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July 29, 2019

Lori Zumwalt
Premier Development, LLC
1312 NE Highway 99W
McMinnville, OR 97128

RE: Planned Development Amendment (PDA 4-18)

Dear Ms. Zumwalt:

This is to advise you that, at a meeting of the McMinnville City Council on Tuesday, July 23, 2019, your application for a Planned Development Amendment (PDA 4-18) was presented and considered. The subject site is located generally north of Baker Creek Road and NW Pinot Noir Drive, south of Baker Creek and is more specifically described as Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R. 4 W., W.M.

Based on the material submitted, testimony received, and the review criteria in Section 17.74.070 of the McMinnville Municipal Code, the City Council voted to **APPROVE** your Planned Development Amendment request (PDA 4-18). Enclosed for your records is a copy of Ordinance No. 5069, which was adopted by the City Council on July 23, 2019, and includes your land use decisions with the Findings of Fact and Conclusionary Findings for approval.

The Planned Development Amendment request included conditions of approval, which are included in Ordinance 5069 and your land use decision. We have also outlined those conditions of approval below.

Planned Development Amendment (PDA 4-18) conditions of approval:

1. That the decision for approval of Planned Development Amendment (PDA 4-18) is not rendered, and does not take effect, until and unless the Planned Development Amendment (PDA 3-18) is approved by the City Council.
2. That the Oak Ridge Meadows Tentative Subdivision plan shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the developer. The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

3. The applicant shall remove Lots 34, 35, 41, 42 and 43 as they are depicted on the application site plan Exhibit 6, and replace them elsewhere within the subdivision in substantial conformance with the site plan shown on Exhibit 6ALT. The average lot size within the subdivision is authorized to be approximately 7,302 square feet and the minimum lot size within the subdivision is authorized to be approximately 3,793 square feet.
4. That setbacks for the Oak Ridge Meadows subdivision shall be as follows:
 - Front Yard: 20 feet
 - Side Yard: 5 feet
 - Exterior Side Yard: 10 feet
 - Rear Yard: 20 feet
 - Open side of garage: 20 feet

The Planning Director is authorized to permit reductions to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the rear yard setback be reduced to less than five (5) feet, or the exterior side yard setback to less than ten (10) feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.74 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.

5. That lot side 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.
6. That a maximum lot depth to width ratio of 2.75 to 1 shall be allowed where necessary to respond to physical conditions of the site.
7. That a maximum block length of approximately 2,305 feet shall be allowed. In no case shall the length between a street corner intersection and a pedestrian way, or between two consecutive pedestrian ways, on the same side of the street exceed 800 feet.
8. That an active private neighborhood park, a minimum of 0.85 acres in area, be provided in the first phase of development. The active private neighborhood park shall provide active and passive recreation opportunities, and a pedestrian path providing through-block connectivity.
9. That a public open-space greenway along the length of Baker Creek, a minimum of 5.6 acres in area, be dedicated to the City. The public greenway shall generally follow Baker Creek and its drainages along the perimeter of the site so the greenway can connect to any future public open space along the Baker Creek greenway to the east and west of the site. A minimum of three (3) publically dedicated pedestrian/bicycle access ways from the public street network to the greenway and a bark chip bicycle/pedestrian trail throughout the greenway shall be provided, constructed to City specifications. Public pedestrian/bicycle access ways, from the public right-of-way to the rear lot line of adjacent

lots, shall be 20 feet in width, with a 10 foot wide multi-use path built to City specifications to be provided by the City to the developer/property owner with a five foot buffer on each side, and minimum of (1) public pedestrian/bicycle access way shall be improved to accommodate maintenance vehicles. The public pedestrian/bicycle access ways will be designed to accommodate two-way bicycle and pedestrian traffic, and constructed for sustainability, durability, low-cost maintenance and easy access to the greenway trail. A development plan for the greenway with the trail system and the access ways shall be submitted to the City for review and approval of design and engineering prior to construction. The greenway, all pedestrian/bicycle access ways, and trails shall be maintained by a Homeowner's Association (HOA) until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City.

10. That the majority of delineated wetland be preserved, and a minimum of two (2) wetland viewing areas that are accessible with seating be provided adjacent to the wetlands outside the common open space Tract 1. The developer and the Homeowner's Association shall enter into a Revocable License Agreement with the City to establish and maintain wetland viewing areas in the right-of-way that are accessible, meet city specifications and are maintained by the developer and Homeowner's Association.
11. That the final wetland delineation and report from Pacific Habitat Services, Inc. be provided to the Division of State Lands (DSL) for review and approval. Additionally, that a wetland mitigation plan be approved by DSL prior to issuance of construction permits. The City of McMinnville shall require evidence of compliance with all applicable local, state, and federal standards and regulations for wetland mitigation.
12. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of streets, utilities, future residences, public and private park improvements, or other improvements. The inventory and report shall be provided prior to the prior to the release of construction or building permits within the planned area.
13. That existing trees with trunks wholly or partially within the planned area and greater than nine (9) inches DBH (Diameter at Breast Height) shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance. Trees greater than nine inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved subdivision. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site.

