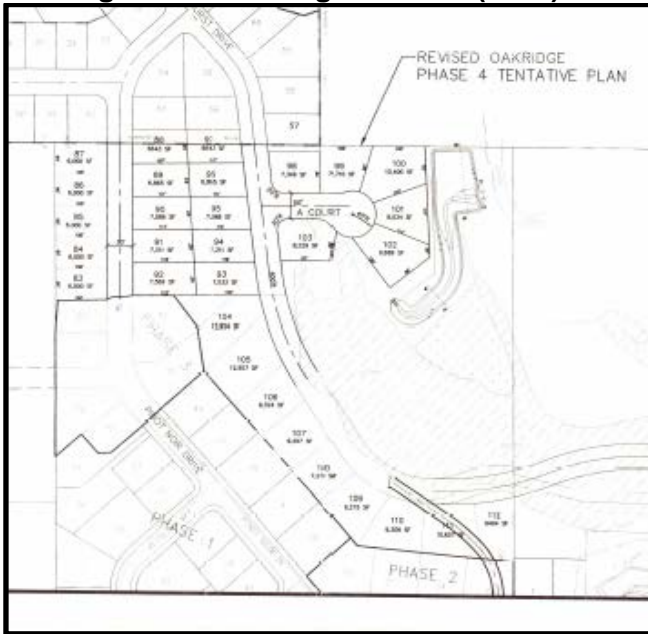


Figure 6: Oak Ridge Meadows (2005)



Currently both planned development overlay districts are active, zoned R2-PD, and Premier Development LLC could submit two separate tentative subdivision plans that satisfy the covenants of each individual planned development and develop the acreage accordingly. However, the applicant felt that it would be more appropriate to masterplan the remaining undeveloped land as part of one unified planned development due to their adjacencies and opportunities for improved connectivity and open space planning.

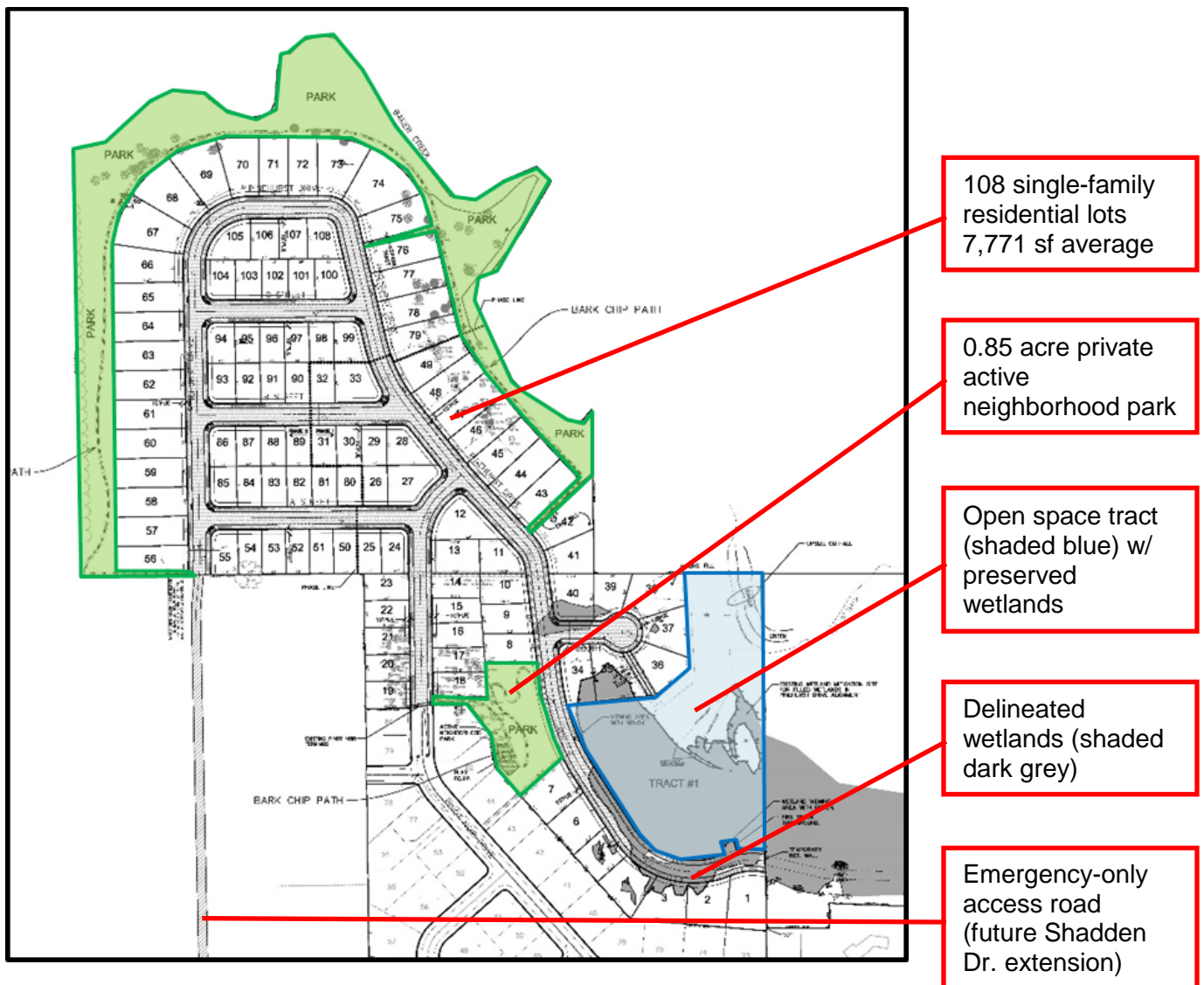
The overall goal of the applicant’s land use requests is to combine the undeveloped 11.47 acres remaining in the Oak Ridge Planned Development Overlay District with the 24 acres in the Oak Ridge Meadows Planned Development Overlay District for a total site area of 35.47 acres for a subdivision of 108 lots of varying sizes to build a housing development with a dedicated 5.6 acre public greenway and trail system along Baker Creek, and a private 0.85 acre neighborhood park overlooking a preserved wetland to be maintained by the homeowner’s association in a separate tract of land. **See Figure 7.**

