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MINUTES

April 18, 2019
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Gary Langenwalter, Roger Lizut, Amanda Perron, and Lori Schanche

Members Absent: Christopher Knapp

Staff Present: Mike Bisset – City Engineer, Jamie Fleckenstein – Associate Planner, David Koch – City Attorney, and Heather Richards – Planning Director

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1. **Call to Order**

Chair Hall called the meeting to order at 6:30 p.m.

2. **Citizen Comments**

None

3. **Approval of Minutes**

- **March 21, 2019 Work Session Minutes**
- **March 21, 2019 Planning Commission Minutes**

6:32 Commissioner Lizut moved to approve the March 21, 2019 Work Session and Regular Meeting minutes. The motion was seconded by Commissioner Chroust-Masin and passed unanimously.

4. **Public Hearing:**

A. **Quasi-Judicial Hearing. PDA 3-18/PDA 4-18/S 3-18 (Planned Development Amendments & Subdivision) -** *(Exhibit 2)*

Request: ***PDA 3-18:*** Approval to amend Planned Development Ordinance 4722 (Oak Ridge Planned Development) to remove the unplatted fourth phase of the Oak Ridge phased subdivision from the boundary of the Oak Ridge Planned Development Overlay District.

PDA 4-18: Approval to amend Planned Development Ordinance 4822 (Oak Ridge Meadows Planned Development) 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.

S 3-18: Approval of a 108 lot tentative two-phased single-family residential subdivision plan on approximately 35.47 acres of land with lots ranging from 4,950 to 14,315 square feet in size and averaging 7,771 square feet in size, referred to as Oak Ridge Meadows. In addition, an approximately 0.85-acre active private neighborhood park and an approximately 5.6-acre public open-space greenway dedication along Baker Creek are proposed.

Location: The subject site located generally north of Baker Creek Road and the multi-phased Oak Ridge residential development and south of Baker Creek. It is more specifically described as Tax Lot 602, Section 07 and Tax Lot 1300, Section 17, T.4 S., R. 4 W., W.M.

Applicant: Premier Development, LLC

6:32 Hearing Introduction: Chair Hall introduced PDA 3-18/PDA 4-18/S 3-18 (Planned Development Amendments & Subdivision)

6:34 Public Hearing Process: David Koch, City Attorney, reviewed the hearing procedures.

6:39 Opening Statement: Chair Hall read the opening statement and described the application.

6:45 Disclosures: Chair Hall opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Several members of the Commission had visited the site.

Commissioner Langenwalter visited the site yesterday, however he did not have a clear delineation of what was going to go where.

6:47 Staff Presentation: Associate Planner Fleckenstein presented the three applications to the Commission, PDA 3-18, PDA 4-18, and S 3-18. The Oak Ridge Planned Development was adopted in 2000 and the Oak Ridge Meadows Planned Development was adopted in 2005. The existing development plans would accommodate a total of 129 lots, and the proposal tonight was for 108 lots. The existing plans showed a common tract with preserved wetlands on the property, which was also proposed in the applications tonight. The wetlands would impact development both in the form of the extension of Pinehurst Drive to the southeast of the property and to some residential lots. The existing plans also showed private development and lots extending right to Baker Creek, and the proposed plans tonight had a public greenway along Baker Creek instead of the private development against the waterway. A recreational open space was also being proposed through 6.45 acres of park. There were additional protections

for environmentally sensitive areas that were being proposed that were not found in the original plans. The large lots proposed around the exterior and perimeter of the properties minimized impact to steep slopes and groves of mature Oak trees. The riparian corridor and floodplain was protected through the dedication of the public open space.

