



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**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 (Planned Development Amendment)

**REQUEST:** Approval to amend the existing Oak Ridge Meadows Planned Development (Ordinance 4822) to add the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned Development; 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.

**LOCATION:** Generally north of Baker Creek Road and NW Pinot Noir Drive, south of Baker Creek (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.)

**ZONING:** R-2 PD (Single Family Residential Planned Development)

**APPLICANT:** Premier Development, LLC (property owner)

**STAFF:** Jamie Fleckenstein, PLA, Associate Planner

**DATE DEEMED COMPLETE:** February 15, 2019

**HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

**HEARING DATE & LOCATION:** April 18, 2019, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

- PROCEDURE:** An application for a Planned Development Amendment is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.
- CRITERIA:** The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.
- APPEAL:** The Planning Commission makes a recommendation to the City Council, and the City Council makes the final decision. 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 entitled to notice and as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code. Per the applicant’s request on March 1, 2019 to extend the 120 day decision timeframe for an additional 60 days, the City’s final decision is subject to a 180 day processing timeline, and a decision will need to be rendered by July 23, 2019.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of State Lands. Their comments are provided in this document.

**RECOMMENDATION**

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Planned Development Amendment (PDA 4-18) to the McMinnville City Council **subject to the conditions of approval provided in Section II of this document.**

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**RECOMMENDATION: APPROVAL WITH CONDITIONS**  
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City Council: \_\_\_\_\_ Date: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Planning Commission: \_\_\_\_\_ Date: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: \_\_\_\_\_ Date: \_\_\_\_\_  
Heather Richards, Planning Director

## **I. APPLICATION SUMMARY:**

The applicant has provided extensive information in their application narrative and findings (Attachment G) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. Staff has found the information provided to accurately reflect the current Planned Development Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

### ***Subject Property & Request***

The application (PDA 4-18) is a request for a Planned Development Amendment to add the unplatted fourth phase of the Oak Ridge phased subdivision (Tax Lot R441701300), approximately 11.47 acres, to the boundary of the Oak Ridge Meadows Planned Development Overlay District adopted in 2005 by Ordinance 4822. Additionally, other zoning allowances are requested, including requests to 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; and allow some block lengths to exceed the recommended maximum block length standard. The requested Planned Development Amendment would also 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.

A concurrent application for a Planned Development Amendment (PDA 3-18) requests to amend the existing Oak Ridge Planned Development adopted by Ordinance 4722 to remove the unplatted fourth phase of the Oak Ridge phased subdivision (Tax Lot R441701300) from the boundary of the Oak Ridge Planned Development Overlay District. Planned Development Amendment (PDA 3-18) is a separate land-use decision and will be processed in a separate decision document.

Also requested in conjunction with the two (2) Planned Development Amendments described above is approval of a Tentative Subdivision for the construction of a 108 lot single family residential subdivision, referred to as Oak Ridge Meadows. Approval of the Tentative Subdivision request (S 3-18) would be conditioned upon the approval of the two (2) Planned Development Amendments being approved as requested. The Tentative Subdivision Plan is a separate land-use decision and will be processed in a separate decision document.

Excerpts from Land Use Application Narrative and Findings:

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

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

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

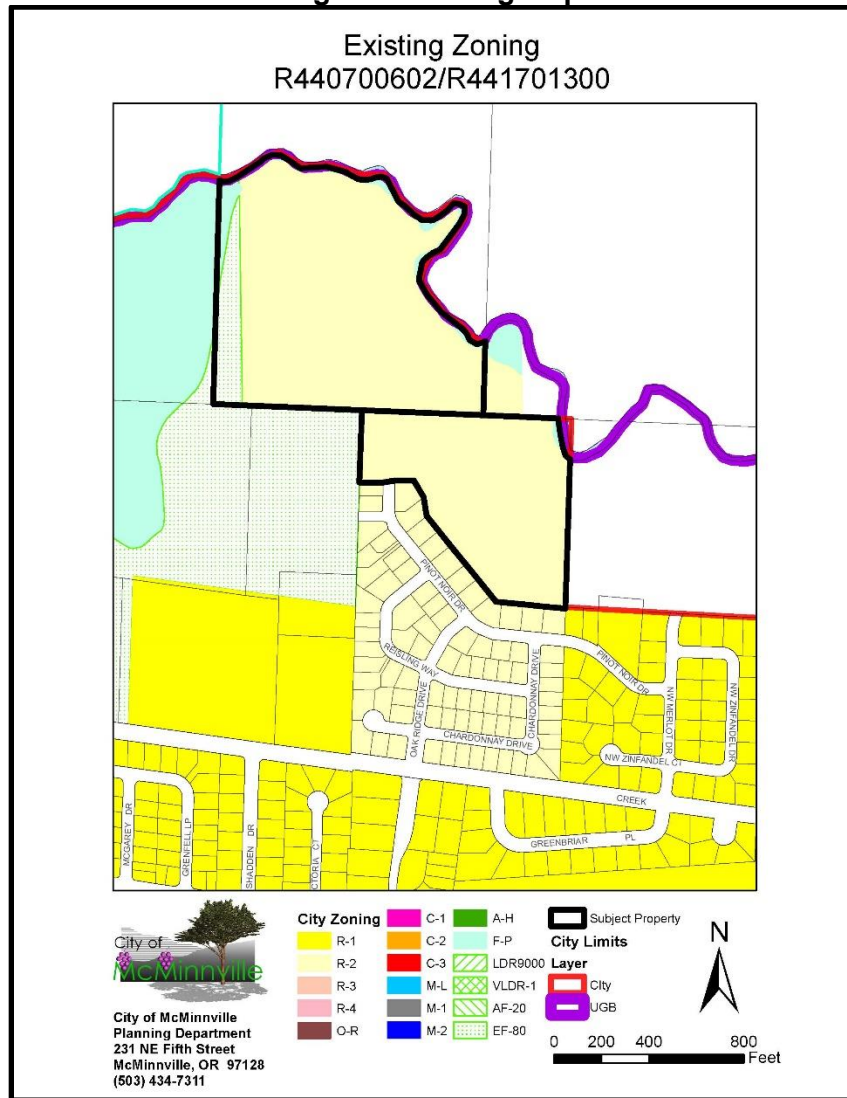
site vary from near one percent in the central interior, to a 15 percent slope along the west boundary, and slopes ranging from between approximately 20 to 40 percent along the north and east edges. The southern portion of the site, generally north and east of Oak Ridge 1st Addition and Oak Ridge 2nd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

**See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.**

**Figure 1. Vicinity Map**



**Figure 2. Zoning Map**



**Background**

Excerpts from Land Use Application Narrative and Findings:

The Oak Ridge and Oak Ridge Meadows Planned Developments (PDs) were approved by the McMinnville City Council on February 8, 2000 (Ordinance 4722) and April 12, 2005 (Ordinance 4822), respectively, and remain in place and in force as no expiration dates of the Planned Development approvals were identified in either of the enacting ordinances.

The R-2 PD zoned Oak Ridge tentative subdivision plan (S 6-99) was approved by the McMinnville Planning Commission as a three phase plan for a total of 107 residential lots with an average minimum lot size requirement of 7,000 square feet. Through subsequent amendments to the approved tentative subdivision layout and phasing plan that were determined to be Minor Amendments and approved by the McMinnville Planning Director, three phases of the residential subdivision, totaling 82 lots averaging 7,387 square feet in size were eventually platted leaving a new fourth and final 11.47-acre phase unplatted. North of Oak Ridge, the R-2 PD zoned Oak Ridge Meadows tentative subdivision plan (S 14-04), which did not include the unbuilt fourth phase of the adjacent Oak Ridge subdivision, was approved by the

McMinnville City Council as a two-phase subdivision with a total of 99 residential lots with an average minimum lot size requirement of 7,500 square feet.

The last approved subdivision design that existed to implement Ordinance 4822 showed that the intersection of Pinot Noir Drive and Pinehurst Drive (which was needed to enable the construction of the southerly portion of Pinehurst Drive and “A” Court (Exhibit 4) as part of the fourth phase of the Oak Ridge subdivision) was last approved by the City Council as being located within the Oak Ridge Meadows tentative subdivision plan and within the Oak Ridge Meadows Planned Development boundary (ZC 12-04/S 14-04). Following this approval, Premier Development filed an appeal with the Oregon Land Use Board of Appeals (LUBA) on the decision. At issue was Condition of Approval number five (5) of Ordinance 4822 related to a limitation on the number of lots allowed within the Oak Ridge Meadows subdivision until such time that NW Pinehurst Drive was extended southward to connect to Baker Creek Road. LUBA acted to remand the decision back to the City Council. The Council held a public hearing as directed by the remand and concluded to adopt additional findings in support of their April decision to adopt Ordinance 4822. This action was then memorialized by the adoption of such additional findings as referenced in Ordinance 4845 (Exhibit 5) which the Council approved on March 14, 2006. The Council’s approval of the S 14-04 tentative subdivision plan, including the locating of the intersection of Pinot Noir Drive and Pinehurst Drive within the Oak Ridge Meadows Planned Development site, remained unchanged through the subsequent Land Use Board of Appeals (LUBA) remand (LUBA 2005-065) of the City’s approval of ZC 12-04/S 14-04.

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

The existing Oak Ridge Meadows Planned Development adopted by Ordinance 4822 in 2005, the subject of the requested Planned Development Amendment, contains the following conditions:

1. That the Oak Ridge Meadow subdivision tentative plan (or such plan as it may be revised by conditions for approval of this development) be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer.

That the developer is responsible for requesting approval of the Planning Commission for any major change of the details of the adopted 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 him may be made only to the Commission. Review of the Planning Director’s decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

2. That the average lot size within the Oak Ridge Meadow subdivision shall be 7,500 square feet.
3. That setbacks for the Oak Ridge Meadows subdivision are as follows:

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

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

4. That existing trees greater than nine inches DBH (Diameter at breast height) shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to the release of construction or building permits within the subject site.
5. That the number of lots allowed within the Oak Ridge Meadow subdivision shall be limited to a maximum of 76 lots. Additional lots may be permitted consistent with the submitted tentative plan upon the completion and acceptance of public street improvements to City standards that extend south from Pinehurst Drive (as labeled on the applicant's submitted tentative subdivision plan) and connect to Baker Creek Road.

### **Summary of Criteria & Issues**

The application (PDA 4-18) is 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.

The applicant has provided extensive narrative and findings to support the request for a Planned Development Amendment based on their proposed additional benefits to the community that would be provided through the amendment. These will be discussed in detail in Section VII (Conclusionary Findings) below.

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.

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 the many of the additional benefits possible through Planned Development outside of that process. Each of the applicant's requested amendments to Ordinance 4822 is directly related to a stated purpose of a planned development, and demonstrate special physical conditions or objectives of a development which the proposal would satisfy to warrant a departure from the standard regulation requirements:

1. The addition of 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 the property would be established as a private neighborhood park for the benefit of the community.
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 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 would provide greater flexibility and greater freedom of design in the development of land; encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach 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.

It should be noted that if this planned development amendment is not approved, the provisions of Ordinance 4822 are still binding on the site. A development proposal could be made that meets the conditions of the existing planned development overlay. Ordinance 4822, as it currently exists, does not include parcel R441701300, or provisions to require private and/or public open space.

## **II. CONDITIONS:**

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. That the average lot size within the Oak Ridge Meadow subdivision shall be approximately 7,770 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 or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the rear yard setback 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 points and a bark chip bicycle/pedestrian trail throughout the greenway shall be provided, constructed to City specifications. Public pedestrian/bicycle access point shall be 20 feet in width, with a 10 foot wide concrete or asphalt path built to city specifications with a five foot buffer on each side, and minimum of (1) public pedestrian/bicycle access point shall be improved to accommodate maintenance vehicles. A development plan for the greenway with the trail system and the access points shall be submitted to the City for review and approval of design and engineering prior to construction. The greenway, all pedestrian/bicycle access points, 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 inside the common open space Tract 1.
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 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 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 this adjacent land is to develop, this easement would then be revoked and public right-of-way be dedicated and improved to City standards providing a permanent second public street connection to the Oak Ridge Meadows development.
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.

### **III. ATTACHMENTS:**

1. PDA 4-18 Application and Attachments (on file with the Planning Department)
2. Testimony Received (on file with the Planning Department)
  - a. Steve and Catherine Olson, Letter received April 10, 2019 (on file with the Planning Department)
  - b. Rodney and Judy Pedersen, Letter received April 10, 2019 (on file with the Planning Department)
  - c. Sandi Colvin, Letter received April 10, 2019 (on file with the Planning Department)
  - d. Mike Colvin, Letter received April 10, 2019 (on file with the Planning Department)
  - e. Friends of Baker Creek, 501 3C, Letter received April 10, 2019 (on file with the Planning Department)
  - f. Friends of Baker Creek, 501 3C, Letter received April 10, 2019 (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of State Lands. The following comments were received:

- McMinnville Engineering Department

Staff Comment: Comments provided by the Engineering Department are not relevant to this Planned Development Amendment application, and can be found in the Decision Document for Tentative Subdivision 3-18, to which they are applicable.

- McMinnville Fire Department

We have no comments on these amendments.

- McMinnville Public Works Department

#### Parks:

1. It is my understanding that this application seeks to add a private .85 acre “nature park”, and a 5.6 acre public greenway space. The narrative and included maps indicate that the public open space would essentially follow Baker Creek around the perimeter of the subdivision. The narrative notes that the concept includes pedestrian trails with chipped material proposed for surfacing. It appears the proposed public park lies in the floodplain area.
  - a. While we recognize the value of such open space, and the opportunity for future connections along Baker Creek, our position remains that the Public Works Division is not in a position to take on additional public parkland and the associated maintenance costs and responsibilities at this time. The recent “add-back” funding proposal for parks maintenance was intended to allow the Division to begin to restore service levels to pre-

2013 levels, begin to address maintenance backlogs and to include maintenance costs for the planned NW Neighborhood park. The addition of new lands at this point, especially in light of the fact we are adding the NW park, will result in negative service level impacts at existing facilities. **Based on those concerns, our recommendation would be that the proposed greenway remain privately owned until such time that resources are available to maintain and operate it as public open space.**

- b. The site as proposed would present significant challenges to get equipment and or vehicles in to perform maintenance.
- c. The proposal notes that chipped trails would be provided for both the private and public parks. Such a surface would not be accessible, and I don't believe it would meet either PROWAG or ADAAG requirements.
- d. The proposal shows only two access points to the proposed greenway. Whether the greenway is public or private, we might suggest considering additional entry points to improve access.