Figure 7: Oak Ridge Meadows Tentative Subdivision (S 3-18)

5.6 acre dedicated greenway

Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*
- Attachment D: Memorandum and Supplemental Findings*
- Attachment E: Planning Commission Minutes, 4-18-19*
- Attachment F: Planning Commission Minutes, 5-16-19*



Summary of Review Criteria

A Planned Development Overlay District is a method of adopting a specialized zone for specific property that has refined design and development standards to allow for better development within the City of McMinnville than would normally occur with just strict interpretation of the Zoning Ordinance.

Generally, the purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document
- Attachment D: Memorandum and Supplemental Findings
- Attachment E: Planning Commission Minutes, 4-18-19
- Attachment F: Planning Commission Minutes, 5-16-19

The two Planned Development Amendment applications (PDA 3-18 and PDA 4-18) are subject to Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Planned Development Amendments in Section 17.74.070 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard subdivision application against the zoning departures requested. It should be noted that the McMinnville Zoning Ordinance does not contain mechanisms to achieve many of the additional benefits possible through Planned Development outside of that process.

The applicant has provided extensive narrative and findings to support the request for the Planned Development Amendments based on their proposed additional benefits to the community that would be provided through the amendment:

1. The addition of the 11.47 acre parcel (the unplatted fourth phase of the Oak Ridge subdivision) to the Oak Ridge Meadows Planned Development Overlay boundary will allow efficient use of open space, greater freedom in the development of the land, and allow for the preservation of significant natural features (wetlands) on the property. Additionally, a portion of the property would be established as a private neighborhood park for the benefit of the community.

Attachments:

*Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

2. Requested lot size averaging would allow flexibility and variety in the development pattern of the community. A wider variety of lot sizes would increase the type of housing products and price points to be made available.
3. The request to modify setbacks would support the flexibility and variety in the development provided by varied lot sizes. A provision would allow for the adjustment of setbacks on a lot by lot basis to preserve significant trees.
4. A request to allow side lot lines at non-90 degree angles would allow flexibility to employ a creative design and development approach in response to unique geographic features of the subject site.
5. A request to allow lots with larger than standard depth to width ratio in response to unique geographic features of the subject site would allow preservation of natural features (significant trees and slopes) by allowing uniquely shaped lots in ecologically sensitive areas with buildable area away from sensitive natural features.
6. Allowing longer than standard block lengths would allow flexibility in the design and development of the land by letting the design respond to unique geographic features of the subject site.
7. Establishment of a private park in the development would encourage mixed use in the planned area and create a private common open space.
8. Dedication of a public greenway park would encourage mixed use in the planned area and create a public common open space.

Overall, the proposed planned development amendment would provide additional benefits to the community and the City as a whole that are above and beyond what would be provided through a traditional subdivision application and strict interpretation of the zoning ordinance. The proposal provides a variety of housing lots with varying sizes, maintaining larger lots adjacent to the floodplain and clustering smaller lots internally. The proposal preserves all of the floodplain and riparian corridor by donating it to the City of McMinnville for a natural greenway park. The proposal also preserves the majority of the wetland providing viewing areas for the wildlife and ecosystem protected by preserving the wetland, and mitigates only the periphery of the wetland. The proposal also provides a private natural park that preserves a stand of older oak trees and provides a playground for the neighborhood families to enjoy.

Below are some tables summarizing the applications compliance with critical criteria. The Decision Documents for each land-use application have the detailed analysis and findings for this compliance:

Attachments:

*Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

PDA 3-18 (Planned Development Amendment, Ordinance No. 4722, Removal of 11.47 Acres)

Issue	Notes	Condition to Help Meet Criteria
Removes land from an existing PD to include in an adjacent PD for connectivity efficiency and open space planning.	Meets Comp Plan Policies and Code Criteria for Amendment. Oak Ridge Planned Development without planned Phase IV still meets the intent and covenants of the Comp Plan and the code.	Condition of Approval #1
What happens if the land is successfully removed from the Oak Ridge PD but not successfully amended into the Oak Ridge Meadows PD	Land will be rezoned from R2-PD to R2, and future development will need to be compliant with the R2 zone.	Condition of Approval #2

PDA 4-18 (Oak Ridge Meadows Planned Development Amendment, Ordinance No. 4822, Addition of 11.47 Acres plus design and development standard amendments)

Issue	Notes	Condition to Help Meet Criteria
Trade-Offs for Planned Development	Comp Plan, Volume 1, Chapter V, references the need for trade-offs that benefit the community in addition to a mixture of lot sizes and housing types.	<p>Condition of Approval #8 identifies the provision of a private active neighborhood park within the subdivision.</p> <p>Condition of Approval #9, identifies the dedication, construction and maintenance of a 5.6 acre greenway and trail system along Baker Creek.</p> <p>Condition of Approval #10 identifies the preservation of the majority of wetlands with viewing areas.</p>
Street Specifications	Due to the unique characteristics of the site with Baker Creek and its associated floodplain bordering three sides of the site, a variance on right angle intersections was requested. Request meets Comp Plan policies and City Code with Condition.	Condition of Approval #5

Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*
- Attachment D: Memorandum and Supplemental Findings*
- Attachment E: Planning Commission Minutes, 4-18-19*
- Attachment F: Planning Commission Minutes, 5-16-19*

PDA 4-18 Continued. (Planned Development Amendment, Ordinance No. 4822, Addition of 11.47 Acres plus design and development standard amendments)

Issue	Notes	Condition to Help Meet Criteria
Lots Depth to Width Ratio	Due to the unique characteristics of the site with Baker Creek and its associated floodplain bordering three sides of the site, a variance on the lot depth to width ratio was requested. Request meets Comp Plan policies and City Code with Condition.	Condition of Approval #6
Block Length	Due to the unique characteristics of the site with Baker Creek and its associated floodplain bordering three sides of the site, a variance on block lengths was requested. Request meets Comp Plan policies and City Code with Condition of approval that requires a bicycle and pedestrian mid-block connection at least every 800 feet.	Condition of Approval #7
Provides Required Open Space	Meets Parks Master Plan and Comp Plan Policies with the construction and dedication of a 5.6 acre public greenway and trail system along Baker Creek, and a 0.85 acre private park, and preserved wetlands.	Condition of Approval #8 Condition of Approval #9 Condition of Approval #10
Wetland Delineation	Wetland Delineation was updated and needs to be approved by Department of State Lands prior to platting. This is a state regulation and approval process.	Condition of Approval #11

Attachments:

*Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

PDA 4-18 Continued. (Planned Development Amendment, Ordinance No. 4822, Addition of 11.47 Acres plus design and development standard amendments)

Issue	Notes	Condition to Help Meet Criteria
Wetland Mitigation	Wetland Mitigation Plan will need to be submitted and approved by the Department of State Lands prior to any construction work impacting the wetland. This is a state regulation and approval process.	Condition of Approval #11
Tree Preservation	Trees 9" or greater in diameter will need to be inventoried and a plan identifying preservation and removal needs to be submitted for approval by the Planning Department prior to construction.	Condition of Approval #12 Condition of Approval #13
Traffic Impact	A traffic impact analysis was conducted indicating that Pinot Noir could accommodate the amount of trips generated by 108 dwelling units prior to a second public street access to serve the development.	Condition of Approval #15 limits the amount of dwelling units that can be constructed to 108 dwelling units prior to the construction of a second public access street.

Attachments:

*Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

S 3-18 (Tentative Subdivision Plan for Amended Planned Development Overlay District associated with the approval of PDA 4-18).

Issue	Notes	Condition to Help Meet Criteria
Size and Number of Lots	Meets Code and PD	
Street Specifications	Meets City Code	
Lots Depth to Width Ratio	Meets PD	
Block Length	Meets PD with Condition	Condition of Approval #10
Provides Required Open Space	Meets Parks Master Plan and PD with Condition	Condition of Approval #3 Condition of Approval #8 Condition of Approval #9 Condition of Approval #11
Wetland Delineation	Meets State Requirements and City Comp Plan Policies with Condition	Condition of Approval #22
Wetland Mitigation	Meets State Requirements and City Comp Plan Policies with Condition.	Condition of Approval #22 Condition of Approval #23
Tree Preservation	Meets City Code and PD.	
Traffic Impact	Meets City Code and PD.	Condition of Approval #12
Variety of Housing Types	Meets Comp Plan Policy and PD.	
Disposition of lots for public sale.	Meets Comp Plan Policy with condition.	Condition of Approval #7

As summarized above, the proposed plan is responsive to the natural features found on the subject site. As required by City code, no development is proposed in the 100 year floodplain as described by the 2010 FEMA floodplain study. **See Figure 8.**

The applicant is working with the Oregon Department of State Lands to approve the updated wetland delineation and to develop a wetland mitigation plan to address disturbed areas necessary to accommodate the needed infrastructure to support the housing development. **See Figure 9.**

The orientation and size of the lots allow the protection and dedication of the Baker Creek riparian corridor, as well as minimizing potential impact on steep slopes. The applicant has also secured an arborist to identify and evaluate all of the mature trees on the site with the goal of preserving as many of them as possible, balanced with the need to develop medium density housing.

Attachments:

*Attachment A: Ordinance No. 5065 including:
Exhibit A – PDA 3-18 Decision Document*

*Attachment B: Ordinance No. 5069 including:
Exhibit A – PDA 4-18 Decision Document*

