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MEMORANDUM

DATE: April 17, 2019
TO: City of McMinnville - Planning Department, City Attorney
FROM: Ron Pomeroy
SUBJECT: Errata RE: PDA 3-18, PDA 4-18 and S 3-18 Staff Report and Decision Documents

Errata

Premier Development's team has reviewed the Staff Report and Decision Documents and wanted to express our appreciation for staff's great job with a tough and lengthy application. In the spirit of helpfulness, below are a few points we thought worth clarifying.

Generally

- In several places there are statements that Oak Ridge and Oak Ridge Meadows subdivisions have expired. See page 13 general overview; page 7, 16 and 19 of PDA 3-18.

We think it makes sense to clarify that Oak Ridge, Oak Ridge 1st Addition and Oak Ridge 2nd Addition subdivisions were platted and fully developed; that their tentative plan approvals morphed into final plat approvals and so are not expired; and only the tentative plans for Oak Ridge Meadows and the 11.47 acres have expired.

PDA 3-18

- Page 8 of PDA 3-18 (page 33 of the PC packet) Condition 1:

"All other standards and conditions of approval adopted by Ordinance 4722 remain in effect."

We think it makes sense to clarify that this condition is not intended to apply to bind the 11.47 acres, with an adjustment as follows: (new text is identified in underline font):

"All other standards and conditions of approval adopted by Ordinance 4722 remain in effect exclusive of the 11.47 acres that are the subject of this Planned Development Amendment application (the unplatted fourth phase of Oak Ridge).

PDA 4-18

- In Condition 3 (page 10 of PDA 4-18 - page 56 of the PC packet), as well as several places the staff report, approval is recommended for an “average lot size of approximately 7,700 square feet.”

Clarification would be appreciated that the applicant’s proposed average lot size of 7,771 square feet meets the “approximately” 7,700 sq. ft. average.

- Page 11 of PDA 4-18 (page 56 of the PC packet) Condition 4:

“The Planning Director is authorized to permit reduction *or increases* to these setback standards as may be necessary to provide for the retention of trees [..].” (Emphasis added.)

We believe that the words “*or increases*” are unintended and should be removed from the condition. We do not understand that increased setbacks require approval of the director; rather only that proposed decreases from approved setbacks would require approval.

- Page 56 of PDA 4-18 (page 102 on the PC packet) - Staff’s Findings state:

“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.”

We were hoping for clarification that the site’s *shape and topography* are drivers for increases to the standard depth to width ratio:

“A request to allow lots with larger than standard depth to width ratio due to site shape and topography 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.”

- The proposed maximum block length is 2,306.5 feet. See Applicant’s memo dated April 9, 2019. Condition of approval 7 of PDA 4-18 notes a maximum block length of “approximately 2,305 feet.” We were hoping for clarification that a maximum block length of 2,306.5 feet would comply with this condition.

- On page 11 of PDA 4-18 (page 57 of the PC packet), Condition 10 states:

“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.”

- Similarly, 8 of S 3-18 (page 115 of the PC packet) Condition 3 states, in part:

“Improvements in the wetland viewing areas in Tract 1 shall include, at a minimum, appropriate seating and trash/recycling collection.”

We think the reference to viewing benches being located in Tract 1, is mistaken. Neither proposed wetland viewing benches are proposed to be located within Tract 1 and it is not clear that we could obtain permission from DSL to put them in Tract 1. Rather, the viewing benches are proposed to be located outside the Tract 1 wetlands and within the adjacent right-of-way. We recognize that the difference in line types and the shading provided on Exhibits 6, 9 and 11, may make it unclear where

Tract 1 is located. Included with this memo is an amended Exhibit 6 graphic to more clearly differentiate the location of Tract 1.

We suggest that Condition 10 of PDA 4-18, be amended as follows (underlined is new):

“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~~ outside the common open space Tract 1.”