14. That a temporary emergency-only access be provided to serve the Oak Ridge Meadows development. The temporary emergency-only access shall be placed in an easement and will be graded and finished with compacted rock to applicable standards, and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road. At such time that the adjacent land is developed, the city intends to require the owner/developer of the adjacent land to dedicate sufficient public right-of-way and to establish a public city street on the owner/developer's property that provides an adequate vehicular connection to and between the southwesterly temporary terminus of NW Pinehurst Drive on the subject property and NW Baker Creek Road that adjoins such adjacent property. When such street is constructed by the adjacent property owner/developer and dedicated to the city as a public street, then the City shall require the developer of this adjacent property to dissolve this easement in favor of the subject property having unrestricted rights to access and use such public street connection on, to, and through the adjacent property.
15. That the proposed subdivision be limited to 108 dwelling units, in any combination of dwelling units allowed in the underlying zone, until such time that a second permanent improved street connection provides access to the proposed subdivision.
16. That lots with less than 40 feet of street frontage shall be alley loaded.
17. That, prior to issuance of residential building permits, the applicant shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in the Oak Ridge Meadows development. This book will contain architectural elevations, details, materials and colors of each building type. In order to protect property values, front entries will need to be clearly defined, at least two material types will need to be used on the front elevations, driveways should be adjacent to each other to enhance opportunities for front yards and landscaping, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

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

- a) Style and Massing
 - b) Quality and Type of Exterior Materials
 - c) Front Porches / Entry Areas
 - d) Roof Design and Materials
 - e) Exterior Doors and Windows
 - f) Garage Door Types
 - g) Exterior Lighting
 - h) Sample Exterior Colors
18. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street.
 19. That Planned Development Ordinance No. 4822 is repealed in its entirety.
 20. The applicant will provide a professionally engineered and certified hydrologic and hydraulic evaluation of Baker Creek in the immediate vicinity of the Subject Property that

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

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. If no appeal is filed on or before August 19, 2019, the decision of the City Council will be final.

If you have any questions regarding this matter, please feel free to contact me at (503) 474-4153.

Sincerely,



Jamie Fleckenstein
Associate Planner

JF:sjs
Encl.

c:

Steve and Catherine Olsen, 2650 NW Pinot Noir Drive, McMinnville, OR 97128
Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive, McMinnville, OR 97128
Sandi Colvin, 2718 NW Pinot Noir Drive, McMinnville, OR 97128
Mike Colvin, 2718 NW Pinot Noir Drive, McMinnville, OR 97128
Friends of Baker Creek, 2718 NW Pinot Noir Drive, McMinnville, OR 97128
Tim and Margaret Roberts, 1069 NW Baker Crest Court, McMinnville, OR 97128
Kathryn Jernstedt, Friends of Yamhill County, PO Box 1083, McMinnville, OR 97128
Barbara Boyer, Yamhill Soil & Water Conservation District, 2200 SW 2nd Street, McMinnville, OR 97128
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Andrew Grasley, 2575 NW Pinot Noir Drive, McMinnville, OR 97128
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Amie Loop-Frison, Yamhill Soil & Water Conservation District, 2200 SW 2nd Street, McMinnville, OR 97128
Daniel Jackson, 1678 SW Wright Street, McMinnville, OR 97128

Enclosures: (Materials listed below are available on the city's website at <https://www.mcminnvilleoregon.gov/planning/page/planned-development-amendment-pda-3-18pda-4-18-subdivision-s-3-18> or copies can be obtained at the Planning Department)

Ordinance No. 5069

Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Planned Development Amendment To Add Property To The Boundary Of An Existing Planned Development Overlay District; Allow For Lot Size Averaging; Allow For Modified Setbacks; Allow For Some Lots With Side Lot Lines Oriented Other Than At Right Angles To The Street Upon Which The Lots Face; Allow For Some Lots To Exceed The Recommended Lot Depth To Width Ratio; Allow Some Block Lengths To Exceed The Recommended Maximum Block Length Standard; Allow For The Designation Of An Approximately 0.85-Acre Active Private Neighborhood Park; And, Allow For Dedication Of An Approximately 5.6-Acre Public Open-Space Greenway Dedication Along Baker Creek. (Docket PDA 4-18)