Associate Planner Fleckenstein summarized the applications. PDA 3-18 would amend the Oak Ridge Planned Development by removing 11.47 acres of undeveloped, unplatted property from the Planned Development. PDA 4-18 would amend the Oak Ridge Meadows Planned Development by adding 11.47 acres of property subject to the approval of PDA 3-18 to the boundary of the Planned Development, requesting additional zoning departures, and requiring public and community amenities. One of the goals of PDA 4-18 was to master plan the two parcels. S 3-18 was an application for 108 single family residential lots on the 35.47 acres. The properties were north of Baker Creek Road and south of Baker Creek itself. There was a floodplain associated with Baker Creek and he explained the portions where there was a 1% annual chance of flooding in the 100 year floodplain and the .2% annual chance of flooding in the 500 year floodplain. The floodplain areas were located in the open space areas of the subdivision layout and there would be no development in those areas. The property was east of undeveloped land owned by Stafford Development Company and it was anticipated that future development would add an additional 300-350 dwelling units to the area. The Baker Creek East and West developments had a total of 278 dwelling units. The 2010 Transportation System Plan considered the full build out of this area based on the density allowed per zone and the local street network was designed to accommodate the traffic. There were 3.09 acres of natural wetlands found on the 11.47 acre parcel and 1.06 acres were proposed to be impacted by the development and the other portion would remain untouched. The current zoning of the site for PDA 3-18 was R-2 PD, single family residential. The Oak Ridge Planned Development had approved 107 lots which were reallocated from 3 phases to 4 phases. Phase 4 had 30 lots that were yet to be developed. In the original Planned Development there would be an intersection at Pinot Noir Drive and Pinehurst Drive, and that intersection was moved north into the Oak Ridge Meadows Planned Development. That created a situation where both Oak Ridge Phase 4 and Oak Ridge Meadows would have to be developed at the same time. This became problematic during the recession and neither subdivision was built. The request was to remove the 11.47 acres of undeveloped property that had been planned to be Phase 4 of the Oak Ridge Planned Development and to keep the R-2 PD zoning on the parcel until it was rezoned. Staff noted this request met the Comprehensive Plan policies and code criteria for a Planned Development Amendment. The first 3 phases of Oak Ridge that had been built out met the intent and covenants of the Comprehensive Plan and code requirements. If this land was successfully removed, but not successfully added to the Oak Ridge Meadows, the land would be rezoned from R-2 PD to R-2 and future development would need to be compliant with the R-2 zone. He then discussed the approval criteria for PDA 3-18. The special physical condition was that previously approved plans for Oak Ridge and Oak Ridge Meadows made the simultaneous development necessary and co-dependent on each other. This became problematic in the execution and timing of the build out for both subdivisions. The special objective was to bring the adjacent undeveloped parcels together into one master planned development. No development was planned for PDA 3-18 and removal of the parcel would not cause inconsistency between the existing Oak Ridge development and Comprehensive Plan policies or zoning standards. Any future development on this property would be subject to review under the applicable criteria at that time. Staff thought PDA 3-18 met the criteria and recommended approval with conditions.

Associate Planner Fleckenstein explained PDA 4-18. This was a 24 acre parcel for Oak Ridge Meadows and the request was to add the adjacent undeveloped 11.47 acre parcel to make a total area of 35.47 acres. Zoning departures and public amenities were also being requested.