- McMinnville Water and Light

MW&L has no issues with these submittals.

Please note that the submitted preliminary water plan is not approved and will need to follow MW&L approval process. Please contact MW&L for a Design Application and fees for this project.

- Oregon Department of State Lands

The Department had a permit for the earlier construction along Pinot Noir, which required mitigation. The mitigation failed. The permittee submitted a wetland delineation in 1999. Because of the number of years and changes to the landscape since the delineation, the Department would require a new delineation to review before an application is submitted.

During the removal-fill application review, the Department looks for an applicant to have avoided or minimized the impacts to wetlands and waters, which may result in changes to the layout.

### Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, April 9, 2019. As of the date of the issuance of this Decision Document to the Planning Commission on Thursday, April 11, 2019, six (6) public testimonies have been received by the Planning Department.

1. Letter – Steve and Catherine Olson, 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 – Rodney and Judy Pedersen, 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.
3. Letter – Sandi Colvin, 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.

4. Letter – Mike Colvin, April 10, 2019, expressing opposition of the application based on increased risk of downstream flooding.
5. Letter – Friends of Baker Creek, 501 3C (submitted by Mike Colvin), April 10, 2019, expressing opposition of the application based on lack of two access points to proposed development,
6. Letter – Friends of Baker Creek, 501 3C, 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.

#### **V. FINDINGS OF FACT - PROCEDURAL FINDINGS:**

1. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on July 26, 2018.
2. The property owner, Premier Development, LLC, submitted the Planned Development Amendment application (PDA 4-18) on October 24, 2018.
3. The application was deemed complete on January 24, 2019.
4. After planning staff requested clarification on a couple of items, the applicant submitted a revised application on March 28, 2019.
5. The applicant provided written notice requesting a 60 day extension of the 120 day land use decision time limit on March 1, 2019. The land use decision time limit now expires on July 23, 2019.
6. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of State Lands.

Comments received from agencies are addressed in the Decision Document.

7. Notice of the application and the April 18, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Friday, March 29, 2019.
8. Notice of the application and the April 18, 2019 Planning Commission public hearing was published in the News Register on Tuesday, April 9, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
9. Six (6) public testimonies were submitted to the Planning Department at the time of issuance of this Decision Document on Thursday, April 11, 2019.
10. On April 18, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS:**

1. **Location:** Generally north of Baker Creek Road and NW Pinot Noir Drive, south of Baker Creek (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.)
2. **Size:** Approximately 35.47 acres.
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 PD (Single Family Residential Planned Development)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** Wetlands
8. **Other Features:** The site is level at the existing terminus of Pinot Noir Drive, then slopes steeply downhill to the west, north, and east, towards Baker Creek. Mature native oak trees are found on the uphill portion of the site and sloped, and wetlands are found on the lower southeast portion of the site.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** A storm water facility serving the Oak Ridge development is in the northeast corner R441701300. A storm drain easement provides storm sewer access for that facility.
  - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** No streets or public rights-of-way exist within the subject site. NW Pinot Noir Drive is classified as a Local Residential Street in the Transportation System Plan (TSP) and terminates at the property line of the subject site. At its termination, NW Pinot Noir Drive has a curb-to-curb dimension of 26 feet.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.



Volume I Background Element is the main body or text of the McMinnville Comprehensive Plan. Included in this volume are all the inventories and research documentation on which the goals and policies were based. The requirements of the statewide goals for inventory information and land use related projections (e.g. population and housing) are also contained in this volume.

**Comprehensive Plan Volume I:**

The following citation from Volume I Background Element of the McMinnville Comprehensive Plan is applicable to the request:

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

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

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

**ADDITIONAL DESIGN CONSIDERATIONS**

Two specific areas of concern were examined by the Citizens’ Advisory Committee’s subcommittees in relation to residential development designs.

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

The incorporation of solar access review into the land division ordinance received favorable reaction. Such review could require that all subdivision designs seek to maximize access to the sun through orientation of both streets and lots. This requirement has been used in other cities without causing major development problems. By orienting streets and lots towards the optimal access to the sun, the City would not be requiring the installation of active solar energy systems, but would instead encourage and allow the use of both passive and active solar systems. The large size of future areas proposed for residential development further enhances the applicability of this design requirement in McMinnville.

Based on the information presented on residential development design considerations, the City finds that:

1. A minimum level of public facilities and services including, but not limited to, sanitary sewer, storm drainage systems, water services, and improved streets should continue to be required for all residential developments. The standards for these facilities and services should be periodically examined to insure the services are commensurate with, but do not exceed, the density of development projected.
2. Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. [...]
3. Parkland requirements in the land division ordinance provide for either the dedication of parkland to the public or payment of money in lieu of land to develop the city park system. The requirements

of the ordinance need to be examined to see that all future residential developments, including mobile home parks and newly created parcels through partitioning, contribute equitably to the park program.

4. The incorporation of solar access review into the land division ordinance should be undertaken. Such review would require the orientation of streets and lots towards the sun in a manner which would best utilize access to solar energy. The requirement should not be designed to lessen the density of development available on any parcel of land.
5. The City should encourage the provision of bike and foot paths within residential developments to connect to public and/or private parks, or recreation facilities and to connect to any paths which currently abut the land.

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

Further, this proposal meets the intent of criterion 1 of this portion of Volume I of the Comprehensive Plan in that all requisite public facilities and services shall be sufficiently provided to adequately serve this site and the proposed development as articulated further in additional Findings provided below. The standards for these facilities and services are periodically examined and amended by the City.

As described by criteria 2 and 3 above, the open space provided by this proposed tentative subdivision plan is comprised of the “traditional zoning setbacks” which “reserve a large portion of each individual lot for potential open space.” as stated in this criterion. Additionally, for the collective benefit of area residents, open space is proposed in three forms by this proposal in addition to that provided by zoning setbacks as described by the Comprehensive Plan Volume I Section cited above: 1) a protected wetland area along the eastern edge of the site; 2) an approximately 0.85 acre active private neighborhood park internal to the development site; and, 3) an approximately 5.6-acre open space greenway located around the majority of the site’s perimeter which is proposed to be publicly dedicated along with two of the three connecting pedestrian access paths; the pathway located along the south edge of Lot 56 is intended to be temporary as described further below in these Findings. Premier Development proposes that the forthcoming Homeowner’s Association for this development will be responsible for full maintenance responsibilities of the entirety of the publicly dedicated greenway path and its access paths until the year 2032 at which time all such maintenance responsibilities shall become the full responsibility of the City in perpetuity; the pedestrian pathway to be created by easement along the southern portion of Lot 56 is to be temporary, the maintenance of which will not be transferred to the City, and will be eliminated at such time as described in more detail in Findings provided above. The protected wetland mentioned above is located along the eastern

edge of the site and, except for mitigation areas which shall be addressed further below in these findings, will remain in their natural state.

Relative to Ordinance 4822, wetlands affected by the pending construction of the affecting portion of NW Pinehurst Drive were sufficiently mitigated as required by the Declaration of Covenants and Restrictions for the Oak Ridge Wetland Mitigation Site (Exhibit 8). Since that time, a new wetland analysis has been commissioned with the results of an updated wetland delineation depicted on the Overall Subdivision Layout (Exhibit 6) as well as on numerous other Exhibits included with this submittal. Additional wetland discussion is provided in the findings below and is also herein incorporated at this point.

Regarding parks and greenways, based on Table 1 of McMinnville's adopted McMinnville Parks, Recreation, and Open Space Master Plan, Mini Parks/ Playlots range from 2,500 square feet to one acre in size and are provided at a ratio of one such park per 1,000 anticipated residents based on Table 2 of that same Plan. Premier development proposes the construction of 108 single-family residential homes on this site which results in far fewer than the 1,000 resident threshold established in Table 2 of that Plan. At approximately 0.85 acres in size, the active private neighborhood park is size-appropriate for this anticipated population while, for example, neighborhoods located adjacent to and near this site to the south and east have provided no such park of any size to serve their neighborhood populations. Premier Development supports the installation of picnic tables, a trash can and active permanent child-appropriate play equipment for the enjoyment of residents on a portion of the upland area of the active private neighborhood park. Additionally, the proposed Oak Ridge Meadows development is located within one-half mile from the specialty park to be proposed as part of the adjacent Stafford Land Planned Development to the west. The McMinnville Planning Department has already clearly communicated to Premier Development that this forthcoming specialty park will provide the necessary level of service benchmark of every residence within this Oak Ridge Meadows proposal being within one-half mile of a neighborhood park as identified in the McMinnville Parks, Recreation, and Open Space Master Plan.

Both of the park/open spaces proposed by Premier Development will be developed with pedestrian trails. The pedestrian pathway planned to extend through the private active neighborhood park connecting NW Pinot Noir Drive and NW Pinehurst Drive will further enhance pedestrian mobility throughout this development beyond the standard, and required, network of public sidewalks found in most other residential developments. This proposal, through the proposed arrangement of park spaces, will afford pedestrians the ability to enjoy continuous access from the active private neighborhood park entrance on NW Pinot Noir Drive through to NW Pinehurst Drive and, then by walking northward along the public sidewalk for approximately 300 feet, be able to move along the access walkway leading from NW Pinehurst Drive and enjoy the walking trail winding its way through the entire greenway that will wrap the neighborhood all the way to its southwestern-most corner. Two additional public access points to the greenway path to be located along the south side of Lot 56 and between Lots 75 and 76 will afford the public multiple access points to this greenway and allow this greenway to be experienced through pathway segments of different lengths. Additionally, the southwestern edge of this public pedestrian greenway path along the edge of the Oak Ridge Meadows development will have the opportunity of being extended as a pedestrian access feature as part of the future development of adjacent land to the south and west which is currently owned by Stafford Land Company. Additional commensurate park fees-in-lieu-of dedication shall also be assessed to the developer by the City if still deemed necessary following the public greenway park dedication.

Regarding criterion 4 above, while the City does not currently have a specific, adopted solar access code, Section 17.53.101(A)(3) (Streets – General) of the McMinnville Zoning Ordinance speaks to maximizing the “potential for unobstructed solar access to all lots or parcels.” Also

that “streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features.” Additionally, that “the east-west orientation of streets shall be integrated into the design.” The proposed phased tentative subdivision plan complies with this Comprehensive Plan Volume I criterion and Section 17.53.101(A)(3) of the McMinnville Zoning Ordinance in that this plan proposes to align the site’s new internal local public streets in an east-west orientation to the maximum extent feasible given the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features noted in this criterion (Exhibit 11 – Subdivision Layout With Contours). Opportunities for an alternative street layout would lead to less efficient use of the site and likely result in compromised street connectivity opportunities and lessening of solar access to future homesites. The proposed street layout promotes compliant street intersection alignments and increased local street connectivity. To the extent physically possible, given the site size, shape and street connection design standards, the proposed lots are provided the potential for unobstructed solar access to the maximum extent feasible. Therefore, these criteria have been satisfied.

Relative to criterion 5 and in addition to the construction of public sidewalks within this phased Planned Development subdivision proposal as required by City standards, pedestrian mobility is further enhanced by the provision of both private and public pathways to be provided through the two separate park spaces to be provided as part of this residential development to enhance pedestrian mobility within this neighborhood and provide pedestrian accesses at multiple points to the first piece of the McMinnville Baker Creek Greenway System to be dedicated to the public by a land owner. This criterion has also been met.

**FINDING: SATISFIED.** Relative to Planned Developments Criterion 4, the requested planned development amendment would provide trade-offs favorable to the community in return for variance from zoning ordinance requirements. The previously approved Planned Development Ordinance No. 4822 had provisions for the protection and retention of significant trees found on the site. In addition to strengthening the tree protections in the planned development amendment, the applicant is offering to provide approximately 6.45 acres of public and private open space to benefit the community and City as a whole, as well as other community amenities such as preservation of on-site wetlands, and proposed public wetland viewing areas. Park maintenance for the public open space would be the initial responsibility of the Homeowner’s Association, addressing City park maintenance shortfall concerns and allowing the first phase of a larger Baker Creek greenway envisioned in the Parks and Open Space Master Plan to come online and benefit the community. The applicant is also proposing that an Architectural Pattern Book be approved to guide the design and development of homes in Oak Ridge Meadows. This would help provide variety in a cohesive manner to the housing types that would be proposed. In exchange, the applicant is requesting several departures from the underlying zoning, including modifications to the average lot size, setbacks, lot layout, and block length. It should be noted that each of these requests does not only benefit the applicant. Findings have been provided that show how the zoning departures are in response to physical conditions of the site, and the departures would allow development of the site to better accommodate the unique physical conditions and natural features found on the site. In sum, these trade-offs would provide additional benefit favorable to the community.

Staff concurs with the applicant’s findings relative to Additional Design Considerations Criteria 1 through 5, but notes that while wetland mitigation was completed based on prior development plans, the Department of State Lands provided comments indicating the previously completed wetland mitigation has failed. The City of McMinnville would require evidence of compliance with all applicable local, state, and federal standards and regulations for wetland mitigation.

**Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

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

*Policy 2.00 The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristic, and natural hazards.*

*Policy 5.00 The quality of the air resources in McMinnville shall be measured by the standards established by the Oregon Environmental Quality Commission and the Federal Environmental Protection Agency.*

*Policy 9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate limits as “floodplain” to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.*

*Policy 12.00 The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.*

**APPLICANT’S RESPONSE:** Goal II 1 and Policies 2.00, 5.00, 9.00 and 12.00 are satisfied by this proposal in that no development is proposed on lands with identified building constraints such as excessive slope, limiting soil characteristic(s) and/or natural hazards; wetlands and wetland mitigation shall be discussed further in findings provided below. Any and all infrastructure and right-of-way improvements shall be designed, proposed, reviewed and permitted as per standards and requirements administered and supported by the City of McMinnville. While there are no residential development requirements or standards addressing the quality of air resources in McMinnville, the City is cognizant of standards established by the Oregon Environmental Quality Commission and the Federal EPA as they relate to impactful commercial or industrial uses within the city.