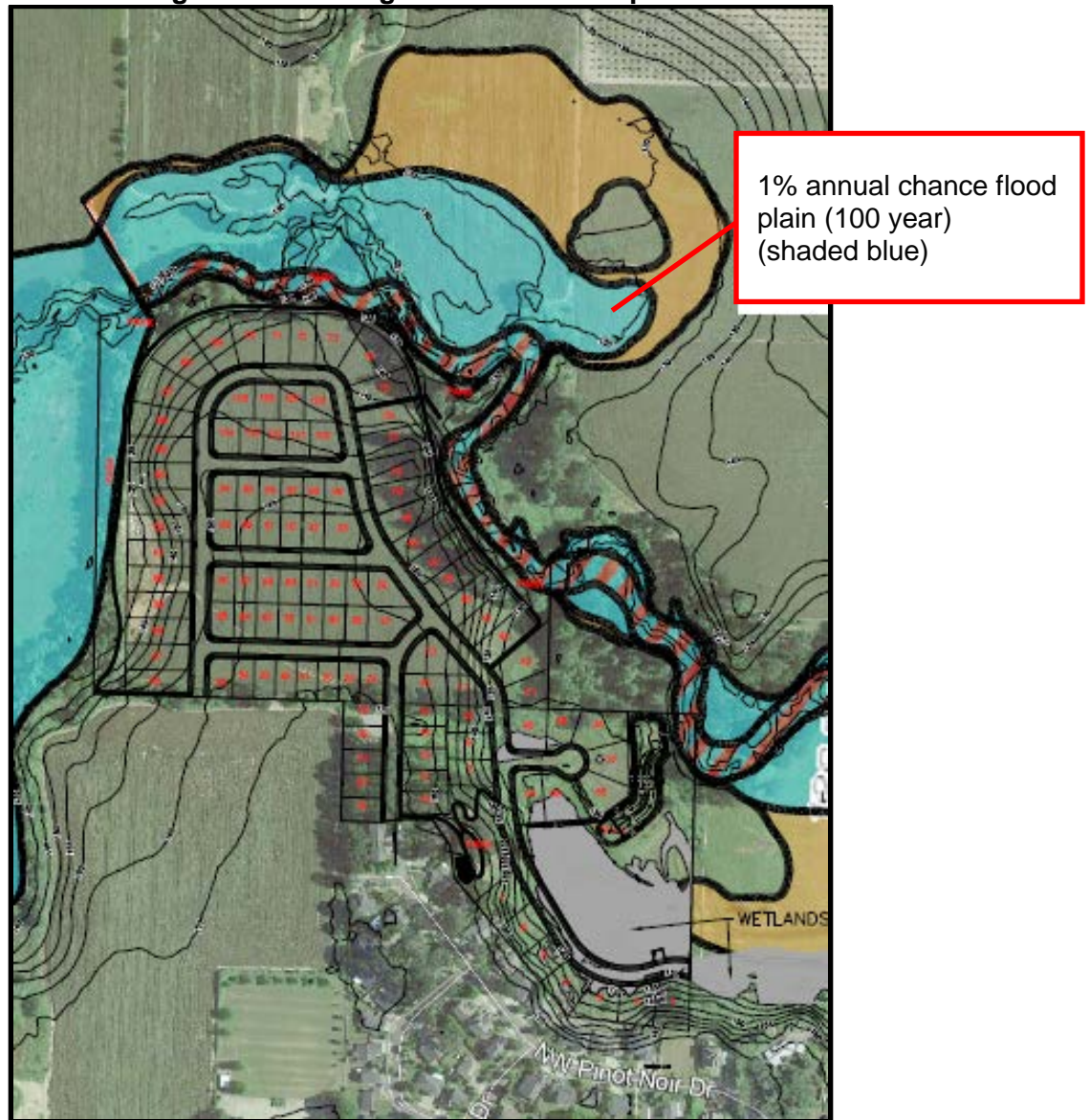
*Attachment C: Ordinance No. 5070 including
Exhibit A – S 3-18 Decision Document*

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

Figure 8: Oak Ridge Meadows Floodplain



Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*
- Attachment D: Memorandum and Supplemental Findings*
- Attachment E: Planning Commission Minutes, 4-18-19*
- Attachment F: Planning Commission Minutes, 5-16-19*

Figure 9: Oak Ridge Meadows Wetlands – Preserved vs. Impacted



In short, the requests meet the applicable review criteria and are consistent with applicable Comprehensive Plan Goals and Policies. The proposals provide several advantages and benefits over a standard subdivision, the current PD approvals in effect, and the prior, now expired tentative plan approvals.

- Original Oak Ridge PD approval and Phase 4 didn't include any recreational open space. The new proposals for that portion of the site include a new private neighborhood park. The wetland tract and access configuration remain substantially as originally proposed.

Attachments:

*Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

- Original Oak Ridge Meadows PD didn't include any public open space. The new proposals for that portion of the site include a public greenway and trail system. The new proposals also include better internal street connectivity. The external street connectivity (current and future) remain as originally proposed.
- Together, the total area provides a better overall development plan than the current PD approvals in place and the previously approved (now expired) tentative plan approvals.

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 per the following:

Attachments:

*Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

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

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

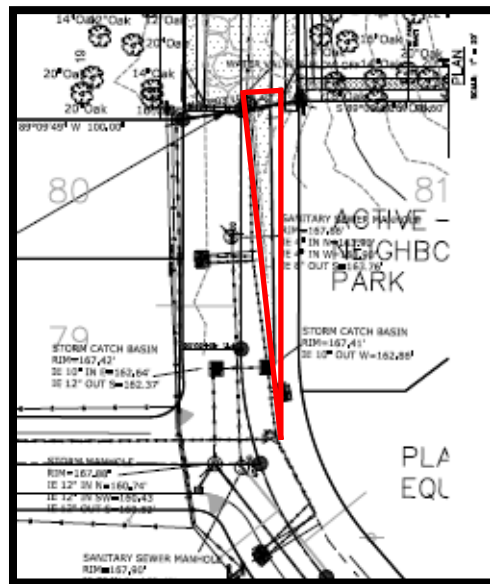
Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document
- Attachment D: Memorandum and Supplemental Findings
- Attachment E: Planning Commission Minutes, 4-18-19
- Attachment F: Planning Commission Minutes, 5-16-19

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.