The applicant would like to change the average lot size from 7,500 square feet to 7,770 square feet and to amend the setbacks for the side yards to 5 feet and exterior side yards to 10 feet. The applicant would also like the ability to have side lot lines that were not at right angles to the street on which the lot sat to better respond to the topographical challenges of the site. There was also a request that the maximum block length be 2,305 feet with a maximum of 800 feet between pedestrian and bicycle ways at the mid-blocks. Also requested was a maximum lot depth to width ratio of 2.75 to 1 instead of 2 to 1. A minimum .85 acre private active neighborhood park would be provided, a minimum 5.6 acre public greenway would be dedicated, and a wetland preservation would also be provided. He thought these requests met the purposes of a Planned Development. The addition of the 11.47 acres allowed for efficient use of the land and open space and greater freedom and flexibility to develop the land as well as preservation of significant natural features and establishment of a private neighborhood park for the benefit of the community. The lot size averaging would allow the applicant to create larger lots on environmentally sensitive areas and to avoid the natural features and would allow a variety of housing products and price points. The modified setbacks would allow development flexibility to move a building footprint around on the individual lot. The non-standard lot lines and non-standard block lengths would respond to the geographical features of the site. The lot depth to width ratio would allow longer lots on the perimeter of the site that predominately had steep slopes and significant native Oak tree stands. The establishment of a private park and public greenway park would encourage mixed use in the area and provide open space. The preservation of wetlands and the establishment of viewing areas would encourage mixed use and provide open space as well. He thought the trade-offs for the zoning variances were warranted due to the public and private open spaces and wetlands preservation. A variance for right angle intersections was requested and this met with the Comprehensive Plan policies and City Code. The depth to width ratio and block length responded to the unique site characteristics and the open space met the Parks Master Plan policies and Comprehensive Plan policies. The wetland delineation was updated and needed to be approved by the Department of State Lands prior to platting. Any wetland mitigation required would need to be submitted and approved by the Department of State Lands prior to any construction that would impact the wetland. There were increased protections for trees greater than 9 inches in diameter which were included in the conditions. A traffic impact analysis was conducted and it indicated that Pinot Noir Drive could accommodate the amount of trips generated by the 108 lots prior to a second public access being constructed. A permitted use in the R-2 zone was Accessory Dwelling Units which could increase the number of units and the density of the development, however the traffic analysis said the 108 lots would max out the design threshold of Pinot Noir Drive. Staff included a condition of approval that limited the number of dwelling units that could be constructed to 108 until the second street access was completed. He then discussed the review criteria. The special physical conditions included the unique site topographical and natural features and how the applicant proposed to protect them. The special objective was to bring the adjacent undeveloped parcels together into one planned development that could be master planned together. The applicant also wanted to provide additional open space amenities to an area in McMinnville that was sorely lacking in amenities. McMinnville relied on state and federal agencies for wetland regulations. No development was allowed in the FEMA flood hazard zone, and no development was being proposed in the 1% annual floodplain. Any wetland impact would need to be reviewed and approved by state and federal agencies. McMinnville had policies to provide a variety of housing types, densities, and price ranges to meet present and future needs and to include innovative land development techniques to achieve that. PDA 4-18 allowed for lot size averaging with varied densities that would provide different housing types and prices. There were policies related to the density of land that would have an impact on floodplains or other environmentally sensitive areas. The R-2 zoning was allowed on those lands and the higher the potential impact on the environmentally sensitive areas the lower the allowed density should be. The Planned Development Amendment requested an average lot size of 7,770 square feet which was less

dense than standard subdivisions. Lot size averaging allowed higher density to be clustered in areas outside of the environmentally sensitive areas. There were specific policies relative to planned developments. The social savings could be found in the community open space that would be provided. The economic savings could be found in the burden of public improvements placed on the developer. There was a condition of approval that required maintenance of the publicly dedicated greenway until the year 2032. The environmental savings could be found through the protection of the Baker Creek riparian corridor and floodplain, the wetlands, slopes, and trees. The traffic systems would be compatible with adjoining properties and the traffic impact analysis showed the development met the traffic standards. All internal traffic systems would be required to be built to City standards. The residential design policies in the Comprehensive Plan were met through the preservation of natural features of the site where possible. The pedestrian and bikeways were found in the recreational open space and in the bikeways located mid-block. The allowed density was responded to by having the smallest lots and most dense development in the interior of the site and the larger lots were on the perimeter of the site where the topography challenges were present. The street layout preserved the development potential of adjacent properties through the extension of Pinehurst Drive. The policies related to the transportation system were met through the roads proposed that would avoid the steep slopes and would have minimum impact on the wetland area. Emphasis was placed on existing and future needs of the area to be serviced and the street network as proposed would meet the needs of the development. The traffic impact analysis showed that the interim build out of the street network was within the standards of traffic volumes and level of service until the final build out of the second access was provided. Prior to the opening of Shadden Drive, the analysis showed the volume to capacity ratio of the existing streets was well below the City's standards and level of service for the intersections would be at Level C, which meant that traffic would move without significant delay at peak times. The analysis also showed that the average daily trips on Pinot Noir Drive would be 1,200 trips which was the design capacity of that street. This was the reason for the condition to limit the development to 108 units. The land where Pinehurst Drive would terminate was a buildable parcel for future development. The sidewalks and pedestrian ways would all provide access to the open space areas. Emergency service providers had reviewed the applications and provision of a temporary emergency access easement that would connect to Phase 2 of the proposed subdivision was approved by the Fire Department. The streets had been designed to avoid steep slopes as much as possible and to have minimal impact on the wetlands in order to provide the required access to proposed lots. The Parks Master Plan identified a greenway trail along Baker Creek as a high priority for an underserved area and this proposal would help begin that vision. McMinnville would continue to acquire land for parks and natural areas and the parks and open spaces proposed met that policy. The floodplain area would be dedicated to the City as well. The extension of Pinehurst Drive would provide future access to land currently inside the Urban Growth Boundary and would provide maintenance access to an existing sewer service and future access to the Baker Creek North development and temporary emergency access easement. The applicant stated development would begin immediately following permitting and an estimated 5 year plan for platting the two phases would be the goal. The anticipated density of the proposed development would increase the average daily trips of Pinot Noir Drive to its designed limit, but not over that limit. At the time of full build out of the connection to Baker Creek Road, the traffic levels would reduce significantly. Additionally there were improvements planned to Baker Creek Road to restripe it, add a center turn lane, and add bike lanes. An adequate level of utilities could serve the site. Noise, air, and water pollutants were not expected to be a result of the residential development and a significant percentage of the wetland would be preserved and protected. Staff thought the review criteria for PDA 4-18 were met and recommended approval with conditions.