Similarly, we suggest that the portion of Condition 3 of S 3-18, be amended to read:

“Improvements in the wetland viewing areas in ~~Tract 1~~ the right-of-way and the fire truck turnaround shall include, at a minimum, appropriate seating and trash/recycling collection.”

- On page 12 of PDA 4-18 (page 58 of the PC packet), Condition 13 states, in part:

“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.” (Emphasis added).

Trees with trunks that are *partially* within the planned area ((i.e.) the proposed subdivision) and greater than nine inches DBH, but that are not wholly located in the subdivision are not, and cannot be, controlled by the applicant. Certainly, the applicant will not remove such trees without city approval, but the applicant cannot control what adjoining property owners do. We are hoping that this condition could be amended to read, in part, something like the following:

“That existing trees with trunks ~~wholly or partially~~ within the planned area and greater than nine (9) inches DBH (Diameter at Breast Height) shall not be removed by the applicant without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance.”

- On page 12 of PDA 4-18 (page 58 of the PC packet), Condition 14 says that when the adjoining property develops, that the temporary access easement 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.

Because the applicant here cannot control either the city approach to the adjacent property's development, or the adjacent property owner's actual development of this adjacent parcel, we were hoping that this condition could be modified to read something like the below:

“That a temporary emergency-only access be provided to serve the subject 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.~~ At such time that the adjacent land is developed, the city intends to require the owner/developer of the adjacent land to dedicate sufficient public right-of-way and to establish a public city street on his/its property that provides an adequate vehicular connection to and between the southwesterly temporary terminus of NW Pinehurst Drive on the subject property and NW Baker Creek Road that adjoins such adjacent property. When such

street is constructed by the adjacent property owner/developer and dedicated to the city as a public street, then the City shall require the developer of this adjacent property to dissolve this easement in favor of the subject property having unrestricted rights to access and use such public street connection on, to and through the adjacent property.”

- On page 12 of PDA 4-18 (page 58 of the PC packet) Condition 16 states:

“That lots with less than 40 feet of street frontage shall be alley loaded.”

As no lots within this proposal provide less than 40-feet of street frontage and no alleys are proposed as part of this development application, it seems that Condition 16 is out of place and should be removed from the list of recommended conditions for PDA 4-18.

S 3-18

- In the context of discussing street trees, on page 8 of S 3-18 (page 115 of the PC packet) Condition 2-C states:

“It shall be the applicant's responsibility to *relocate trees as may be necessary to accommodate individual building plans*. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting.” (Emphasis added.)

It seems likely that this condition is unintended. The application and recommended staff decision includes a methodology for tree preservation and removal. Relocating trees is not a part of that methodology and this condition introduces confusion into that methodology. Some of the trees that may have to be removed are so large that relocation would be impossible, in any event. We suggest that this recommended condition be revised, as follows:

~~“It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting.”~~

- On page 8 of S 3-18 (page 115 of the PC packet) Condition 3 states in part:

“That a landscape plan, including landscaping and improvements in common area tracts, shall be submitted to the Landscape Review Committee”

Sometimes, HOAs can have such committees and of course the city has such a committee. This recommended condition is designed to refer to the city’s committee. As such we suggest for additional clarity that this portion of Condition 3 be amended to read:

“That a landscape plan, including landscaping and improvements in common area tracts, shall be submitted to the McMinnville Landscape Review Committee”

- On page 9 of S 3-18 (page 116 of the PC packet) Condition 6 states that the two phase plan is valid “five years from the date of this approval.” To clarify, the plan should be valid for five years from the date this decision becomes final without appeal.

Under the current wording of this condition, it is possible that S 3-18 could actually expire prior to the applicant's ability to record a final plat because of appeals, including appeals of PDA 4-18 or 3-18. To deal with this, we suggest the following change to the wording of this condition:

"Both Phase 1 and Phase 2 shall be recorded for final plat within five (5) years (two years for Phase 1 and a subsequent 3-years for Phase 2) from the date this approval decision is final without appeal and the decisions of PDA 3-18 and PDA 4-18 are final without appeal. of this approval.—The developer shall be 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 the Planning Director 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."

