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July 29, 2019

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

RE: Tentative Subdivision (S 3-18)

Dear Ms. Zumwalt:

This is to advise you that, at a meeting of the McMinnville City Council on Tuesday, July 23, 2019, your application for a Tentative Subdivision (S 3-18) was presented and considered. The subject site is located generally north of Baker Creek Road and NW Pinot Noir Drive, south of Baker Creek and is more specifically described as Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R. 4 W., W.M.

Based on the material submitted, testimony received, and the review criteria in Chapter 17.53 of the McMinnville Municipal Code, the City Council voted to **APPROVE** your Tentative Subdivision request (S 3-18). Enclosed for your records is a copy of Ordinance No. 5070, which was adopted by the City Council on July 23, 2019, and includes your land use decisions with the Findings of Fact and Conclusionary Findings for approval.

The Tentative Subdivision request included conditions of approval, which are included in Ordinance 5070 and your land use decision. We have also outlined those conditions of approval below.

Tentative Subdivision (S 3-18) conditions of approval:

1. That the decision for approval of Oak Ridge Meadows Tentative Subdivision (S 3-18) is not rendered, and does not take effect, until and unless the Planned Development Amendment requests (PDA 3-18 and PDA 4-18) are approved by the City Council.
2. That the applicant plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the subdivisions as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be

given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

- A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
 - B. Each year the applicant shall install street trees, from October 1 to April 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees.
 - C. It shall be the applicant's responsibility to relocate street 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.
3. That a landscape plan, including landscaping and improvements in common area tracts, shall be submitted to the McMinnville Landscape Review Committee for their review and approval. Improvements in the Private Active Neighborhood Park shall include, at a minimum, commercial grade play equipment featuring at least ten different play elements for ages 2-12 and appropriate seating and trash/recycling collection. Improvements in the wetland viewing areas in Tract 1 shall include, at a minimum, appropriate seating and trash/recycling collection.
 4. That restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development that are consistent with those in place for existing adjacent single family developments and must meet with the approval of the Planning Director prior to final plat approval.
 5. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. Additionally, the Homeowner's Association shall be assigned maintenance responsibilities of the dedicated public open space greenway until 2032, at which point maintenance responsibilities shall be transferred to the City in perpetuity. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.
 6. That plat phasing is approved as depicted in the applicant's submittal listed as Exhibit 6ALT 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.
- b. Phase 2 – The balance of Oak Ridge Meadows inclusive of the temporary emergency only access.

Both Phase 1 and Phase 2 shall be recorded for final plat within (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. 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.

7. That the applicant shall provide twenty-five percent (25%) of the single family lots (27 of the proposed 108 single family lots) for sale to the general public for a period of six months following recording of the final plat. The applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred eighty (180) days prior to building permit issuance for said lots.
8. That the Private Active Neighborhood Park shall be constructed at the time the fifteenth building permit has been issued for Phase 1. Per Section 17.53.075(D) of the Zoning Ordinance, prior to final plat of Phase 1, the applicant shall enter into a construction agreement with the City for the improvements in the Private Active Neighborhood Park. A bond or other assurance for the greenway improvements shall be filed with the agreement for improvement.
9. That the dedicated greenway trail system and access ways shall be constructed prior to the issuance of building permits for Phase 2 per Section 17.53.075(D) of the McMinnville Municipal Code.
10. That a pedestrian/bicycle way be provided between Lot 56 and Lot 75 such that the distance between pedestrian ways along Pinehurst Drive from its temporary southwest terminus and “A” Court does not exceed 800 feet. This pedestrian/bicycle way shall be constructed per the specifications outlined the conditions of approval for PDA 4-18.
11. That the developer and the Homeowner’s Association shall enter into a Revocable License Agreement with the City to establish and maintain a minimum of two (2) wetland viewing areas in the right-of-way that are accessible, meet city specifications and are maintained by the developer and Homeowner’s Association.
12. That the proposed subdivision be limited to 108 dwelling units until such time that a second permanent improved street connection provides access to the proposed subdivision.