Additionally, there are no lands being proposed for development that are identified as Floodplain on the McMinnville Comprehensive Plan Map or as being located within zone AE of the associated Federal Emergency Management Association (FEMA) Flood Insurance Rate Maps (FIRM); any storm drainage outfall as described further in the application shall only occur as reviewed and permitted by the City of McMinnville Engineering Department inclusive of any additional review or permitting as directed by the City. Noise compatibility between adjacent single-family residential developments is established in that there are no adopted policies that address adjacent same-type development as being potentially noise incompatible. The intent of this proposal is to allow the creation of single-family residential development to be located adjacent to existing single-family residential development and is therefore not an incompatible proposed use.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings, and adds that the City of McMinnville would require evidence of compliance with all applicable local, state, and federal standards and regulations relating to development controls on lands with identified building constraints, including but not limited to, excessive slope, limiting soil characteristics, natural hazards, and wetlands.

**GOAL V 1:** TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

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

**APPLICANT’S RESPONSE:** Goal V 1 and Policy 58.00 are met by this proposal in that a range of residential lot sizes are proposed that will provide opportunity for development of a variety of housing sizes and densities. The existing Planned Development (Ordinance 4822) requires a minimum average minimum lot size of 7,500 square feet which Premier Development is not proposing to amend. While this currently required average minimum lot size is 500 square feet larger than that required of the adjacent multi-phased Oak Ridge Planned Development (Ordinance 4722), and by the base standards of the R-2 zone, Premier Development is supportive of the City Council’s prior decision for the Oak Ridge Meadows site and has incorporated that minimum average lot size requirement into this current proposal; and also within each individual phase of this proposed two phase subdivision (a spreadsheet has been prepared showing the proposed sizes of each lot in each subdivision phase (Exhibit 10). The existing Planned Development condition establishing an average minimum lot size allows for the provision of a range of lot sizes within the development area which adds to the variety of housing opportunities to be made available within the community.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings. The proposed planned development amendment would allow an average minimum lot size of approximately 7,770 square feet. Lot size averaging allows variety in the size of lots, and therefore variety in the housing products and localized densities within the overall planned area. The overall density of the planned development would meet the requirements of the underlying R-2 zone.

**GOAL V 2:** TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

*Policy 68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.*

*Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*

#### *Westside Density Policy*

*Policy 71.01 The City shall plan for development of the property located on the west side of the city that is outside of planned or existing transit corridors (1/4 mile either side of the route) to be limited to a density of six units per acre. It is recognized that it is an objective of the City to disperse multiple family units throughout the community. In order to provide higher*

*density housing on the west side, sewer density allowances or trade-offs shall be allowed and encouraged. (Ord. 4961, January 8, 2013; Ord.4796, October 14, 2003)*

*Policy 71.06 Low Density Residential Development (R-1 and R-2) Low-density residential development should be limited to the following:*

- 1. Areas which are committed to low density development and shown on the buildable lands inventory as “developed” land;*
- 2. Areas where street facilities are limited to collector and local streets;*
- 3. Areas with mapped development limitations such as steep slopes, floodplains, stream corridors, natural drainageways, and wetlands; and*
- 4. Areas with limited capacity for development identified in approved facility master plans, including sanitary sewer, water, drainage, and transportation facilities. (Ord. 4796, October 14, 2003)*

*Policy 71.08 Slightly higher densities (R-2) should be permitted on lands that exhibit the above-listed characteristics (Policy 71.06), and following factors or areas:*

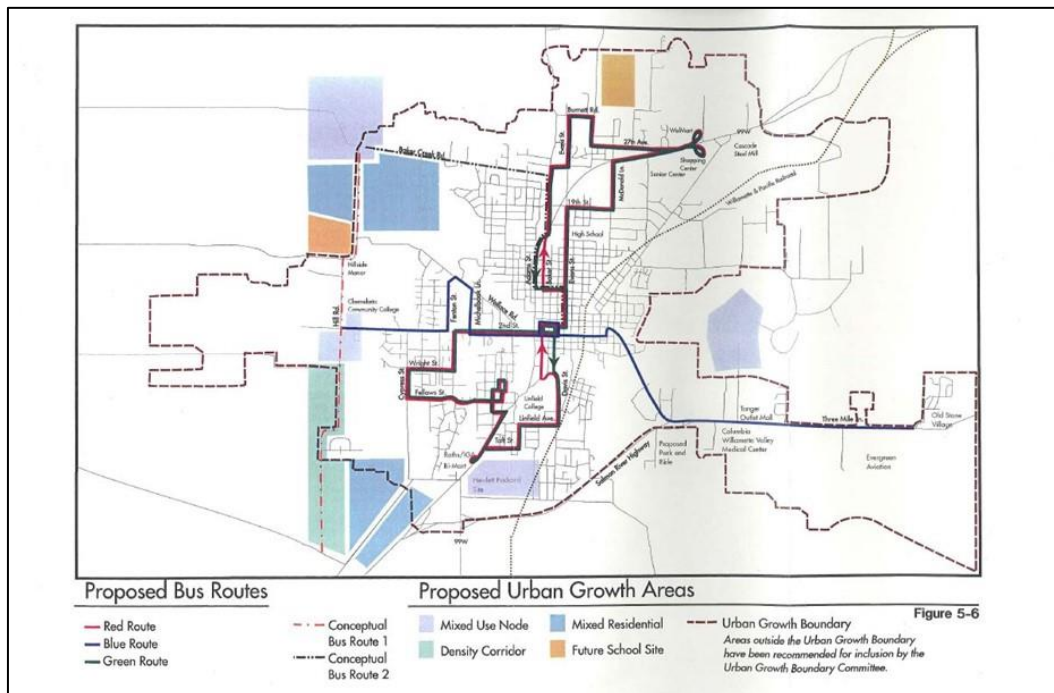
- 1. The capacity of facilities and services;*
- 2. Within one mile of existing or planned transit;*
- 3. Lower sloped areas within the West Hills;*
- 4. Riverside South area (lands more than 500 feet from planned and existing heavy industrial lands);*
- 5. Proximity to jobs, commercial areas, and public facilities and services, should be zoned for smaller lots; and*
- 6. Proximity to and having potential impact upon identified floodplains and other environmentally sensitive areas (the higher the potential impact, the lower the allowed density). (Ord. 4796, October 14, 2003)*

**APPLICANT’S RESPONSE:** Goal V 2 and Policies 68.00, 71.00, 71.01, 71.05, 71.06 (1-4), and 71.08 (1-6) are met by this proposal in that the two requested Planned Development Amendment requests are processed as zone changes in McMinnville and are binding on the sites. The subject site is identified as Residential on the McMinnville Comprehensive Plan Map and carries zoning designations R-2 PD set by the previous approvals of Ordinances 4722 and 4822. Approval of these proposed Planned Development Amendment requests and phased subdivision plan will result in this site retaining an R-2 PD zoning designation and a new, binding, development plan memorialized by adoption of a new ordinance. The resulting R-2 PD designation of this site is a zoning designation allowed and supported by the Residential designation of the site on the McMinnville Comprehensive Plan Map.

This proposal provides a range of residential single-family lot sizes thereby promoting an energy-efficient and land intensive development pattern. This proposal encourages both social and environmental benefits by planning for residential lots of various sizes in a cohesive arrangement of opportunities throughout the development. While the more moderate and smaller lots tend to be more centrally located within the development, this arrangement is far from exclusive and results in a complementary blending of similarly sized lots with the lots

nearby in the adjacent Oak Ridge development (please refer to the more detailed description of this lot arrangement found in Section IV above as additional support in satisfying these policies). The resultant lot sizes and dimensions that are proposed to be located around the perimeter of the site allow for reasonable sized building envelopes to be located on the upper portions of each lot and thereby preserve the natural slope and tree cover that will make up the extended backyard areas of some of these lots. Retention of the existing natural downslope surface drainage capacity is preserved by the proposed public dedication of the approximately 5.6 acres of open greenspace located at the toe of the slope that exists around the perimeter of much of this planned development site. The site contains a wetland on its eastern side which eliminates that land from being developed. Premier Development also proposes the creation of an approximately 0.85-acre active private neighborhood park, to be maintained by a Homeowner’s Association to be created by Premier Development, which will preserve a number of the mature Oak trees that exist on that site. Both of these open space areas are new to this development proposal and were not part of that which was previously supported and approved by the McMinnville City Council. These open spaces are unique and innovative to McMinnville prior residential planning approvals and will be a unique natural environmental resource and a recreational benefit to the residents of this development and other neighborhoods.

While not close to McMinnville’s urban center, the subject site is located in an area already committed to low density residential development and served by access to an adjacent local street network. City services can be extended from adjacent development sufficient to adequately accommodate and serve this proposal. Planned public transit is shown well within the one-mile requirement of the site and is identified as Conceptual Bus Route 2 on Figure 5-6 of the adopted McMinnville Transit Feasibility Study shown below.



In addition, land comprising the entirety of the subject site is currently zoned R-2 PD. This proposal does not exceed a residential density of 6 dwelling units per acre and so does not exceed maximum allowable density of the underlying R-2 zone of this site. This proposed subdivision, and each of the two individual phases of the proposed subdivision, also complies with Condition of Approval 2 of Ordinance 4822 (Exhibit 2) which states “That the average lot size within the Oak Ridge Meadows subdivision shall be 7,500 square feet.” - While this Condition uses common McMinnville Planning Department, Planning Commission and City Council parlance of the time stating that the average lot size *shall* be 7,500 square feet, it is



established as understood to mean an *average minimum* lot size of the stated figure. This intent and understanding is evident by the legal platting and subsequent build-out of numerous residential Planned Development approvals over the decades relying on such conditions to mean an *average minimum* lot size. If, however, the McMinnville Planning Department, Planning Commission and/or City Council determines that it is uncomfortable with this practice of the adopted language meaning an *average minimum* lot size of 7,500 square feet, then Premier Development requests that Condition of Approval 2 of Ordinance 4822 be modified to refer to an average minimum lot size of 7,500 square feet in place of the current language referring to an average lot size of 7,500 square feet.

**FINDING: SATISFIED.** The subject site of the Planned Development Amendment request is designated Residential on the Comprehensive Plan map and is in an area where urban services are already available. The proposed Planned Development Amendment would allow development of the land to provide a variety of housing types through the lot size averaging provision of the planned development. The proposed planned development density of 108 dwelling units on 35.47 acres is below the six unit per acre limit established by the Westside Density Policy. Because the site has mapped development limitations such as steep slopes, floodplains, and wetlands, and street facilities limited to local streets, the low-density residential development supported by the Planned Development Amendment is appropriate. The proposed Planned Development Amendment would help achieve buildable land planned and zoned for residential housing, helping to meet McMinnville’s housing needs.

#### *Planned Development Policies*

- Policy 72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.*
- Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*
- Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.*
- Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.*
- Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.*
- Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.*
- Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.*

**APPLICANT’S RESPONSE:** The seven Planned Development policies listed immediately above have already been met by this proposal in that these policies having already been determined to be met by evidence of the City Council’s previous adoption of Ordinance 4722 and Ordinance 4822 for what is now the subject site. This current proposal also seeks to amend Ordinance 4722 by making its boundary smaller by removing its undeveloped portion of land for

placement within the boundary of the adjacent Planned Development area currently represented by Ordinance 4822, but not compromise Ordinance 4722's compliance with these policies. This proposal also seeks to amend Ordinance 4822 to include this referenced land area, and in other specific ways stated within this proposal, that will continue compliance with these policies. The additional findings provided below further support and demonstrate compliance with McMinnville Planned Development policies listed above in addition to the findings relied on by the City in the adoption of Ordinances 4722 and 4822.

In discussion with the McMinnville Planning Department, it has been made clear that the intent of Policies 72.00 and 74.00 is essentially to address the potential impact of the proposal on future residents of the development and the city relative to Oregon Planning Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources). In addressing these policies it is helpful to observe that the larger lots in this phased development plan are generally proposed to be located around much of the perimeter of the site to allow for reasonably sized building envelopes to be located on the upper portions of those lots and thereby preserve and retain the natural slope and existing tree cover that will make up the extended backyard areas of many of these lots. This intentional design to achieve slope preservation complements the proposed adjacent public dedication of the approximately 5.6 acres of open greenspace located beyond the toe of the slope that exists around the perimeter of much of this planned development. Additionally, the creation of the approximately 0.85-acre active private neighborhood park to be created by Premier Development and maintained by a Homeowners Association will preserve an additional number of the mature Oak trees that exist on the site. Of great environmental, neighborhood and community importance is the afore mentioned approximately 5.6 acres of public open space located along the southern edge of Baker Creek to be dedicated to the City by Premier Development, LLC. This large greenway open-space will be improved with a bark chip pedestrian walking trail, as recommended by the McMinnville Parks and Recreation Department, and will be accessed by three additional public pedestrian trail heads beginning at the edge of their adjacent public rights-of-way. Both of these different types of open space areas (the active private neighborhood park and the public greenway) are new to this development proposal and were not part of either of the two Planned Development/Subdivision proposals that were previously reviewed by and approved by the McMinnville City Council for this site. These open spaces will provide a unique natural environmental resource and a recreational benefit to the residents of this development. Creation of a Homeowner's Association to administer neighborhood covenants, codes and restrictions (CC&Rs) are recommended to be a condition of approval of this proposal.

In addition to the findings of the ordinances referenced above, Policy 73.00 is also satisfied by this proposal in that a wide range of lot sizes (4,950 square feet to 14,315 square feet in size) and configurations have been designed to provide a much greater choice of lot size and price point, and therefore a wider variation of housing size, design and cost, than found in most other approved neighborhoods in McMinnville. The chosen arrangement of these varying lot sizes in this proposal is intentional, partially based on topography and our desire to preserve natural site habitat features. Another driving reason for the proposed lot variation and arrangement of lots is our goal of arranging housing opportunities in a cohesive manner throughout the development that is both internally harmonious within the development site and is equally sensitive to and respectful of the sizes of nearby existing lots of the adjacent neighborhood. Exhibit 9 (Preliminary Subdivision Plat) is provided to assist with viewing the description of this lot arrangement in a spatial form. We have also prepared and provided Exhibit 10 (Oak Ridge Meadows Lot Sizes and Averages) to assist in identifying the square footage areas of individual lots to further demonstrate the proposal's sensitivity to existing adjacent lot sizes found within the abutting neighborhood as well as the topography and environmental features of the site. So while the more moderately sized and smaller lots tend to be more centrally located within the development, this arrangement is far from exclusive and results in a complementary blending of similarly sized lots with nearby lots presently located in the adjacent Oak Ridge development.

Policies 75.00 and 76.00 are satisfied for reasons provided in Conclusionary Finding for Approval Number 4 above relative to the previously described range and location of both private and common open spaces.