- Additionally, for added clarity, amendments to subsection (a) and (b) are also proposed here as follows.

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

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

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

~~This two phase plan shall be valid for a period of five years from the date of this approval.~~

- Opponents have made clear that they are free to park cars on NW Pinot Noir Drive at Blake Street and prevent vehicles from entering the proposed subdivision. Due to the potential public safety issue this presents and the width of the existing paved section of a portion of NW Pinot Noir Drive in Oak Ridge Second Addition, we suggest the following modification to page 10 of S 3-18 (page 117 of the PC packet) Condition 21:

"That all streets within the proposed subdivision shall be improved with a 28-foot-wide paved section, curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. From the current northerly terminus of NW Pinot Noir Drive south to where NW Pinot Noir Drive meets at the cross section of NW Blake Street, the City shall place "no parking" signs on one or both sides of NW Pinot Noir Drive."

- There seems to be a disconnect amongst the timing provisions of the recommended decision. On pages 11 and 12 of S 3-18 (pages 118 and 119 of the PC packet) Conditions 31 and 32 speak to the issue of the platting of the tentative subdivision approval. Specifically, Condition 31, states in part:

"That the Tentative Subdivision Plan, Phase One shall expire one (1) year from the date of this approval."

This seems contrary to the two-year platting timeline provided in 9 of S 3-18 above. For clarity, we suggest the following amendment to this portion of Condition 31:

“That the Tentative Subdivision Plan, Phase One shall expire ~~one (1) year~~ two (2) years from the date of this approval decision is final without appeal and the decisions of PDA 3-18 and PDA 4-18 are final without appeal. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.”

- We foresee problems with the type of pedestrian pathways proposed to be required. Specifically, Condition 36 on page 12 of S 3-18 (page 119 of the PC packet) and Condition 9 on page 11 of PDA 4-14 (page 57 of the PC packet) require “Public pedestrian/bicycle access paths shall be 20-feet in width, with a 10 foot wide concrete or asphalt path built to city specifications * * *”

This seems inconsistent with the authorization of bark chip pathways in these same conditions. We were hoping for clarification of the type and size of pathways to be required. We do not prefer asphalt or concrete pathways for a number of reasons, especially of the size suggested. One reason is that the topography of the property is very steep and it is simply not safe to have these types of surfaces which gather moss and otherwise become slippery in rainy or icy conditions. Moreover, the steepness of the grades throughout the area of the pathways makes such surfaces extremely dangerous for use by people in wheelchairs, persons on crutches, persons who are unstable or inexperienced bike riders. An additional consideration is that such pathways require a great deal more maintenance than bark chip pathways. In deference to the above as well as the request of the Parks and Recreation Department to consider their limited budget, it seems preferable that low-maintenance and relatively safe bark chip pathways are best. Accordingly, we request that these conditions remove the requirements for concrete or asphalt pathways but rather require pathways as the applicant has proposed them— 5-foot wide bark chip paths.

Thank you for your consideration.