13. The applicant shall remove Lots 34, 35, 41, 42 and 43 as they are depicted on the application site plan Exhibit 6, and replace them elsewhere within the subdivision in substantial conformance with the site plan shown on Exhibit 6ALT. The average lot size within the subdivision is authorized to be approximately 7,302 square feet and the minimum lot size within the subdivision is authorized to be approximately 3,793 square feet.
14. That a detailed storm drainage plan, which incorporates the requirements of the City's Storm Drainage Master Plan must be submitted to, and approved by, the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such must be private rather than public and private maintenance agreements must be approved by the City for them.
15. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
16. That a detailed sanitary sewage collection plan which incorporates the requirements of the City's Collection System Facilities Plan must be submitted to, and approved by, the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
17. That the applicant secures from the Oregon Department of Environmental Quality (DEQ) applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
18. That all fill placed in the areas where building sites are expected shall be engineered and shall meet with the approval of the City Building Division and the City Engineering Department.
19. That 10-foot utility easements shall be provided along both sides of all public rights-of-way for the placement and maintenance of required utilities.
20. That cross sections for the entire street system shall be prepared which show utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade.
21. Said cross sections shall be submitted to the Community Development Director for review and approval prior to submittal of the final plat. If the submitted information so indicates, the Planning Director may require the tentative subdivision plan be revised in order to provide for a more practical configuration of lots, utilities, and streets. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
22. 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. Additionally, the applicant shall widen the existing cross-section of NW Pinot Drive north of Blake Street to 28-feet to be consistent with the local residential street standard.

23. That prior to construction of the proposed subdivision, the applicant shall secure all required state and federal permits, including, if applicable, those related to the federal Endangered Species Act (if applicable), Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
24. That the construction of Pinehurst Drive through the wetland fill area shall be done under the direction of, and per the requirements of a licensed geotechnical engineer.
25. That barricades shall be installed by the applicant at the terminus of all public streets, consistent with City standards. The barricades shall include text stating: "This street is planned for extension in the future to serve proposed development."
26. That the applicant provide information to the City Engineer as to the design capacity of the existing downstream sanitary sewer pump station located in the Crestbrook subdivision, First Addition. If the information and studies provided by the applicant indicate that adequate capacity does not exist to support the proposed development of the Oak Ridge Meadows subdivision, then the applicant shall make improvements to the system as may be necessary and required by the City Engineer. Such improvements shall be at the expense of the applicant and shall be completed prior to release of the final plat.
27. On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns.
28. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
29. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
30. That the required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.
31. That the applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.

32. That the Tentative Subdivision Plan, described as Exhibit 6ALT, Phase One shall expire two (2) years from the date this 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.
33. That the Tentative Subdivision Plan, described as Exhibit 6ALT, Phase Two shall expire five (5) years from the date of this approval. 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.
34. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.
35. 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
36. 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.
 37. Public pedestrian/bicycle access paths ways, from the public right-of-way to the rear lot line of adjacent lots, shall be 20 feet in width, with a 10 foot wide multi-use path built to City specifications to be provided by the City to the developer/property owner with a five foot buffer on each side, and minimum of (1) public pedestrian/bicycle access path to the greenway trail shall be improved to accommodate maintenance vehicles. The temporary pedestrian/bicycle access way adjacent to Lot 56 shall be developed with a path consistent with the greenway trail.

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

The City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and are entitled to notice as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code. If no appeal is filed on or before August 19, 2019, the decision of the City Council will be final.

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

Sincerely,



Jamie Fleckenstein
Associate Planner

JF:sjs
Encl.

c:

Steve and Catherine Olsen, 2650 NW Pinot Noir Drive, McMinnville, OR 97128
Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive, McMinnville, OR 97128
Sandi Colvin, 2718 NW Pinot Noir Drive, McMinnville, OR 97128
Mike Colvin, 2718 NW Pinot Noir Drive, McMinnville, OR 97128
Friends of Baker Creek, 2718 NW Pinot Noir Drive, McMinnville, OR 97128
Tim and Margaret Roberts, 1069 NW Baker Crest Court, McMinnville, OR 97128
Kathryn Jernstedt, Friends of Yamhill County, PO Box 1083, McMinnville, OR 97128
Barbara Boyer, Yamhill Soil & Water Conservation District, 2200 SW 2nd Street, McMinnville, OR 97128
Jan and Randy Hartzell, 1093 NW Baker Crest Court, McMinnville, OR 97128
Louise Dix, Fair Housing Council of Oregon, 1221 SW Yamhill Street #305, Portland, OR 97205
Jennifer Bragar, Housing Land Advocates, 121 SW Morrison Street Suite 1850, Portland, OR 97204
Glen Westlund, email
Carmen Mendenhall, 2410 NW Zinfandel Loop, McMinnville, OR 97128
Gail Norby, 2840 NW Pinot Noir Drive, McMinnville, OR 97128
Scott Wellman, 2756 NW Pinot Noir Drive, McMinnville, OR 97128
Bill Kabeiseman, Bateman Seidel, 888 SW 5th Avenue, Suite 1250, Portland, OR 97204
Valerie Kelly, email
Helen Bitar, 30500 SW Moriah Lane, Sheridan, OR 97378

Rodney and Judy Pedersen, 2664 NW Pinot Noir Drive, McMinnville, OR 97128
Michael and Sherill Roberts, 2812 NW Pinot Noir Drive, McMinnville, OR 97128
Rob Stephenson, 1081 NW Baker Crest Court, McMinnville, OR 97128
Justin Maynard, PBS Engineering, 415 W 6th Street, Vancouver, WA, 98660
Les Toth, 2700 NW Pinehurst Drive, McMinnville, OR 97128
Stephanie Rudolph, 2849 NW Pinot Noir Drive, McMinnville, OR 97128
Melba Smith, 2780 NW Pinot Noir Drive, McMinnville, OR 97128
Terry and Beth Uhrinak, 2731 NW Pinot Noir Drive, McMinnville, OR 97128
Annie Dear Chappell, 1334 NW Zinfandel Court, McMinnville, OR 97128
Erin Stanton & Sarah Hadfield, 2687 NW Pinot Noir Drive, McMinnville, OR 97128
Steve and Sarah Fox, 2687 NW Oak Ridge Drive, McMinnville, OR 97128
Ray and Nina Clevidence, 1493 NW Riesling Way, McMinnville, OR 97128
Rick and Linda Thomas, 2631 NW Merlot Drive, McMinnville, OR 97128
Mark and Sandy Hyder, 2510 NW Zinfandel Loop, McMinnville, OR 97128
Lacy Brown, DKS Associates, 117 Commercial Street NE, Suite 310, Salem, OR 97301
Wendie Kellington, Kellington Law Group, PO Box 159, Lake Oswego, OR 97034
Ron Pomeroy, Navigation Land Use Consulting, PO Box 1514, McMinnville, OR 97128
Josh Wells, Westech Engineering, Inc., 3841 Fairview Industrial Drive SE, Suite 100, Salem, OR 97302
Steve Ward, Westech Engineering, Inc., 3841 Fairview Industrial Drive SE, Suite 100, Salem, OR 97302
Caroline Rim, Pacific Habitat Services, 9450 SW Commerce Circle #180, Wilsonville, OR 97070
Ali Soltani, 2632 NW Zinfandel Loop, McMinnville, OR 97128
Cathy Goekler, 2684 NW Pinot Noir Drive, McMinnville, OR 97128
James Tycker, 2641 Reisling Way, McMinnville, OR 97128
Lon Skene, 2578 NW Merlot Drive, McMinnville, OR 97128
Sid Friedman, Friends of Yamhill County, PO Box 1083, McMinnville, OR 97128
Mark Bierly, 2729 NW Reisling Way, McMinnville, OR 97128
Andrew Grasley, 2575 NW Pinot Noir Drive, McMinnville, OR 97128
Mark Davis, 652 SE Washington Street, McMinnville, OR 97128
Amie Loop-Frison, Yamhill Soil & Water Conservation District, 2200 SW 2nd Street, McMinnville, OR 97128
Daniel Jackson, 1678 SW Wright Street, McMinnville, OR 97128

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

Ordinance No. 5070

Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tentative Subdivision For A 108 Lot, Phased Single-Family Detached Residential Development At R441701300/R440700602. (Docket S 3-18)