Policies 77.00 and 78.00 are satisfied by this proposal in that the proposed street network complies with current adopted City public street standards and the requirements of the adopted McMinnville Transportation System Plan and will be constructed according to all applicable standards and requirements as amended by approval of this request in order to promote safe and efficient traffic flow for vehicles, pedestrians and bicyclists compatible with adjacent development as required by the City.

**FINDING: SATISFIED WITH CONDITIONS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13.** The proposed Planned Development Amendment is consistent with the Planned Development policies of the Comprehensive Plan. Policy 72.00 echoes language found in Oregon Planning Goal 5 regarding the analysis of economic, social, and environmental consequences that could result from a decision to allow a use conflicting with natural resources, scenic and historic areas, and open spaces. The policy encourages the use of Planned Developments when economic, social, and environmental savings accrue to the City. The proposed provision of improved open spaces (public and private) and the protection of natural resources on the site would meet the intention of this policy. Public and private parks within the planned development would provide social and recreation opportunities that would not otherwise exist but for the planned development process. Economic savings for the City would be realized through the arrangement for private maintenance of public open space until 2032. Environmental savings would be accrued through a number of elements of the Planned Development Amendment, including protection of a large area of delineated wetland, strengthened protections on significant trees, and requested zoning departures that would reduce development on areas of steep slopes. The use of lot size averaging would allow lot sizes ranging from 4,950 to 14,315 square feet and a variety of housing types appropriate to the varied lot sizes. The subject site contains many natural, topographic, and aesthetic features that the proposed planned development amendment would retain and protect. Requested zoning departures are designed to encourage development of the site that would be sensitive to existing slopes, significant trees, and wetlands that are found on the site. As discussed above, parks and recreation facilities are proposed in the Planned Development Amendment. A public open space greenway would be dedicated, yet maintained by the Homeowner's Association until 2032, when maintenance responsibilities would be transferred to the City. The private active neighborhood park and other common open space amenities, such as wetland viewing areas, that are proposed would be maintained by the Homeowner's Association in perpetuity. All the parks and recreation facilities are located to be readily accessible to all occupants of the planned area and community. Internal traffic systems would be built to City standards. The Department of Public Works provided commentary regarding challenges in providing universal access and maintenance access into the public open-space greenway. It appears that the slope of the public access between Lots 42 and 43 may be of a grade low enough to allow an accessible surface into the greenway for public accessibility and maintenance vehicles. The street network would to be compatible with existing and anticipated circulation patterns of adjoining properties with the condition of approval limiting the number of dwelling units allowed in the planned development until a second street connection provides access to the development and reduces traffic volume on NW Pinot Noir Drive.

### *Residential Design Policies*

*Policy 79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the*

*allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy. (Ord. 4796, October 14, 2003)*

- Policy 80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.*
- Policy 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.*
- Policy 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.*
- Policy 83.00 The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.*

**APPLICANT’S RESPONSE:** Policies 79.00, 80.00, 81.00, 82.00 and 83.00 are met by this proposal in that the overall residential density, while compliant with the underlying R-2 zoning requirements, is set by the existing Planned Development which governs the minimum density of the majority of this site (Ordinance 4822, Condition 2). Premier Development is not proposing to modify that condition of approval and has designed this current development to respect and implement that condition. Similarly, Condition 3 of Ordinance 4722 also sets the density minimum for the currently unbuilt, 4th phase of the Oak Ridge development. This proposed Oak Ridge Meadows phased development plan has been designed to comply with each of these area-related density minimums relative to both Ordinance 4722 and 4822 in addition to complying with the R-2 density minimum of the McMinnville Zoning Ordinance for the entire site. As part of this proposed development, the natural drainage and most of the wetland features are proposed to be preserved as previously described in this application and as shown on the attached exhibits; for additional graphic and design information related to site topography, natural features, site drainage, and related street profiles, please refer to Exhibits 7, 11, and 29 – 45 (Exhibit 32 is a Streets Sheet Key for the related Street Plan & Profile Exhibits that follow). In addition to preservation of natural drainage and other site and project elements addressed above, Policy 80.00 speaks of the preservation of isolated preservable trees. This is particularly relevant to this development proposal in that there is an Oak tree with an approximately 66-inch diameter trunk located along the south edge of Lot 54 in Phase II of the proposed subdivision. The center of the trunk of this large Oak tree sits approximately 1.15 feet south of the southernmost edge of Premier Development’s property and some 364-feet east of the subject site’s southwestern corner. Premier Development endeavors and proposes to protect and maintain the health of this Oak tree during all phases of development including during the construction of this lot’s future home. However, as the majority of this tree is not located on Premier Development’s property, Premier Development does not maintain complete control of this situation. Regarding tree protection on the Oak Ridge Meadows site, Condition of Approval 4 of Ordinance 4822 addresses existing trees greater than 9 inches DBH. Specifically:

“That existing trees greater than nine inches DBH (diameter at breast height) shall not be removed without prior review and written approval by the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection

must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site.”

To address the desire to protect this above referenced large Oak tree, Premier Development proposes that Condition of Approval 4 of Ordinance 4822 be modified by the City in such a way to provide for the sufficient protection of this “shared” tree throughout the infrastructure and platting phase of this development and through initial home construction on this lot as far as practicable.

Additionally, Premier Development requests that approval of the two-phased subdivision proposal be conditioned to require that an arborist’s inventory and report be provided to the Planning Director for review and approval prior to the removal of any tree greater than nine inches DBH located in those areas of the site which may be impacted by the construction of streets, utilities, and future residences. It is proposed that such inventory and report be provided prior to the issuance of permits for the construction of the Oak Ridge Meadows subdivision. -- A copy of the 1999 arborist’s report for Oak Ridge is attached to this proposal for reference (Exhibit 46) as it provides a tree inventory for the portion of the subject site generally characterized as the fourth phase of the Oak Ridge development. However, as this report is now 20 years old, Premier is recommending that this area representing the fourth phase of the Oak Ridge subdivision be included as part of the new arborist’s analysis area.

In addition to findings provided supportive of the adoption of Ordinances 4722 and 4822, the following additional findings are also provided relative to Policies 81.00 and 82.00. The submitted street layout proposes to connect with the existing surrounding street network and provide for the ability to access other adjacent undeveloped land to serve future potential development proposals (Exhibit 6). This is accomplished by the proposed street layout in two ways.

First, by the construction of NW Pinehurst Drive to the eastern extent of the site and then to be temporarily terminated with a street barricade and appropriate signage as directed and required by the McMinnville Engineering Department. This temporary terminus would then allow for the future extension of SW Pinehurst Drive to serve and connect to property to the east. Second, by the construction of NW Pinehurst Drive to the southwestern-most extent of the site (between proposed lots 55 and 56 of Phase 2). This temporary terminus would then allow for the future extension of SW Pinehurst Drive to serve and connect to property to the south. Additionally, a temporary emergency-only compacted gravel access easement is being proposed on adjacent land to meet Fire Department requirements as an interim measure to provide secondary emergency-only access to this site until such time that a full public street improvement across that adjacent land replaces this access’s temporary construction. This easement is relevant to the Findings presented here for these policies and is further addressed below at Findings 132.32.00 and 155.00 and such is also herein incorporated in this current Finding.

Dedication and construction of this local street network will provide required mobility opportunities for automobiles, as well as for pedestrians and bicyclists (particularly through the provision of public sidewalks built to public standards and through the provision of both private and public pathways leading to and through the open spaces provided as part of this development proposal) in addition to providing public connection opportunities to undeveloped areas to the west and to the east.

The City’s transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies addressed in these findings, and to preserve and enhance livability in McMinnville. Through this proposal’s compliance and implementation of these applicable policies, standards and requirements and

those applicable portions of the City’s adopted Transportation System Plan as addressed by this proposal and these findings of fact, this Policy is satisfied.

**FINDING: SATISFIED WITH CONDITIONS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13.** Staff concurs with the applicant’s findings, but notes that a condition of approval would establish the average lot size to be approximately 7,770 square feet, instead of the current planned development requirement of an average lot size of 7,500 square feet, which has been interpreted to mean an average lot size that is a minimum of 7,500 square feet. The proposed development responds to density requirements of the underlying R-2 zone and existing planned development, as well as topographical features of the property with lots that average approximately 7,770 square feet in area.

### *Urban Policies*

*Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
- 5. Deleted as per Ord. 4796, October 14, 2003.*

**APPLICANT’S RESPONSE:** As provided on the submitted Overall Utility Plan (Exhibit 7), the Detention Pond Grading Plan (Exhibit 29) and as represented in the Toth Sanitary Sewer Easement (Exhibit 25), Policy 99.00 (1-5) is met by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and proposed street systems (additional street system detail provided elsewhere within these collective findings) within the development either presently serve or can be made available to adequately serve the site. Additional overall site grading information is also provided on Exhibits 30 and 31. The Water Reclamation Facility has the capacity to sufficiently accommodate flow resulting from development of this site.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings.

**GOAL VI 1:** TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

### *Streets*

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

*Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:*

1. *Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
2. *Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
3. *Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
4. *Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*

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

**APPLICANT’S RESPONSE:** Goal VI 1 and Policies 117.00, 118.00 (1-5) and 119.00 are satisfied by this proposal in that each of the proposed lots will abut public streets developed to City standards with adequate capacity to safely accommodate the expected trip generation resulting from this development. Local residential streets proposed within the development will connect at intersections and provide street stubs to adjacent land where appropriate. One cul-de-sac street is proposed due to the presence of adjacent wetlands and the configuration of the site in that location. The proposed street design will have minimal adverse effects on, and promotes advantageous utilization of, natural features of the land. In particular, the site’s steep slopes are being avoided for purposes of right-of-way dedication and development, a large area of the site is identified as wetland and protected as depicted in Exhibits 6 and 8, and other lowlands are being utilized to create a public open space along the Baker Creek greenway. Much of the natural tree cover on the site will be retained and will generally exist as downslope backyard areas for some of the future residences. While wetland mitigation is anticipated to account for the construction of certain lower elevation portions of NW Pinehurst Drive, the proposed Fire Truck turn-around near the eastern end of NW Pinehurst Drive, and encroachment on some of the lower-lying proposed residential lots, this mitigation is the minimal amount possible in order to preserve the wetland features of the land as much as possible while still allowing economic use of the land to help meet McMinnville’s identified housing needs.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings.

*Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.*

3. *Local Streets*
  - Designs should minimize through-traffic and serve local areas only.*
  - Street widths should be appropriate for the existing and future needs of the area.*
  - Off-street parking should be encouraged wherever possible.*
  - Landscaping should be encouraged along public rights-of-way.*

**APPLICANT’S RESPONSE:** Policy 122.00 is satisfied by this proposal in that the proposed street design is comprised of local residential streets that will serve the local area only. The street widths (a 28-foot wide paved section within a 50-foot wide right-of-way) is appropriate for both the existing and future needs of this development site and adjacent residential development. Off-street parking shall be provided at 200% the requirement found in the McMinnville Zoning Ordinance as described further below in these findings. Landscaping shall also be provided as approved by the Landscape Review Committee’s forthcoming approval of a tree planting plan along both sides of all proposed rights-of-way.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings.

### *Parking*

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

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

**APPLICANT’S RESPONSE:** Policies 126.00 and 127.00 are satisfied by this proposal in that offstreet parking will be required for all single-family residences as specified by the McMinnville Zoning Ordinance. Such off-street parking (a minimum of two onsite parking spaces for each residence as per 17.60.060(A)(5) of the McMinnville zoning ordinance) shall be required of each single-family residence as a condition of building permit approval. It is also Premier Development’s intent to provide four paved off-street parking spaces for each residence which is at a level that is 200% of what is required by the McMinnville Zoning Ordinance.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings.

### *Bike Paths*

*Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. (Ord.4922, February 23, 2010)*

*Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.*

*Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)*

*Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.*

**APPLICANT’S RESPONSE:** Policies 130.00, 131.00, 132.00 and 132.15 are satisfied by this proposal in that the public sidewalks that will be constructed as part of the required street improvements will provide pedestrian connections within and beyond this subdivision.

A meandering pedestrian pathway will also provide pedestrian access traversing the proposed active private neighborhood park that will connect NW Pinot Noir Drive with the lower elevation of NW Pinehurst Drive for the enjoyment of residents and enhanced pedestrian mobility within the neighborhood. This pathway will also provide an alternative opportunity to gain access to the NW Pinehurst Drive entry point of the open space greenway trail that will encircle most of the perimeter of the Oak Ridge Meadows development. Two other additional public access pathways to this greenway will also be provided; one to be provided along the south side of Lot 56 and the other to be located between Lots 75 and 76. This greenway path will also provide a future opportunity to extend and continue through adjacent residential land to the west when that land develops.



Public streets designed to implement the requirements of the Bicycle System Plan (Chapter 6) of the McMinnville Transportation System Plan (TSP) provide for enhanced bicycle connection of residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. These design elements of the Bicycle System Plan are specifically applicable to collector and arterial streets and, as identified in Exhibit 2-4 of the TSP (Complete Street Design Standards) not part of the street design standards of either Neighborhood Connectors or Local Residential streets. Exhibit 2-4 (provided below and also available on the City of McMinnville website) of the McMinnville TSP also states that bike facilities are noted as being Shared Lanes for Neighborhood Connector and Local Residential streets; all of the streets designed and proposed as part of this development plan are identified as Local Residential streets and will accommodate bike facilities in the form of Shared Lanes. By designing and constructing the proposed local residential streets to the applicable requirements of the TSP’s Complete Streets Design Standards, and as evidenced by the Findings presented above, these Policies have been met.

Exhibit 2-4 Complete Streets Design Guideline

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

**General Design Notes:**

- Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. For arterial and collector streets within industrial zones, lane widths shall be 12 feet.
- An absolute minimum bike lane width for safety concerns is 5 ft. on arterial and 4 ft. on collector streets, which is expected to occur only in locations where existing developments along an established route or other severe physical constraints preclude construction of the preferred facility width.
- Street design for each development shall provide for emergency and fire vehicle access.
- Sidewalks 10-12 feet in width are required in commercial areas to accommodate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and business accesses are to meet ADA requirements for pedestrian access.
- Speeds in the central business district may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.
- None with on-street parking.