Attachments:

*Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*

Attachment D: Memorandum and Supplemental Findings

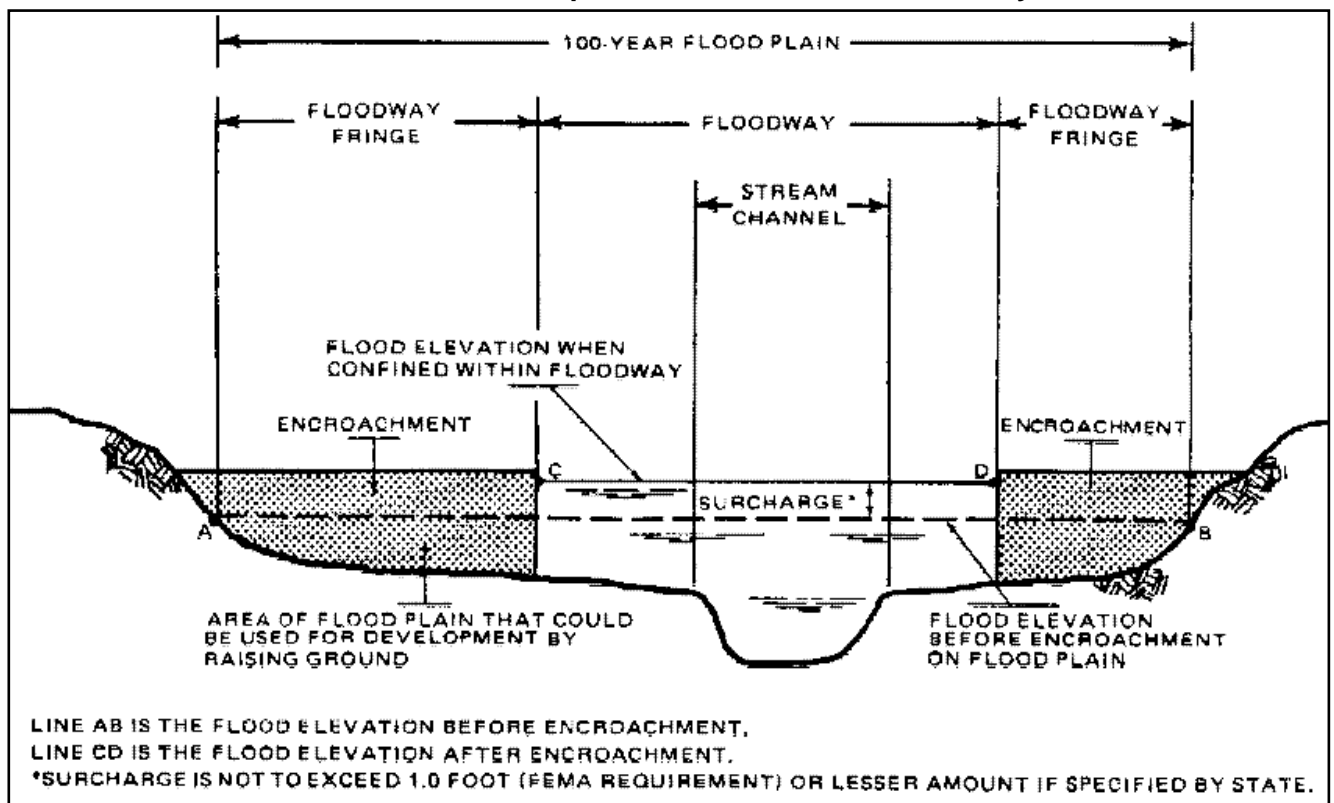
Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

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



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.

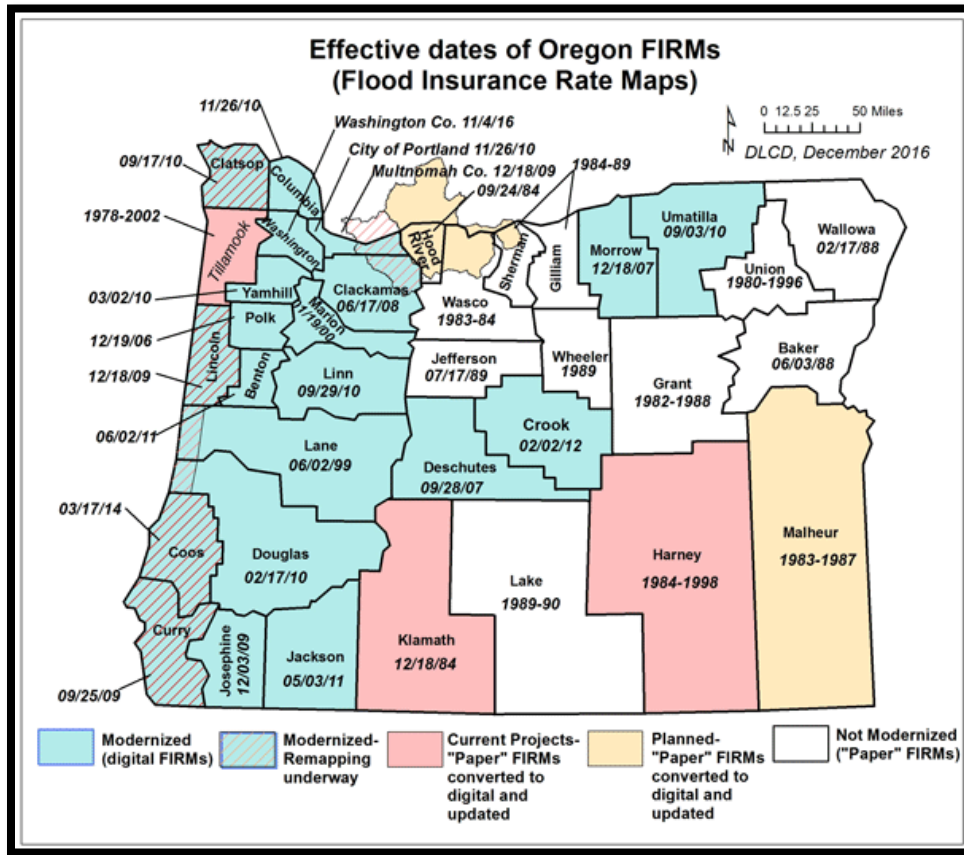
Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*
- Attachment D: Memorandum and Supplemental Findings*
- Attachment E: Planning Commission Minutes, 4-18-19*
- Attachment F: Planning Commission Minutes, 5-16-19*