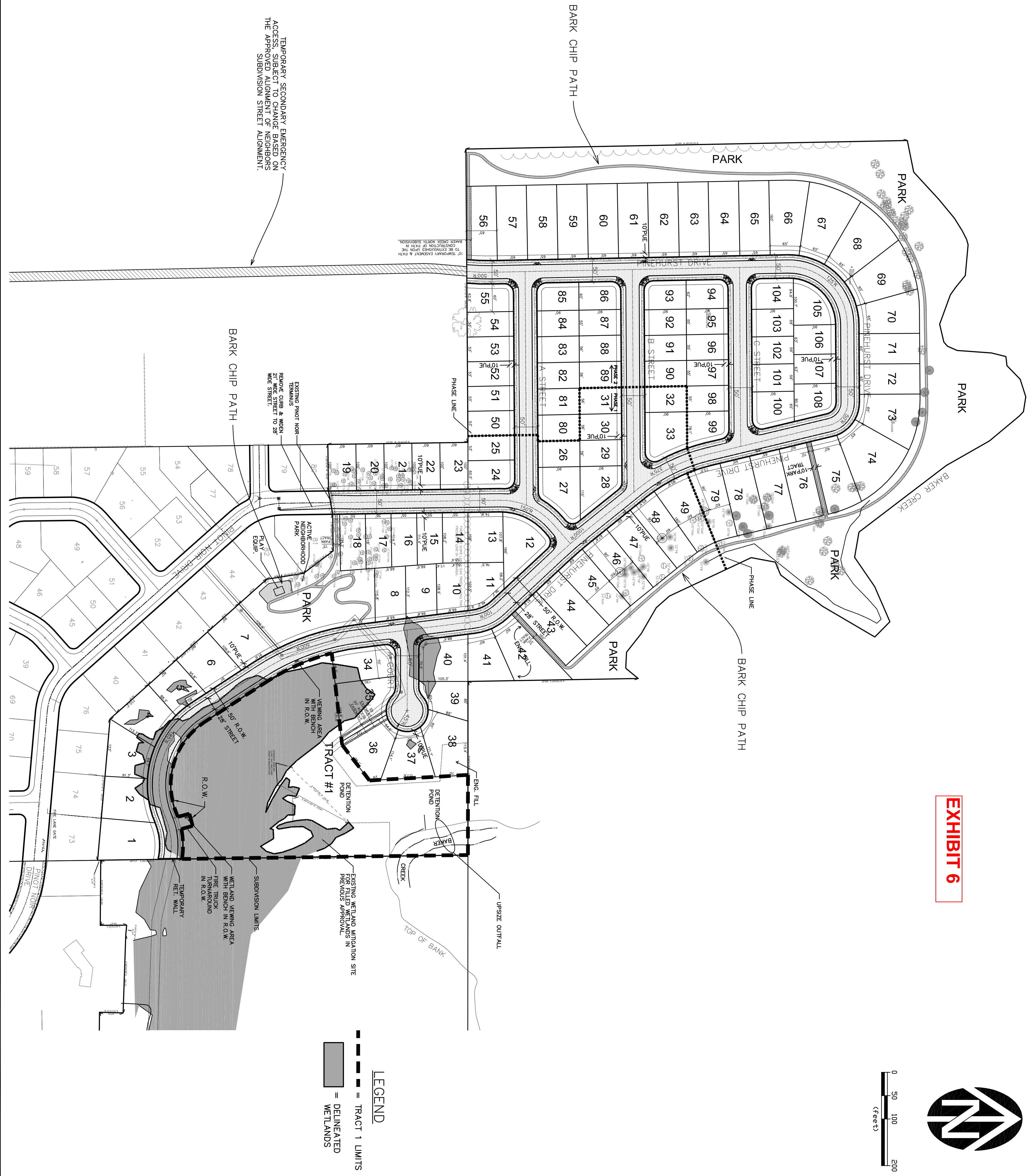
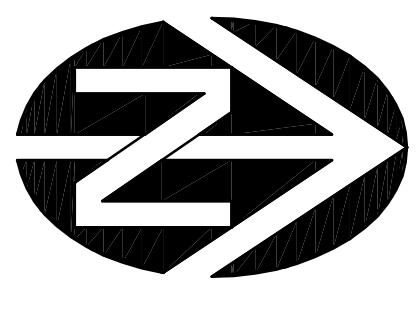


EXHIBIT 6



DRAWING C4.0 JOB NUMBER 2335.4000.0	PREMIER DEVELOPMENT OAK RIDGE MEADOWS SUBDIVISION OVERALL SUBDIVISION LAYOUT	WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS 3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westech@westech-eng.com	REVIEW REVIEW	VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING 0 1" IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	NO. DATE DESCRIPTION REVISIONS BY
				DSN. JW DRN. TN CKD. JW DATE: APR. 2018	1 NO. DATE DESCRIPTION REVISIONS BY