**Street Design Standard Notes:**

- Exclusive of side slope assessment which may be required in addition for cuts and fills in rough terrain.
- The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land developments already present or proposed in the area.
- The right-of-way, street width, improvement standards, and turnaround radius of commercial/industrial/cul-de-sacs and streets shall be dependent upon the types of vehicle traffic to be served.
- Intersecting streets shall be no less than 24 feet. On street width shall not be permitted within a 30-foot distance of street intersections measured from the beginning of the curb return. Where such a local residential street intersects an arterial, parking along the local street shall not be permitted within 30-foot distance of the intersection and from the beginning of the curb return. The developer shall be responsible for any provisions for construction of "no parking" signs as approved by the City Engineering Department.
- Sidewalks and planter strips shall not be required along eyebrows.
- For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the bulb and appropriately spaced along the throat of the cul-de-sac as determined by the McMinnville Fire Department.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings.

*Connectivity and Circulation*

*Policy 132.26.05 New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map. (Ord. 4922, February 23, 2010)*

**APPLICANT’S RESPONSE:** Policy 132.26.05 is satisfied by this proposal in that the new street connections and associated pedestrian and bicycle features provided in this proposal and its exhibits are consistent with the applicable local street connectivity elements outlined in the McMinnville Transportation System Plan (TSP) and administered by the City.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings.

*Supportive of General Land Use Plan Designations and Development Patterns*

*Policy 132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)*

**APPLICANT’S RESPONSE:** Policy 132.27.00 is satisfied by this proposal in that the proposed street design reflects and supports the Residential land use designation of the site as identified on the McMinnville Comprehensive Plan Map and urban development patterns within the surrounding area identified by elements of the Comprehensive Plan identified and addressed within this application. The proposed transportation facilities and services are appropriate to serve the needs of the proposed development and are supportive of adjacent neighborhoods as determined by the City’s adopted standards identified in this application, findings and exhibits.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings.

### *Public Safety*

*Policy 132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system. (Ord. 4922, February 23, 2010)*

**APPLICANT’S RESPONSE:** Policy 132.32.00 is satisfied by this proposal in two ways as addressed above in these findings. First, by the construction of NW Pinehurst Drive to the eastern extent of the site and then temporarily terminated with a street barricade and appropriate signage as directed and required by the McMinnville Engineering Department. A temporary turn-around found to be acceptable to the McMinnville Engineering and Planning Departments and the McMinnville Fire Department, would be provided near this terminus and along the north side of NW Pinehurst Drive (Exhibits 6, 9 and 47 in particular). This temporary terminus would then allow for the future extension of SW Pinehurst Drive to serve and connect to property to the east. Second, by the construction of NW Pinehurst Drive to the southwestern-most extent of the site (between proposed lots 55 and 56 of Phase 2). This temporary terminus would then allow for the future extension of SW Pinehurst Drive to serve and connect to property to the south.

Due to this site currently being served by only one public street, an additional access is required by Fire Department standards to support the development process as described below. The McMinnville Fire Code Applications Guide states, in part:

Multiple Access Roads: Developments of one and two family dwellings where the number of dwelling units exceeds 30, [...] shall be provided with not less than two approved means of access. Exceptions may be allowed for approved automatic sprinkler systems.

Premier Development proposes to comply with the McMinnville Fire Department’s application of this standard and provide approved automatic sprinkler systems in residences in Phase 1 sufficient to remain in compliance with this standard.

Additionally, as there is only one public street connection currently in place to serve the two-phased Oak Ridge Meadows subdivision, a temporary emergency only access will be required in order to exceed the 30 unsprinkled home limitation described above. This emergency access, which will be placed in an easement, will be graded and finished with compacted rock to applicable standards and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road, across land currently owned by Stafford Land Company, to the southern

edge of the Oak Ridge Meadows site at a point between proposed Lots 55 and 56 (Exhibit 26). [It is possible that this temporary emergency-only access may be shorter in length under a scenario described by Gordon Root of Stafford Land Company in an email where Stafford Land Company agrees to the granting of this temporary easement (Exhibit 27).] This temporary emergency-only accessway would then proceed northward on Premier Development's site along the proposed Phase 2 alignment of NW Pinehurst Drive to its intersection with "A" Street and then proceed generally eastward along the proposed "A" Street alignment to an alignment even with the proposed western edge of Lot 25 which is to be the westernmost lot along "A" Street in Phase I of the Oak Ridge Meadows subdivision. Fire Department approved gates would be located at both ends of this compacted gravel emergency-only accessway as directed by the McMinnville Fire Department. The McMinnville Fire Department has stated that, if such gates needed to be locked, they would be so with Fire Department approved locks. At such time that this adjacent land is to develop, this easement would then be revoked and public right-of-way be dedicated and improved to City standards providing a permanent second public street connection to the Oak Ridge Meadows development. This easement is relevant to the Findings presented here for this policy and its description and relevance is also hereby, with this reference, incorporated in the Finding for Policy 155.00.

**FINDING: SATISFIED WITH CONDITION 14.** Staff concurs with the applicant's findings, and a condition of approval is included to require a temporary, emergency only access as proposed.

### *Livability*

*Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways. (Ord. 4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** Policy 132.35.00 is satisfied by this proposal in that the City's transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies and to preserve and enhance livability in McMinnville. Through this proposal's compliance and implementation of these standards and requirements and those applicable portions of the City's adopted Transportation System Plan as addressed by this proposal and these findings of fact, this Policy is satisfied.

**FINDING: SATISFIED WITH CONDITION 15.** A Traffic Impact Analysis (TIA) for the proposed development provided a Neighborhood Livability Evaluation. The TIA states:

"The livability of a street is generally determined by key factors such as vehicle speeds and volumes as related to pedestrian safety, bicycle safety and other vehicle movements along a neighborhood street. The City of McMinnville has not adopted or proposed a livability standard to measure the livability of local streets through neighborhoods, but the City has adopted a design capacity of 1,200 vehicles per day (vpd) on local neighborhood streets. In addition, other cities around the country have used Neighborhood Traffic Management Plans that trigger mitigation efforts when the average daily traffic (ADT) exceeds 1,000 vpd. While there is no specific volume threshold to indicate when the livability of the neighborhood has been reduced, these design standards provide a reasonable threshold."

The analysis indicates the addition of 108 proposed single-family lots in a subdivision with initially only one improved street access would push the volume of traffic on the immediately adjacent local residential street (NW Pinot Noir Drive, northwest of Oak Ridge Drive) to its maximum threshold (1,200 vpd) it was designed to carry. The TIA shows that until a second,

permanent improved street connection provides access to the proposed subdivision, the traffic generated by 108 single-family dwelling units would increase the vpd on the northwest portion of NW Pinot Noir Drive to its 1,200 vehicle limit. The TIA uses 108 single-family dwelling units (one dwelling unit per lot) as a basis for its average daily trip generation. However, two-family dwellings and accessory dwelling units are also permitted uses in the underlying R-2 zone. Should a lot(s) be developed with a two-family dwelling or an ADU, the increased daily trips from that additional dwelling units would push the volume of traffic carried by NW Pinot Noir Drive over its design limit of 1,200 vpd. Therefore, a condition of approval is included to limit development of the proposed subdivision 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.

### *Circulation*

*Policy 132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:*

- 1. Pedestrian circulation;*
- 2. Enhancement of emergency vehicle access;*
- 3. Reduction of emergency vehicle response times;*
- 4. Reduction of speeds in neighborhoods;; and*
- 5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.  
(Ord. 4922, February 23, 2010)*

*Policy 132.41.05 Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints. (Ord. 4922, February 23, 2010)*

*Policy 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)*

*Policy 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)*

*Policy 132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods. (Ord. 4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** Policies 132.41.00(1-5), 132.41.05, 132.41.20, 132.41.25 and 132.41.30 are satisfied by this request in that the proposed street pattern provides a safe, interconnected and efficient network of residential accessibility to serve the proposed and adjacent existing residential neighborhoods. The one cul-de-sac street in this plan is proposed in response to the noted existence of an adjacent wetland and the unique shape this portion of the site where provision of a through-street is not possible. There are no arterial or collector streets within or adjacent to this development site. The proposed street system is designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the McMinnville TSP and is augmented for pedestrians through the provision of

additional walking paths within and surrounding the proposed development. Vehicular access to the adjacent street system promotes safe street connectivity to the surrounding transportation network.

A Transportation Impact Study for this Oak Ridge Meadows proposal has been completed by the transportation planning and transportation engineering firm DKS and is attached to this proposal (Exhibit 28). In sum, this Study concludes that the proposed development is anticipated to result in the following impacts:

- The development will consist of 108-unit single family homes. The ultimate buildout of the site includes a connection to NW Baker Creek Road via an extension of NW Shadden Drive. In the interim, the development will be accessed via NW Pinot Noir Drive, NW Oak Ridge Drive, and Merlot Drive.
- The development is expected to generate 80 (20 in, 60 out) AM peak hour trips, 107 (67 in, 40 out) PM peak hour trips, and 1,020 daily trips.
- Intersection operations during the Interim Build and Full Build of Oak Ridge Meadows will continue to operate well under-capacity and will meet City of McMinnville operating standards. The addition of Oak Ridge Meadows traffic will not have a significant impact on the operations or delay experienced at the intersections of NW Baker Creek Road/NW Oak Ridge Drive and NW Baker Creek Road/Merlot Drive.
- An evaluation of the livability of neighborhood streets, as defined by the volume of traffic the streets were designed to handle (1,200 vpd), confirmed that the Oak Ridge Meadows development is not expected to have an adverse impact on the existing neighborhood streets.

Please refer to the Oak Ridge Meadows Transportation Impact Study (Exhibit 28) for additional detail.

The need for a temporary emergency-only access to support this proposal was addressed above relative to Policy 132.32.00 and is addressed below relative to Policy 155.00. This temporary emergency only access roadway will also aid in reducing emergency vehicle response times as it can provide a more direct route to some portions of Phase I until such time that it is replaced with a dedicated fully improved local public street across adjacent land. Additionally, travel speeds within this site are based on an adopted street classification scheme identified in the adopted McMinnville TSP. All streets in the proposed development are designed as local streets and, as such, are limited to a legal vehicular travel speed of 25 miles per hour as are the local streets in the adjacent residential neighborhoods. This residential vehicle speed limitation and the adopted local street design standards have been successful in McMinnville in mitigating neighborhood issues related to noise, pedestrian and bicycle movement, and aesthetics as evidenced in the adjacent residential neighborhoods; the closest being the adjacent multi-phased Oak Ridge neighborhood.

**FINDING: SATISFIED WITH CONDITION 15.** Staff concurs with the applicant's findings, with the exception that full development of the proposed 108 lots may have an adverse effect, should that full development include two-family dwellings or accessory dwelling units, which are permitted uses in the underlying zone. The Traffic Impact Analysis shows that the addition of 108 proposed single-family lots in a subdivision with initially only one improved street access would push the volume of traffic on the immediately adjacent local residential street (NW Pinot Noir Drive, northwest of Oak Ridge Drive) to its maximum threshold (1,200 vpd) it was designed to carry. The TIA shows that until a second, permanent improved street connection provides

access to the proposed subdivision, the traffic generated by 108 single-family dwelling units would increase the vpd on the northwest portion of NW Pinot Noir Drive to its 1,200 vehicle limit. The TIA uses 108 single-family dwelling units (one dwelling unit per lot) as a basis for its average daily trip generation. However, two-family dwellings and accessory dwelling units are also permitted uses in the underlying R-2 zone. Should a lot(s) be developed with a two-family dwelling or an ADU, the increased daily trips from that additional dwelling units would push the volume of traffic carried by NW Pinot Noir Drive over its design limit of 1,200 vpd. Therefore, to mitigate other neighborhood concerns such as safety, noise, and aesthetics, a condition of approval is included to limit development of the proposed subdivision 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.

### *Environmental Preservation*

*Policy 132.46.00 Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods. (Ord. 4922, February 23, 2010)*

**APPLICANT’S RESPONSE:** Policy 132.46.00 is satisfied by the proposal in that the street design, construction and maintenance methods required by the City were adopted to, in part, implement each element of this policy. These design, construction and maintenance methods administered by the City are satisfied as demonstrated in this proposal and as will be adhered to through the balance of the design, construction, inspection and approval process prior to the platting of this phased subdivision.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings. Additionally, the proposed street layout is designed to avoid or minimize impact on geographical and environmental features found on site, including mature tree stands, steep slopes, and wetlands. Where proposed streets do impact these features, the impact is the minimal amount necessary to provide required street access and connectivity to proposed lots and adjacent parcels. Mitigation of wetlands impacted by street construction would be required by the Department of State Lands, who maintains regulatory authority over delineated wetlands. All proposed streets would be required to meet City standards.

*Policy 132.46.05 Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective. (4922, February 23, 2010)*

**APPLICANT’S RESPONSE:** This Policy is satisfied through this proposal’s compliance with the applicable elements of the McMinnville Transportation System Plan and the McMinnville Zoning Ordinance as addressed in these findings of fact and attached Exhibits. The streets are proposed to be located in an efficient manner as described in this proposal and designed in a manner compliant with all City requirements for local residential streets as shown in the attached Exhibits.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings. Additionally, the proposed street layout is designed to avoid or minimize impact on geographical and environmental features found on site, including mature tree stands, steep slopes, and wetlands. Where proposed streets do impact these features, the impact is the minimal amount necessary to provide required street access and connectivity to proposed lots and adjacent parcels. Mitigation of wetlands impacted by street construction would be required by the Department of State Lands, who maintains regulatory authority over delineated wetlands. All proposed streets would be required to meet City standards.

## Pedestrian Programs

*Policy 132.54.00 Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)*

**APPLICANT’S RESPONSE:** Policy 132.54.00 is satisfied by this proposal in that, with its approval, the City will have demonstrated support and encouragement for efforts that promote the health, economic and environmental benefits of walking for the individuals as well as for the greater McMinnville community. This would be achieved by the City’s receipt of a 5.6 acre public open-space greenway dedication improved with a walking path as well as supporting the creation of an active private neighborhood park to be provided with a curvilinear walking path connecting two neighborhood streets and the establishment of permanent child appropriate play features. The development of the greenway pedestrian path will occur proportionally with the completion of Phase 1 and Phase 2 of this development prior to platting; Premier Development recommends that this commensurate phasing of the greenway path improvement be made a condition of approval of this request. This municipal endorsement of the creation of these open spaces not only promotes walking for health and community livability, but also helps to preserve a more healthy environment by preserving natural elements both within and surrounding this residential development proposal.

**FINDING: SATISFIED WITH CONDITIONS 8, 9.** Staff concurs with the applicant’s findings, and notes that conditions of approval requiring public and private open space as proposed have been included.