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



- Attachments:
- Attachment A: Ordinance No. 5065 including:
 - 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
 - Exhibit A – S 3-18 Decision Document
 - Attachment D: Memorandum and Supplemental Findings
 - Attachment E: Planning Commission Minutes, 4-18-19
 - Attachment F: Planning Commission Minutes, 5-16-19

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.

Attachments:

Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

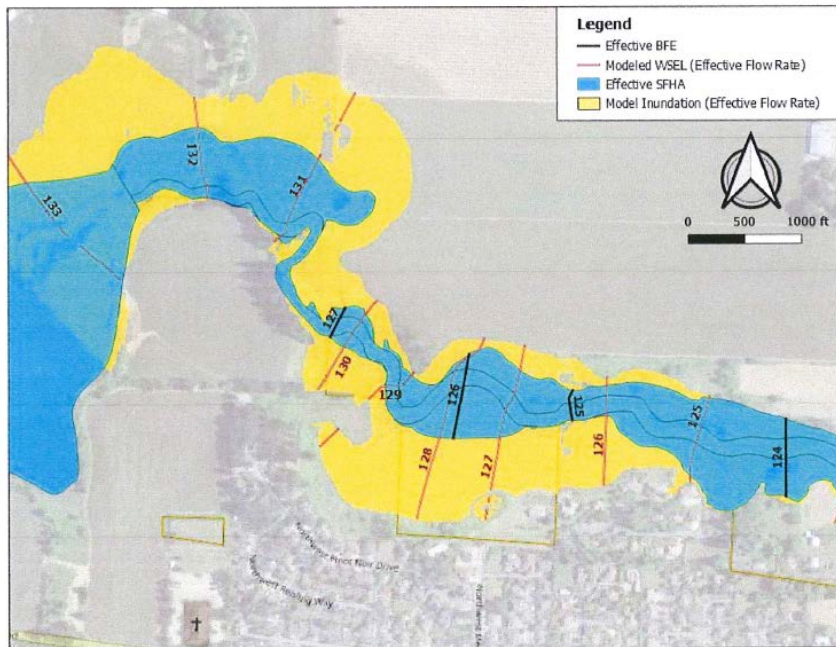


Figure 26: FEMA Effective SFHA and BFEs Overlain on Hydraulic Model Results for the Effective Flow Rate (2,030 cfs).

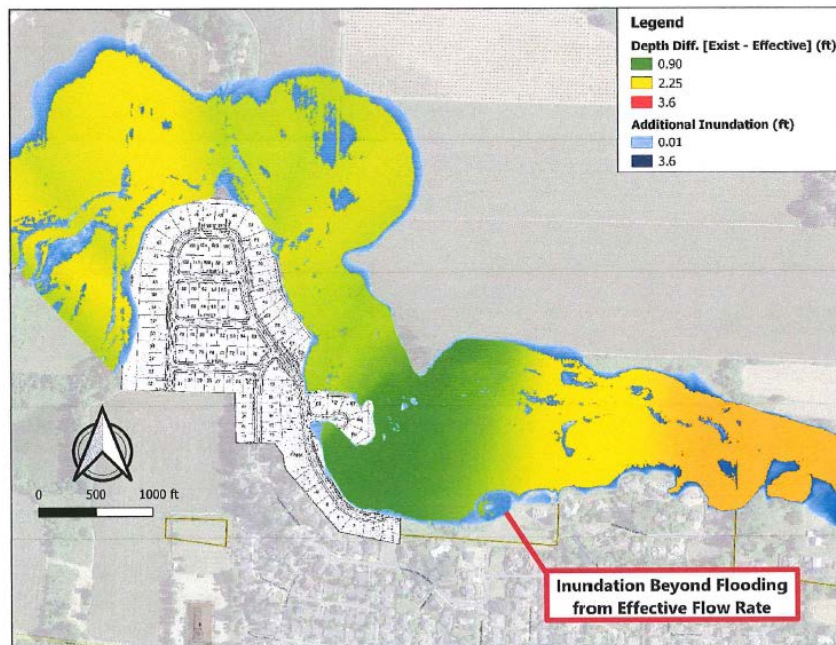


Figure 27: Difference Between Depth for Existing Condition (~6,150 cfs) and Depth for Modeled Effective Flow Rate (2,030 cfs).

Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document
- Attachment D: Memorandum and Supplemental Findings
- Attachment E: Planning Commission Minutes, 4-18-19
- Attachment F: Planning Commission Minutes, 5-16-19

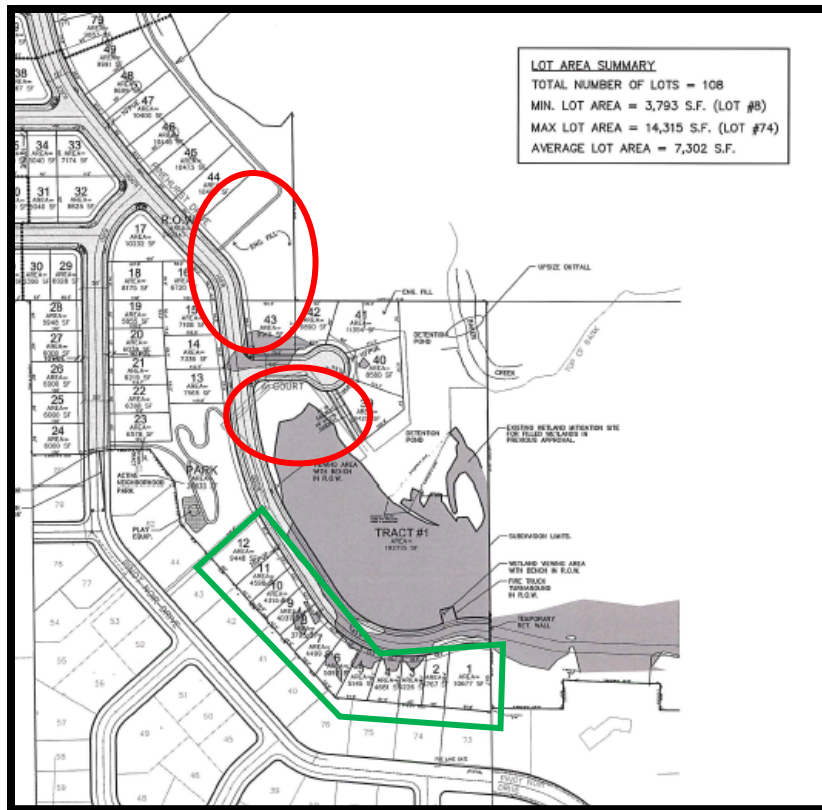
Premier Development provided rebuttal testimony that the data used in the hydrology report, rainfall and survey data, was not McMinnville data and therefore the accuracy of the report was flawed.

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)																																	
1	118.7	121.6	2.9																																	
2	117.4	119.4	2																																	
3	115.6	120.4	4.8																																	
4	116	119.5	3.5																																	
5	115.3	119.6	4.3																																	
6	112.9	118.1	5.2																																	
7	112.4	117.7	5.3																																	
8	112.9	117.3	4.4																																	
9	111.3	116.5	5.2																																	
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																																	
				<table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <thead> <tr> <th style="width: 30%;">Station</th> <th style="width: 30%;">Date</th> <th style="width: 40%;">Precipitation (in inches)</th> </tr> </thead> <tbody> <tr><td>McMinnville</td><td>October 31, 2015</td><td>1.39</td></tr> <tr><td>Lake Oswego</td><td>October 31, 2015</td><td>2.02</td></tr> <tr><td>McNary</td><td>October 31, 2015</td><td>3.09⁴</td></tr> <tr><td>McMinnville</td><td>December 3, 2015</td><td>0.45</td></tr> <tr><td>Lake Oswego</td><td>December 3, 2015</td><td>2.41</td></tr> <tr><td>McNary</td><td>December 3, 2015</td><td>0.57⁵</td></tr> <tr><td>McMinnville</td><td>October 2018</td><td>3.08</td></tr> <tr><td>Lake Oswego</td><td>October 2015</td><td>1.20</td></tr> <tr><td>McNary</td><td>October 2018</td><td>2.52⁶</td></tr> </tbody> </table>			Station	Date	Precipitation (in inches)	McMinnville	October 31, 2015	1.39	Lake Oswego	October 31, 2015	2.02	McNary	October 31, 2015	3.09 ⁴	McMinnville	December 3, 2015	0.45	Lake Oswego	December 3, 2015	2.41	McNary	December 3, 2015	0.57 ⁵	McMinnville	October 2018	3.08	Lake Oswego	October 2015	1.20	McNary	October 2018	2.52 ⁶
Station	Date	Precipitation (in inches)																																		
McMinnville	October 31, 2015	1.39																																		
Lake Oswego	October 31, 2015	2.02																																		
McNary	October 31, 2015	3.09 ⁴																																		
McMinnville	December 3, 2015	0.45																																		
Lake Oswego	December 3, 2015	2.41																																		
McNary	December 3, 2015	0.57 ⁵																																		
McMinnville	October 2018	3.08																																		
Lake Oswego	October 2015	1.20																																		
McNary	October 2018	2.52 ⁶																																		
			<table border="1" style="width: 50%; border-collapse: collapse; font-size: small;"> <tr><td>Max</td><td style="text-align: center;">8.5</td></tr> <tr><td>Min</td><td style="text-align: center;">2</td></tr> <tr><td>Avg</td><td style="text-align: center;">5.1</td></tr> </table>	Max	8.5	Min	2	Avg	5.1																											
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.

Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document
- Attachment D: Memorandum and Supplemental Findings
- Attachment E: Planning Commission Minutes, 4-18-19
- Attachment F: Planning Commission Minutes, 5-16-19



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.

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.

Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*
- Attachment D: Memorandum and Supplemental Findings*
- Attachment E: Planning Commission Minutes, 4-18-19*
- Attachment F: Planning Commission Minutes, 5-16-19*



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

Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*
- Attachment D: Memorandum and Supplemental Findings*
- Attachment E: Planning Commission Minutes, 4-18-19*
- Attachment F: Planning Commission Minutes, 5-16-19*

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.

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.

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.

Attachments:

*Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

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.

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

- Sandi Colvin, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application stating that removal of the 11.47 acre parcel from the Oak Ridge Planned would circumvent Oak Ridge CC&Rs, and that the proposed development is held to lesser standards than the current PDs.
 2. PowerPoint slides - May 16, 2019 - expressing opposition to the applications based on extension of Pinehurst Drive to eastern property line, and potential impacts on downstream flooding.

- Friends of Baker Creek, 501c3 Non-Profit, 2718 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on lack of two access points to proposed development.
 2. Letter - April 10, 2019 - expressing opposition of the application based on development in the wetland, emergency access to the development, retention of an isolated preservable tree, impact of park maintenance on HOA fees, development of the private active neighborhood park, Federal and State agency permitting, and FEMA floodplain mapping.

Attachments:

Attachment A: Ordinance No. 5065 including:

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

Exhibit A – S 3-18 Decision Document

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

3. PowerPoint slides - April 18, 2019 - used as imagery and talking points for several oppositional testimonies at the April 18, 2019 public hearing.
 4. Baker Creek Hydrologic Analysis (prepared by PBS Engineering for FoBC) – May 9, 2009 – providing analysis indicated that FEMA floodplain maps are in need of revision, proposed development could occur in areas of flood risk but with FEMA designation, and that proposed development would not significantly increase downstream flow.
 5. Power Point slides - May 16, 2019 - used as imagery and talking points for several oppositional testimonies at the May 16, 2019 public hearing.
- Steve and Catherine Olsen, 2650 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on concerns of development in the wetland, increased traffic in the Oak Ridge developments, Great Neighborhood Principles, and Federal and State agency permitting, and FEMA floodplain mapping.
 2. Letter - May 8, 2019 - expressing opposition to the application because of impact of the proposed development on traffic, public safety, and existing Oak Ridge CC&Rs, and the desire to preserve the 11.47 acre parcel as a nature preserve.
 3. Letter - May 16, 2019 - expressing opposition to the applications and support for preserving 11.47 acre parcel as a nature preserve.
 - Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive
 1. Letter - April 10, 2019 - expressing opposition of the application based on concerns of development in the wetland, steep slopes, construction access, potential loss of trees, and loss of lifestyle on Pinot Noir Drive.
 2. Letter - May 6, 2019 - expressing opposition to the application based on traffic impact to the surrounding neighborhoods, and the impact of development on the lifestyle of the surrounding neighborhoods.
 3. Email - May 13, 2019 - expressing opposition to the applications based on traffic impact on the existing neighborhood prior to development of Shadden Drive north of Baker Creek Road.
 - Tim and Margaret Roberts, 1069 NW Baker Crest Court
 1. Letter - April 15, 2019 - expressing opposition of the application based on concern for potential downstream flooding impact.
 - Friends of Yamhill County, 501c3 Non-Profit, PO Box 1083, McMinnville
 1. Letter - April 15, 2019 - expressing opposition of the application based on impact to wetlands.

Attachments:

Attachment A: Ordinance No. 5065 including:

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

Exhibit A – S 3-18 Decision Document

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

- 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.
- 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.
- 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

Attachments:

Attachment A: Ordinance No. 5065 including:

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

Exhibit A – S 3-18 Decision Document

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

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.
 - 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

Attachments:

Attachment A: Ordinance No. 5065 including:

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

Exhibit A – S 3-18 Decision Document

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

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.
 - 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.

Attachments:

- A. Ordinance No. 5065, including:
 - Exhibit A – PDA 3-18 Decision Document
- B. Ordinance No. 5069, including:
 - Exhibit A – PDA 4-18 Decision Document
- C. Ordinance No. 5070, including:
 - Exhibit A – S 3-18 Decision Document
- D. Memorandum and Supplemental Findings
- E. Draft Planning Commission Minutes, 4-18-19
- F. Draft Planning Commission Minutes, 5-16-19

Attachments:

Attachment A: Ordinance No. 5065 including:

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

Exhibit A – S 3-18 Decision Document

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

Fiscal Impact:

None.

Ordinance No. 5065 Alternative Courses of Action:

1. **ADOPT** Ordinance No. 5065, approving PDA 3-18 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
3. **DO NOT 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.

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. **ADOPT** Ordinance No. 5069, approving PDA 4-18 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
3. **DO NOT ADOPT** Ordinance No. 5069, providing findings of fact based upon specific code criteria to deny the application in the motion to not approve Ordinance No. 5069.

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:

Attachments:

*Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*

Attachment D: Memorandum and Supplemental Findings

Attachment E: Planning Commission Minutes, 4-18-19

Attachment F: Planning Commission Minutes, 5-16-19

1. **ADOPT** Ordinance No. 5070, approving S 3-18 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
3. **DO NOT 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.

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.”

Attachments:

- Attachment A: Ordinance No. 5065 including:
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
Exhibit A – S 3-18 Decision Document*
- Attachment D: Memorandum and Supplemental Findings*
- Attachment E: Planning Commission Minutes, 4-18-19*
- Attachment F: Planning Commission Minutes, 5-16-19*