**GOAL VII 1:** TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

## Sanitary Sewer System

*Policy 136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.*

*Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:*

- 1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*
- 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
- 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*
- 4. Extensions will implement applicable goals and policies of the comprehensive plan.*

### *Storm Drainage*

*Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.*

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

### *Water System*

*Policy 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.*

*Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:*

- 1. Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.*
- 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.*
- 4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

*Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.*

### *Water and Sewer – Land Development Criteria*

*Policy 151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:*

- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*



3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
4. *Federal, state, and local water and waste water quality standards can be adhered to.*
5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

**APPLICANT'S RESPONSE:** Goal VII 1 and Policies 136.00, 139.00 (1-4), 142.00, 143.00, 144.00, 145.00 (1-4), 147.00 and 151.00 (1-5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. The City's administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville is required to continue to support coordination between City departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions. Additionally, the subject site will be converted in an orderly manner to urbanizable standards through the coordinated extension and provision of utilities and services (in particular, Exhibits 7, 25 and 29), and as conditioned through approval of this phased development proposal.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings.

#### *Police and Fire Protection*

*Policy 153.00 The City shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

*Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.*

**APPLICANT'S RESPONSE:** Policies 153.00 and 155.00 are satisfied in that emergency service departments will be provided the opportunity to review this proposal. Additionally, all emergency services will have direct public street access to every lot within the proposed two-phased tentative subdivision plan on streets designed to meet all applicable City of McMinnville requirements.

Since this Planned Development Amendment application requests to amend Ordinance 4822, it is important to identify all such proposed amendments. Relative to Policy 155.00, Condition of Approval 5 of Ordinance 4822 currently states:

*"That the number of lots allowed within the Oak Ridge Meadows subdivision shall be limited to a maximum of 76 lots. Additional lots may be permitted consistent with the submitted tentative plan upon the completion and acceptance of public street improvements to City standards that extend south from Pinehurst Drive (as labeled on the applicant's submitted tentative subdivision plan) and connect to Baker Creek Road."*

With this current proposal, Premier Development offers a more achievable and timely alternative which complies with the Fire Department's unsprinkled dwelling unit limitation relative to emergency vehicle access requirements. Specifically, and as noted in the Finding provided

above at 132.32.00 and incorporated into this Finding by this reference, Premier Development proposes utilization of a temporary emergency-only access which will be placed in an easement and will be graded and finished with compacted rock to applicable standards and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road, across land currently owned by Stafford Land Company, to the southern edge of the Oak Ridge Meadows site at a point between proposed Lots 55 and 56 (Exhibit 26). [It is possible that this temporary emergency-only access may be shorter in length under a potential scenario described by Gordon Root of Stafford Land Company in an email where Stafford Land Company agrees to the granting of this temporary easement (Exhibit 27).] This temporary emergency-only accessway would then proceed northward on Premier Development's site along the proposed Phase 2 alignment of NW Pinehurst Drive to its intersection with "A" Street and then proceed generally eastward along the proposed "A" Street alignment to the western edge of Lot 25 which is to be the westernmost lot along "A" Street in Phase I of the Oak Ridge Meadows subdivision. Fire Department approved gates would be located at both ends of this compacted gravel emergency-only accessway as directed by the McMinnville Fire Department. The McMinnville Fire Department has stated that, if such gates needed to be locked, they would be so with Fire Department approved locks. At such time that this adjacent land is to develop, this easement would then be revoked and public right-of-way be dedicated and improved to City standards providing a permanent second public street connection to the Oak Ridge Meadows development. This easement is relevant to the Findings presented here for this policy and its description and relevance is also hereby, with this reference, incorporated in the Finding for Policy 132.32.00.

Premier Development requests that the City modify Condition of Approval 5 of Ordinance 4822 to require provision of the currently described and proposed temporary emergency-only access easement in place of the secondary access requirement as currently stated by the condition.

**FINDING: SATISFIED WITH CONDITION 14.** Staff concurs with the applicant's findings, and a condition of approval is included to require a temporary emergency-only access until such time that a permanent, improved street is built and provides a second vehicular access to the proposed development.

### *Parks and Recreation*

**GOAL VII 3:** TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

*Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.*

**APPLICANT'S RESPONSE:** Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each housing unit at the time of the building permit application as required by McMinnville Ordinance 4282, as amended. These fees may be offset in part or in total by Premier Development's receipt of park SDC credits made available by way of their forthcoming public dedication of the approximately 5.6-acre openspace greenway park within this planned development area.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings.

*Policy 163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided*

*that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)*

*Policy 166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.*

*Policy 167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.*

*Policy 168.00 Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.*

*Policy 169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.*

*Policy 170.05 For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used. (Ord. 4796, October 14, 2003)*

**APPLICANT'S RESPONSE:** Policies 163.05, 166.00, 167.00, 168.00, 169.00 and 170.05 are satisfied by this proposal in that an approximately 5.6 acre public open-space greenway park is proposed to be dedicated by Premier Development for the use and enjoyment of the public. This greenway park is located around the west, north and most of the east perimeter of the site. In discussion regarding this project's proposed park spaces with the McMinnville Parks and Recreation Department, it was requested by the Department that this greenway be improved with a habitat friendly bark-chip trail similar in design and width to the greenway trail located along the Joe Dancer Park's South Yamhill River edge. The existing ability of this linear greenway to accommodate natural storm run-off will be retained and will be further supported by the proposed storm drainage system that will be designed and installed within the public right-of-way; additionally, and as shown on the submitted Overall Utility Plan, a ten-foot wide public storm easement is proposed to be created along the full distance of the southern property boundary of Lot 79, then transitioning to a rip-rap channel to be installed within the greenway. Additional stormwater detention is proposed along the site's eastern edge beyond the proposed cul-de-sac street (see Exhibits 6 and 29).

The City's receipt of this greenway park dedication is an important first step for the City of McMinnville as it will be the City's first acquisition of public greenway space along Baker Creek toward implementing its aspiration of acquiring public open space along the Baker Creek greenway connecting Tice Park to the BPA recreational trail and even beyond to the City's western urban edge. This dedication will preserve important natural open space, scenic areas and distinctive natural features along this greenway. Discussions in May of 2018 with the Planning Department resulted in direction from the Department that the City is requesting to have this land dedicated and improved to provide a public trail system at this site. Additionally, that the City is interested in the public dedication of the land necessary for that trail system, both along Baker Creek and on the western side of the property, to connect to a proposed trail system to be dedicated by Stafford Land on adjacent property to the west as part of their forthcoming development proposal for that site. Premier Development welcomes this direction and clarity from the City, and supports the Planning and Park Departments' guidance and is proud to dedicate this land and provide the requested improvement for public enjoyment of the natural greenway along this portion of Baker Creek.

The McMinnville Parks and Recreation Department, relying on guidance provided in the McMinnville Parks, Recreation, and Open Space Master Plan, also supports Premier Development's proposal to create the approximately 0.85 acre active private neighborhood park as part of Phase I of this subdivision. This active private neighborhood park will also be

improved with a pedestrian pathway connecting NW Pinot Noir Drive with the lower elevation of NW Pinehurst Drive to the east and with the installation of permanent child-appropriate play equipment on the upland portion of the park. Both of these parks will preserve existing tree cover as much as practicable and as recommended by a certified arborist report and found acceptable by the McMinnville Planning Director.

**FINDING: SATISFIED WITH CONDITIONS 8, 9.** Staff concurs with the applicant's findings, and conditions of approval have been included to require public and private open space as described and proposed.

### *Energy Conservation*

**GOAL VIII 1:** TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

### *Energy Supply Distribution*

*Policy 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.*

*Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.*

**APPLICANT'S RESPONSE:** Goal VIII 1 and Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas will be provided opportunity to review and comment regarding this proposal prior to the issuance of the Planning Department's staff report.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings.

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

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

**APPLICANT'S RESPONSE:** Goal VIII 2 and Policy 178.00 are satisfied by the request as the development proposes a compact form of urban development allowing smaller lots where possible and larger lots as dictated by the site shape and topography. The average minimum lot size of this proposal is slightly greater than the average minimum lot size of 7,500 square feet (Exhibit 10) as specified by Condition of Approval 2 of Ordinance 4822 (Exhibit 2). Utilities presently abut the site and can be extended in a cost effective and energy efficient manner commensurate with this proposal and as shall be required by an approved phasing plan.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings, but notes that a condition of approval amends the previously approved average lot size of 7,500, which was interpreted to mean average minimum lot size, to the proposed average lot size of approximately 7,770 square feet.

**GOAL IX 1:** TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

**APPLICANT’S RESPONSE:** Goal IX 1 is satisfied in that the subject site is located within both the McMinnville urban growth boundary and the McMinnville city limits and so identified for urban development according to adopted applicable goals, policies, standards and requirements. All urban services are currently available and adjacent to the site making the conversion of this site to urban uses orderly and timely.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings.

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

**GOAL X 2:** TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**APPLICANT’S RESPONSE:** Goals X 1, X 2, and Policy 188.00 are satisfied in that the City of McMinnville has adopted a Neighborhood Meeting program that requires applicants of most types of land use applications to hold at least one public Neighborhood Meeting prior to submittal of a land use application; this is further addressed under findings relative to McMinnville Zoning Ordinance Section 17.72.095, below. Additionally, the City of McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request at an advertised public hearing. All members of the public with standing are afforded the opportunity to provide testimony and ask questions as part of the public review and hearing process.

**FINDING: SATISFIED.** The process for a planned development amendment provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

### **McMinnville Zoning Ordinance**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

#### **Chapter 17.03. General Provisions**

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

**APPLICANT’S RESPONSE:** Section 17.03.020 is satisfied by this request for the reasons enumerated in Conclusionary Findings for Approval No. 1, 2, 3, 4 and 5 above.

**FINDING: SATISFIED.** The purpose of the Zoning Ordinance would be met by the proposal as described in Conclusionary Findings.

## Chapter 17.15. R-2 Single-Family Residential Zone

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

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

**APPLICANT’S RESPONSE:** This criterion is satisfied as Premier Development proposes to construct only site built single-family detached dwellings within this phased subdivision.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings. Staff also notes that permitted uses in the R-2 zone also include two-family dwellings, single-family common wall dwellings, and accessory dwelling units. Compliance with the Lot Sales policy of the Comprehensive Plan will allow lots to be purchased and developed by others besides Premier Development.

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

**APPLICANT’S RESPONSE:** This criterion is satisfied as the subject site is currently governed by Planned Development Ordinances 4722 and 4822 which both support and allow lot size averaging within the subject site. This subdivision application is being submitted concurrent with requests to modify Ordinances 4722 and 4822 as described above while retaining the existing authorization of lot size averaging.

The current average minimum lot size for a portion of the subject site is 7,000 square feet as conditioned by Ordinance 4722 and the current average minimum lot size for the balance of this site is 7,500 square feet as conditioned by Ordinance 4822. This currently proposed two-phased residential subdivision exceeds these requirements for the subject site as well as within each of the two individual proposed phases of this subdivision (Exhibit 10). As the proposed average minimum lot sizes described are greater than the 7,000 square foot minimum lot size required by 17.15.030, this criterion has been satisfied. -- Section 17.15.010(C) referenced by this standard speaks only to single-family common-wall dwellings and is not applicable as no single-family common-wall dwellings are proposed as part of this development.

**FINDING: SATISFIED WITH CONDITION 3.** A condition of approval of the planned development amendment defines the average lot size to be approximately 7,770 square feet per the applicant’s proposal. As the average lot size is greater than the 7,000 square foot minimum lot size required in the underlying R-2 zone, the planned development amendment is consistent with the lot size requirements.

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

- A. A front yard shall not be less than twenty feet;
- B. A rear yard shall not be less than twenty feet;

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

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

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

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

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

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

“That setbacks for the Oak Ridge Meadows subdivision 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 or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the rear yard setback be reduced to less than five feet, or the exterior side yard setback to less than 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.”

**FINDING: SATISFIED WITH CONDITION 4.** Staff concurs with the applicant’s findings. A condition of approval has been included to amend the required setbacks, and would allow flexibility for the preservation of significant trees found on individual lots.

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

**APPLICANT’S RESPONSE:** The tentative phased subdivision plan submitted with this application proposes an average minimum lot size of 7,500 square feet as required by Ordinance 4822 and which surpasses that required by Ordinance 4722 and by 17.15.060 of the McMinnville Zoning Ordinance. The tentative subdivision plan also proposes lot size averaging as described and supported by the findings provided addressing Section 17.15.030, above and findings previously provided supporting the adoption of Ordinances 4722 and 4822. This proposed average minimum lot size of 7,500 square feet for this site also satisfies this standard with the proposed modifications to Planned Development Ordinance 4822. Therefore, this criterion is met.

**FINDING: SATISFIED.** The total square foot average for all 108 lots in the applicant’s proposed tentative subdivision plan is approximately 7,770 square feet. This overall average lot size is consistent with the density requirements of the underlying R-2 zone and the existing planned development overlays.

## **Chapter 17.51. Planned Development Overlay**

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

**APPLICANT’S RESPONSE:** Section 17.51.010 is satisfied by the request in that the applicant proposes a development plan to provide for single-family residential lots displaying a range of lot sizes, varied lot characteristics and that would be available at various price points. Premier Development also proposes adjustments to lot setbacks and allowances to exceed both the preferred lot depth-to-width ratio, allowances for some lots to have side lot lines oriented other than at right angles to the street upon which the lots front, and block length standards as further addressed in these conclusionary findings for approval. While these adjustments are requested, Premier Development also proposes to preserve significant natural features, facilitate a



desirable aesthetic and efficient use of open space, and create public greenspace and private active open spaces for the benefit of the neighborhood and the greater community primarily by providing an approximately 0.85-acre active private neighborhood park and an approximately 5.6-acre open-space greenway to be dedicated to the public along the site's Baker Creek edge and extending further to the south along the site's western edge. Preservation of the majority of wetlands along the site's eastern edge is also provided as part of this development proposal along with wetland mitigation in some areas. Additional tree protection is also proposed through Premier Development's proposal to submit a tree survey prepared by a certified arborist that will be instrumental to tree preservation on individual lots. This application of balancing adjustments to standards in exchange for public benefits is allowed and encouraged to be supported through the Planned Development Amendment application and review process. Beyond the provision of public sidewalks as part of the pedestrian network within the public street system as described in the Comprehensive Plan addressed in other Findings above, Premier Development also proposes to extend pedestrian pathways through the entirety of both of the offered park spaces to aid in enhancing pedestrian mobility and both active and passive recreational opportunities within the area.

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

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

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

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

And,

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

Premier Development is pleased to suggest that these conditions be made binding with the approval of this proposal. With that however, it is also instructive to note that without approval of a Planned Development application request or a request to amend an existing Planned Development, the City does not currently have the authority to require such design standards of residential subdivision development as the means to do so do not otherwise exist within McMinnville's regulatory authority. This further highlights the value of the interplay and balancing of public and private benefits woven into the Planned Development and Planned Development Amendment review processes and is, in part, why Comprehensive Plan Policy 72.00 states that Planned Developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

**FINDING: SATISFIED WITH CONDITION 16, 17.** Staff concurs with the applicant's findings. The proposed conditions described above to require an Architectural Pattern Book and elimination of cookie cutter stylization would help facilitate a desirable aesthetic in the planned development, and have been included as conditions of approval.

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

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

**APPLICANT'S RESPONSE:** Section 17.51.020 (A-B) is satisfied by the request in that Premier Development proposes a development type (Single-Family detached residential dwelling) consistent with the residential zoning indicated on the comprehensive plan map and zoning map as well as Chapter 17.15 of the McMinnville Zoning Ordinance. While Sub B of this standard states that the density of the residential planned development shall be determined by the underlying zone designations, Condition of Approval 2 of Ordinance 4822 sets the average minimum lot size as being 7,500 square feet for its associated portion of the site which is slightly less dense than the maximum density that could be theoretically achieved on otherwise unencumbered and fully developable R-2 zoned land. Premier Development is not proposing to modify this condition (Condition 2) of Ordinance 4822 and has designed this proposal to maximize the unique topography and shape of the site and to honor the standing 7,500 square foot average minimum lot size requirement. This Finding is additionally supported by Findings provided in Section 5, above.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings, but notes that a condition of approval would amend the 7,500 square foot average lot size set by Ordinance 4822 to the approximately 7,770 square foot average lot size proposed in the tentative subdivision request.

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

- C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
  2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
  3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
  4. The plan can be completed within a reasonable period of time;
  5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
  6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
  7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;

**APPLICANT'S RESPONSE:** Section 17.51.030 is satisfied by the request in that there are physical site conditions (e.g., shape and topography) and design objectives of this proposal (creation of an active private neighborhood park and a large public open-space greenway dedication, in addition to providing a wide range of lot sizes to enhance market choice) that warrant a departure from standard regulation requirements and that necessitate modification of Planned Development Ordinances 4722 and 4822 that currently govern the site. This proposal helps to enact the intended residential density of Ordinance 4822 and the comprehensive plan objectives for this area and can be completed within a reasonable period of time; targeted platting of Phase 1 is approximately two years and the targeted platting of Phase 2 would occur in approximately three subsequent years for a total of an estimated five years afforded to achieve the platting of both phases. Designed to meet and implement adopted City standards, the proposed local street network is safe and adequate to support anticipated traffic which can also be sufficiently accommodated and supported by the surrounding existing street network (Exhibit 28). Adequate access to and efficient provision of services to adjoining parcels will also be provided by extending streets and utilities to the edges of the site for future extension to serve adjacent lands to the east and south (Exhibits 6, 7 and 11); a temporary compacted gravel emergency-only access roadway and easement is also proposed as addressed above in Finding of Fact No. 5. Public utility and drainage facilities currently exist adjacent to the site and have the capacity to adequately be extended to and sufficiently serve the proposed population density and single-family detached residential development represented by this proposal and as represented in the attached Exhibits (inclusive of Exhibits 7, 8, 25 and 29) and addressed further in findings provided below. As this site is designated Residential on the McMinnville Comprehensive Plan Map and R-2 PD on the McMinnville Zoning Map, and this proposed development complies with all applicable Comprehensive Plan purpose statements, policies, goals, requirements, standards and guidelines as provided in these conclusionary Findings of Fact, there are no indications that the proposal will have an adverse effect due to pollutants on surrounding areas, public utilities or the City as a whole.

**FINDING: SATISFIED.** Section 17.51.030 is satisfied in that the Commission would have reviewed the preliminary development plan and findings at a meeting. Discussion of the criteria listed in subsection C is provided below, as those criteria are the review criteria for a Planned Development Amendment, as found in 17.74.070 of the Zoning Ordinance.

### **17.53.103 Blocks.**

1. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
2. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

**APPLICANT’S RESPONSE:** As shown on the tentative subdivision plans, the planned street alignment requires, in some cases, blocks that exceed 400 hundred feet in length due to the topography and the physical configuration of the site, as well as the street pattern of an adjacent platted neighborhood. Given these site factors, Premier Development has configured the proposed local street plan to be as close to the recommended standard as possible. The proposed street pattern and resulting block lengths are very similar that previously approved by the City Council to implement the Ordinance 4822 Planned Development.

Block Length exceeding 400 feet in length:

- 1) NW Pinehurst Drive from “A” Court to its temporary southeastern terminus;
- 2) NW Pinot Noir Drive from NW Blake Street to “A” Street;
- 3) “A” Street along its northern edge from its intersections with NW Pinot Noir Drive and NW Pinehurst Drive;
- 4) “B” Street from its intersections with NW Pinot Noir Drive and NW Pinehurst Drive;
- 5) NW Pinehurst Drive from its intersection with the east end of “C” Street to its intersection with the west end of “C” Street.

There are no connecting blocks that exceed 1,600 feet in perimeter length. Therefore this requirement is met.

**FINDING: SATISFIED WITH CONDITION 7.** Staff concurs with the applicant’s findings with regard to the topographical and geographical limitations found on the site. Staff further finds that an exception to the standard maximum block length is warranted due to the topographical, geographical, and physical limitations of the site. The site is bounded to the north and east by McMinnville city limits, and steep slopes define the perimeter of the northern parcel of the subject site. As such, there is no opportunity a connecting street to penetrate any block created along the perimeter of the northern parcel (NW Pinehurst Drive from its southwestern terminus to “A” Court). Additionally, the southeastern portion of the subject site is also bounded by city limits. Buildable land in the southeastern portion of the site is limited to area defined to the north and east by delineated wetlands, and to the south and west by steep slopes and previously built residential development. Development of a street network in the planned development that would provide connectivity and access to adjacent lots would necessarily create a long block (NW Pinehurst Drive from “A” Court to its southeastern terminus) without opportunity for a connecting street to penetrate said block. Other block lengths identified as exceeding the standard are in response to the geographical and physical limitations of the site. Therefore, a condition of approval allowing a maximum block length of approximately 2,305 feet (the maximum length of the block from NW Pinehurst Drive from its southwestern terminus to “A” Court, around the northern peninsula of the site).

3. Easements.
  3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)

**APPLICANT’S RESPONSE:** As shown on the proposed tentative plans, a 10-foot wide pedestrian access path is proposed to be provided connecting NW Pinot Noir Drive to NW Pinehurst Drive through the approximately 0.85 acre active private neighborhood park. An additional 10-foot wide public pedestrian path is proposed to be provided along the length of the approximately 5.6-acre public greenway which will encircle the subject site and lead to the site’s southwestern most point west of Lot 56. The pathway to be located within this greenway area is proposed to be improved with a bark chip trail as recommended by the McMinnville Parks Department as previously described. Three pedestrian access pathways are also proposed to be provided to access this open-space greenway and are to be located between Lots 42 and 43, between Lots 75 and 76, and along the south side of Lot 56 (which will be temporary in nature until such time that the public pathway, previously described, in the forthcoming Stafford Land development adjacent to the west is completed). There are no other public amenities (schools, etc.) for Premier Development to serve with a pedestrian way adjacent to this development. Therefore, this criterion is met.

**FINDING: SATISFIED WITH CONDITIONS 7, 8.** The site exhibits limiting geographical, topographical, and physical characteristics that warrant block lengths in excess of the recommended standard. Because unusually long blocks would be allowed, particularly along the northern perimeter of the site adjacent to a public open space, and between the previously built Oak Ridge residential development and the wetland open space tract, it is desirable for public convenience, safety, and travel, for the developer to provide pedestrian ways not less than 10 feet in width to pass through the unusually long blocks described above. The active private neighborhood park is proposed to have a pedestrian path that connects Pinot Noir Drive to Pinehurst Drive through the unusually long block. Other opportunities to lessen the block length do not exist to the southeast due to the full development of the Oak Ridge subdivisions. Therefore, a condition of approval requiring this through-block connectivity through the Private Active Neighborhood Park has been included. Additionally, a condition of approval requiring pedestrian ways provided at a maximum spacing of approximately 800 feet would provide multiple points of through-block connectivity from Pinehurst Drive to the proposed public greenway trail system. This is desirable for public convenience, safety, and travel to connect to the proposed greenway recreation area, a major feature of the planned development area.

**17.74.070. Planned Development Amendment – Review Criteria.** 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, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

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

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

**APPLICANT’S RESPONSE:** While much of this information was previously described and discussed in the Findings provided above, it is important to also discuss here in order to help satisfy this criterion for approval of a Planned Development Amendment request. The last approved subdivision design that existed to implement Ordinance 4822 showed that the intersection of NW Pinot Noir Drive and NW Pinehurst Drive (which was needed to enable the construction of the southerly portion of Pinehurst Drive and “A” Court (Exhibit 4) as part of the

fourth phase of the Oak Ridge subdivision) was last approved by the City Council as being located within the Oak Ridge Meadows tentative subdivision plan and within the Oak Ridge Meadows Planned Development boundary (ZC 12-04/S 14-04). Following this approval, Premier Development filed an appeal with the Oregon Land Use Board of Appeals (LUBA) on the decision. At issue was Condition of Approval number five (5) of Ordinance 4822 related to a limitation on the number of lots allowed within the Oak Ridge Meadows subdivision until such time that NW Pinehurst Drive was extended southward to connect to Baker Creek Road. LUBA remanded the decision back to the City Council. The Council held a public hearing as directed by the remand and concluded to adopt additional findings in support of their April decision to adopt Ordinance 4822. This action was then memorialized by the adoption of such additional findings as referenced in Ordinance 4845 (Exhibit 5) which the Council approved on March 14, 2006. The Council's approval of the S 14-04 tentative subdivision plan, including the locating of this intersection within the Oak Ridge Meadows Planned Development site, remained unchanged through the subsequent Land Use Board of Appeals (LUBA) remand (LUBA 2005-065) of the City's approval of ZC 12-04/ S 14-04.

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

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

While Premier Development is requesting specific modifications to the existing Oak Ridge Meadows Planned Development ordinance (Ordinance 4822) conditions of approval, it is instructive and relevant to note the change in total number of lots within the combined Oak Ridge and Oak Ridge Meadows Planned Development sites. Oak Ridge was originally approved to allow the platting of a maximum of 107 lots in three phases. Through subdivision amendments to that plan, including subdivision phasing, that were approved by the McMinnville Planning Director a total of 82 lots were ultimately platted in three phases leaving an additional new fourth unplatted phase with the theoretical opportunity to realize the platting of up to the remaining maximum of 25 additional lots. Subsequently, the Oak Ridge Meadows Planned Development was approved supporting a two-phased subdivision proposing the platting of a maximum of 99 lots. Together, these two Planned Developments, if fully realized, would have resulted in the platting of 206 total lots. The current proposal is for approval of a Planned Development supporting a tentative subdivision plan for the platting of 108 lots. Adding the 82 currently platted lots to the 108 proposed lots yields a new combined total of 190 residential lots which is 16 lots less than the 206 lots which were once envisioned and conceptually approved for this area. When reviewing the original approved Oak Ridge Meadows subdivision plan and comparing it to the current proposal it is clear that the overall reduction of lots that were once envisioned and tentatively approved has in large part been the result of a number of factors. In particular, shifting of NW Pinehurst Drive a bit westward to attain additional tree retention, the currently proposed creation of a 0.85-acre active private neighborhood park within Phase 1 of the subdivision, the proposed dedication of 5.6-acres of public greenspace around the site perimeter; this larger proposed public open space dedication has resulted in the loss of the

“double-row” of lots that were once to be located along the western-most edge of the subdivision and to be accessed by a series of private easements.

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

Part of Premier Development’s vision and proposal for this site is achieved by the “trade-offs” attainable through the Planned Development and Planned Development Amendment processes. Primary to the enabling of the proposed development plan is the ability to receive approval of available flexibility in the City’s standards regarding lots with side lot lines that do not all run perpendicularly to the right-of-way and also regarding instances where the lot depth to width ratio exceeds the desired 2:1 ratio of 17.53.105. In addition to setback adjustments noted above, Premier Development requests these allowances due to the unique shape, topography and other previously noted challenges of the site in addition to their desire to design a residential subdivision proposal that provides a wide range of residential lot sizes to enhance residential market choice and also provides significant recreation amenities (both passive and active) to the neighborhood and the broader community. Further responses to be incorporated here as part of this Finding are found in Finding of Fact 5 relative to Policies 72.00-78.00.

**FINDING: SATISFIED.** As stated in the McMinnville Zoning Ordinance, 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.

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 the many of the additional benefits possible through Planned Development outside of that process. Each of the applicant’s requested amendments to Ordinance 4822 is directly related to a stated purpose of a planned development, and demonstrate special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standards established in Ordinance 4822 and the underlying R-2 zone.

The addition of 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 the property would be established as a private neighborhood park.

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 types of housing products and price points to be made available.

The request to modify setbacks would support the flexibility and variety in the development provided by varied lot sizes, and allow greater flexibility to preserve significant trees. A provision would allow for the adjustment of setbacks on a lot by lot basis to preserve significant trees.

A request to allow side lot lines at non-90 degree angles would allow flexibility to employ a creative development approach in response to unique geographic features of the subject site.

A request to allow lots with larger than standard depth to width ratio would allow preservation of natural features (significant trees and slopes) by allowing larger lots in ecologically sensitive areas with buildable area away from sensitive natural features.

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.

Establishment of a private park in the development would encourage mixed use in the planned area and create a private common open space.

Dedication of a public greenway park would encourage mixed use in the planned area and create a public common open space.

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

**APPLICANT'S RESPONSE:** When the Planning Commission received an application from Premier Development in October of 1999 (CPA 10-99/ZC 19-99/S 6-99), a thorough review of applicable Comprehensive Plan policies followed in order for the Planning Commission to reach a recommendation for approval to the City Council of these comprehensive plan and zone change amendment requests. The City Council's approval of those requests was memorialized through their adoption of Ordinance 4722 in February 2000. The development resulting from these approved requests now exists as three platted and fully developed residential subdivisions; Oak Ridge, Oak Ridge First Addition and Oak Ridge Second Addition. The currently requested removal of the subject 11.47 undeveloped acres from the boundary of this approved Planned Development (ZC 19-99) will not cause any inconsistency between those existing subdivisions and the conditions of approval of Ordinance 4722 or the Comprehensive Plan objectives for this area. Additionally, there is found no Comprehensive Plan Policy inconsistency by including the subject acreage within the boundary of the adjacent Planned Development (Ordinance 4822). Removal of the subject 11.47 acres from the Oak Ridge Planned Development area does not place any of the three existing phases of the Oak Ridge development in conflict with any of the requirements of Ordinance 4722 or other such development related permits subsequently approved.

Further responses to this criterion relative to the proposal's compliance with the Comprehensive Plan objectives for the area, and to be incorporated here as part of this Finding, are as articulated in Section V - Conclusionary Findings for Approval, Finding 5, above.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings. With conditions, the proposed Planned Development Amendment would not be inconsistent with the applicable goals and policies of the Comprehensive Plan, as described in more detail above in the specific findings for each Comprehensive Plan goal and policy.

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



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

As noted above in these Findings, the proposed street pattern provides a safe, interconnected and efficient network of residential accessibility to serve the proposed and adjacent existing residential neighborhoods. The one cul-de-sac street in this plan is proposed in response to the noted existence of an adjacent wetland and the unique shape this portion of the site where provision of a through-street is not possible. There are no arterial or collector streets within or adjacent to this development site. The proposed street system is designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the McMinnville TSP and is augmented for pedestrians through the provision of additional walking paths within and surrounding the proposed development. Vehicular access to the adjacent street system promotes safe street connectivity to the surrounding transportation network.

A Transportation Impact Study for this Oak Ridge Meadows proposal has been completed by the transportation planning and transportation engineering firm DKS and is attached to this proposal (Exhibit 28). In sum, this Study concludes that an evaluation of the livability of neighborhood streets, as defined by the volume of traffic the streets were designed to handle (1,200 vehicles per day), confirmed that the Oak Ridge Meadows development is not expected to have an adverse impact on the existing neighborhood streets inclusive of the intersections of Baker Creek Road and NW Pinot Noir Drive, NW Oak Ridge Drive and NW Merlot Drive. Further, that both the Interim Build and Full Build of Oak Ridge Meadows, as proposed, will continue to operate well under-capacity and will meet City of McMinnville safe operating standards. Please refer to Exhibit 28 for additional detail.

The need for a temporary emergency-only access to support this proposal was addressed above relative to Policy 132.32.00 and Policy 155.00. This temporary emergency only access roadway will also aid in reducing emergency vehicle response times as it can provide a more direct route to some portions of Phase I until such time that it is replaced with a dedicated fully improved local public street across adjacent land. Additionally, travel speeds within this site are based on an adopted street classification scheme identified in the adopted McMinnville TSP. All streets in the proposed development are designed as local streets and, as such, are limited to a legal vehicular travel speed of 25 miles per hour as are the local streets in the adjacent residential neighborhoods. This residential vehicle speed limitation and the adopted local street design standards have been successful in McMinnville in mitigating neighborhood issues related to noise, pedestrian and bicycle movement, and aesthetics as evidenced in the adjacent residential neighborhoods; the closest being the adjacent multi-phased Oak Ridge neighborhood.

Further responses relative to the specific street design standards are found in Section V - Conclusionary Findings for Approval, Findings of Fact 6, above.

**FINDING: SATISFIED WITH CONDITION 13.** The proposed development is designed within the existing street network surrounding the subject site. Currently that network, consists only of NW Pinot Noir Drive. The Planned Development Amendment request would allow the northerly extension of Pinot Noir Drive as planned. With the development of the first phase of the proposed Oak Ridge Meadows subdivision, NW Pinehurst Drive would be extended to the easternmost property line of parcel R441701300 so as to provide future access and provision of services to the adjacent parcel. That adjacent parcel is currently not in the McMinnville city limits, but should the time come for that parcel to be annexed and developed, the proposed development would be in place to provide access and services. Development of the street network in the second phase of the proposed subdivision, namely the continuation of Pinehurst Drive to the southern property line of parcel R440700602, would provide access and services to adjacent undeveloped parcels to the south and west.

A Traffic Impact Analysis (TIA) for the proposed development indicates the addition of 108 proposed single-family lots in a subdivision with initially only one improved street access would push the volume of traffic on the immediately adjacent local residential street (NW Pinot Noir Drive, northwest of Oak Ridge Drive) to its maximum threshold it was designed to carry. Livability of a street is generally determined by factors such as vehicle speeds and volumes relating to pedestrian safety, bicycle safety, and vehicle movements along a neighborhood street. McMinnville has not adopted a livability standard measure, but has adopted a design capacity of 1,200 vehicles per day (vpd) on local neighborhood streets. The TIA shows that until a second, permanent improved street connection provides access to the proposed subdivision, the traffic generated by 108 single-family dwelling units would increase the vpd on the northwest portion of NW Pinot Noir Drive to its 1,200 vehicle limit. The TIA uses 108 single-family dwelling units (one dwelling unit per lot) as a basis for its average daily trip generation. However, two-family dwellings and accessory dwelling units are also permitted uses in the underlying R-2 zone. Should a lot be developed with a two-family dwelling or an ADU, the increased daily trips from that additional dwelling units would push the volume of traffic carried by NW Pinot Noir Drive over its design limit of 1,200 vpd. Therefore, a condition of approval is included to limit development of the proposed subdivision to 108 dwelling units, in any combination of single-family dwellings, two-family dwellings, or accessory dwellings, until such time that a second permanent improved street connection provides access to the proposed subdivision.

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

**APPLICANT'S RESPONSE:** Premier Development intends to begin work on the proposed Oak Ridge Meadows residential subdivision as soon as permitting is issued and reasonable weather allows, and plans to continue work through platting as an estimated five-year plan; targeted platting of Phase 1 is approximately two years and the targeted platting of Phase 2 would occur in approximately three subsequent years for a total of an estimated five years afforded to achieve the platting of both phases. This criterion is satisfied.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings, and considers the proposed development pacing and schedule to be reasonable.

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

**APPLICANT'S RESPONSE:** Premier Development plans to continue the local street network through the proposed Oak Ridge Meadows Planned Development area as a natural and logical extension of that developed to serve the three existing phases of the adjacent Oak Ridge Planned Development area. This proposed street design is very similar to the street design of the previous subdivision approvals supported by the adoptions of Ordinances 4722 and 4822. In this current application, all proposed streets will be public and will be developed to public

standards. It is also pertinent to note that during the time that the existing phases of the adjacent Oak Ridge development were constructed and platted, public local street design required a 26-foot wide paved section. This standard has since been modified by Council action to require a 28-foot wide paved section for local public residential streets which is the standard that Premier Development proposes for all such streets within this two-phase residential subdivision.

Regarding anticipated traffic, the McMinnville City Council adopted the City of McMinnville Transportation System Plan (TSP) in 2010. As part of the TSPs modeling analysis, the site of this application was assumed to build out to the residential density of its underlying R-2 zone. The TSP notes no traffic volume capacity issues or unsafe road or intersection conditions resulting from that assumption and modeling. As Ordinance 4822 limits the average minimum lot size in the original Oak Ridge Meadows site to no less than 7,500 square feet, and Premier Development proposes to comply with this requirement (Ordinance 4822, Condition of Approval 2) for the requested expanded Oak Ridge Meadows Planned Development area, the resulting density, and associated vehicle trip generation, is less than was anticipated and modeled in the McMinnville TSP adopted by the City Council. Additionally, as the tentative subdivision plan described above proposes 16 lots less than was once envisioned and conceptually approved for this area, the currently proposed single-family residential development plan will also generate fewer vehicle trips than anticipated by the earlier approvals.

As addressed in the Findings for Circulation Policies in Finding of Fact 5 above, a Transportation Impact Study for this Oak Ridge Meadows proposal has been completed by the transportation planning and transportation engineering firm DKS and is attached to this proposal (Exhibit 28). In sum, this Study concludes that the proposed development is anticipated to result in the following impacts:

- The development will consist of 108-unit single family homes. The ultimate buildout of the site includes a connection to NW Baker Creek Road via an extension of NW Shadden Drive. In the interim, the development will be accessed via NW Pinot Noir Drive, NW Oak Ridge Drive, and Merlot Drive.
- The development is expected to generate 80 (20 in, 60 out) AM peak hour trips, 107 (67 in, 40 out) PM peak hour trips, and 1,020 daily trips.
- Intersection operations during the Interim Build and Full Build of Oak Ridge Meadows will continue to operate well under-capacity and will meet City of McMinnville operating standards. The addition of Oak Ridge Meadows traffic will not have a significant impact on the operations or delay experienced at the intersections of NW Baker Creek Road/NW Oak Ridge Drive and NW Baker Creek Road/Merlot Drive.
- An evaluation of the livability of neighborhood streets, as defined by the volume of traffic the streets were designed to handle (1,200 vpd), confirmed that the Oak Ridge Meadows development is not expected to have an adverse impact on the existing neighborhood streets.

Please refer to the Oak Ridge Meadows Transportation Impact Study (Exhibit 28) for additional detail.

The following component of this Finding is found at the Fining provided at 132.32.00 and is also relevant here. As there is only one public street connection currently in place to serve the two-phased Oak Ridge Meadows subdivision, a temporary emergency-only access will be required in order to exceed the 30 unsprinkled home limitation described above. This emergency access, which will be placed in an easement, will be graded and finished with compacted rock to applicable standards and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road, across land currently owned by Stafford Land Company, to the southern edge of the Oak Ridge Meadows site at a point between proposed Lots 55 and 56 (Exhibit 26). [It is possible that this temporary emergency-only access may be shorter in length under a

potential scenario described by Gordon Root of Stafford Land Company in an email where Stafford Land Company agrees to the granting of this temporary easement (Exhibit 27).] This temporary emergency-only accessway would then proceed northward on Premier Development's site along the proposed Phase 2 alignment of NW Pinehurst Drive to its intersection with "A" Street and then proceed generally eastward along the proposed "A" Street alignment to an alignment even with the proposed western edge of Lot 25 which is to be the westernmost lot along "A" Street in Phase I of the Oak Ridge Meadows subdivision. Fire Department approved gates would be located at both ends of this compacted gravel emergency-only accessway as directed by the McMinnville Fire Department. The McMinnville Fire Department has stated that, if such gates needed to be locked, they would be so with Fire Department approved locks. At such time that this adjacent land is to develop, this easement would then be revoked and public right-of-way be dedicated and improved to City standards providing a permanent second public street connection to the Oak Ridge Meadows development. This criterion is satisfied.

**FINDING: SATISFIED WITH CONDITION 14.** The density of the proposed development is within the density standards for the underlying R-2 zone. McMinnville's Transportation System Plan (TSP) is based on the full build-out of the zone at maximum density. The proposed planned development amendment would not increase the density beyond that which has been incorporated into the TSP, and will not overload the streets in the planned area. However, the Traffic Impact Analysis (TIA) submitted by the applicant shows the addition of 108 proposed single-family lots in a subdivision with only one improved street access would push the volume of traffic on the immediately adjacent local residential street (NW Pinot Noir Drive, northwest of Oak Ridge Drive) to its maximum threshold it was designed to carry. McMinnville has adopted a design capacity of 1,200 vehicles per day (vpd) on local neighborhood streets. The TIA shows that until a second, permanent improved street connection provides access to the proposed subdivision, the traffic generated by 108 single-family dwelling units would increase the vpd on the northwest portion of NW Pinot Noir Drive to its 1,200 vehicle limit. The TIA uses 108 single-family dwelling units (one dwelling unit per lot) as a basis for its average daily trip generation. However, two-family dwellings and accessory dwelling units are also permitted uses in the underlying R-2 zone. Should a lot be developed with a two-family dwelling or an ADU, the increased daily trips from that additional dwelling units would push the volume of traffic carried by NW Pinot Noir Drive over its design limit of 1,200 vpd. Therefore, a condition of approval is included to limit development of the proposed subdivision to 108 dwelling units, in any combination of single-family dwellings, two-family dwellings, or accessory dwellings, until such time that a second permanent improved street connection provides access to the proposed subdivision.

**17.74.070(F).** *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

**APPLICANT'S RESPONSE:** Responses to the criteria relative to the proposed utility and drainage facilities to serve this proposed development, and relevant associated modifications to Ordinance 4822, are found under the Section V - Conclusionary Findings for Approval, Finding 6, above. This criterion is satisfied.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings. Adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site.

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

**APPLICANT’S RESPONSE:** The effects on noise, air and water pollutants anticipated to be caused by this development have already been addressed through the prior review of more impactful development proposals (e.g., a greater number of proposed residential lots) for this site and the Council’s related supportive approval of Ordinances 4722 and 4822. This current proposal impacts the site and adjacent neighborhoods to a lesser degree than the combined effect of the earlier subdivision approvals due to the current proposal to plat 16 fewer single-family residential lots than was originally proposed and approved for the Oak Ridge and Oak Ridge Meadows sites. The anticipated pollutant impact of this current plan is also lessened by Premier Development’s proposal to provide both an approximately 0.85-acre active private neighborhood park and dedicate approximately 5.6-acres of open space to the public for use as preserved greenway along the south side of Baker Creek. Additionally, the majority of the existing wetlands on the site will be preserved and these wetlands and their supported wildlife can be viewed and enjoyed for extended lengths of time by residents’ use of the benches proposed to be installed by Premier Development along the lower, eastern portion NW Pinehurst Drive as previously described. Further discussion of noise, air, and water pollutants potentially caused by the proposed development is found in findings presented above. This criterion is satisfied.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings, though staff notes that previous wetland mitigation for construction associated with the previously approved Oak Ridge residential development was identified by the Department of State Lands as having failed. Among other functions, wetlands protect and improve water quality by reducing water pollutants, be they from adjacent development or from upstream. Though it is not anticipated the development of the site would cause noise, air, or water pollutants sufficient to have an adverse effect on the surrounding areas or city as a whole, encroachment into and loss of adjacent wetlands would detract from the water quality function of the wetland.

JF