Associate Planner Fleckenstein then discussed S 3-18, which requested the zoning of the subdivision would be governed by the Oak Ridge Meadows Planned Development as amended by PDA 4-18. This would be a 108 lot single family residential subdivision on 35.47 acres. The average lot size would be 7,770 square feet and the minimum lot size would be 4,950 square feet and maximum lot size would be 14,314 square feet. There would be 54 lots that would be less than 7,000 square feet. The proposed subdivision would have open space provided including a .85 acre private park, 5.6 acre public greenway, and 2.03 acre preserved wetlands and viewing areas. The proposed subdivision met all of the zone standards in PDA 4-18. He then explained the review criteria. The layout and design of the streets responded to the unique topographic conditions on the site and avoided steep slopes and minimized the impact on the wetlands. It would be in compliance with PDA 4-18. The standards to extend Pinot Noir Drive and Pinehurst Drive were met and all of the proposed streets would meet the requirements for width, alignment, and grade. There was one proposed cul-de-sac in the subdivision, and it met City standards with a length of 200 feet and service to 7 lots. Sidewalks and park strips would be provided on all streets. The maximum block length would be 2,305 feet. There was no opportunity to provide through street connectivity in the area due to the topography and other constraints. Bike and pedestrian ways every 800 feet would be provided. Public utility easements would be provided along all rights-of-way and an existing drainage facility adjacent to the wetlands would remain in an easement for maintenance and access. The lots would conform to the zoning requirements of PDA 4-18. The size and shapes of the lots were appropriate for the proposed use and responded to the topographical conditions of the site. Street access provided to each proposed lot met City standards. Staff thought it met the zoning requirements and recommended approval with conditions.

The Planning Department received six public testimonies that were noted in the record and six new testimonies received after the meeting materials were published which staff provided a response to. Just this afternoon two more testimonies had been received that staff had not provided a response to due to the late hour of receiving them. The letter from Tim and Margaret Rogers [correction: staff misidentified Tim and Margaret Roberts during the presentation] expressed concerns about revisiting past land use decisions and the impact of fill on downstream development. In response staff noted that the prior land use decisions had been approved by both the Planning Commission and City Council. There was no proposal to disturb Baker Creek or use fill to alter the route of the water. An email from 1,000 Friends of Yamhill County cited concerns about impact to the wetland area and suggested increasing density in other areas of the development. Staff noted the Comprehensive Plan policy required R-2 zoning in areas in proximity to floodplains or wetlands as the highest density and due to the creative approach, the densest development was in the interior of the site away from the wetlands. An email from Yamhill County Soil and Water Conservation District stated concerns about the impact on the wetlands and downstream impacts and loss of trees and shrubs along Baker Creek. The City did allow for wetland impact mitigation when it complied with state and federal regulations, and the trees and shrubs along Baker Creek would be preserved in this proposal and protected by the dedicated public greenway. An email from Jan and Randy Hartzel spoke about concerns about the accuracy of the FEMA floodplain maps and downstream impact of development on communities downstream. The FEMA maps were updated for this area in 2010. An email was received from the Fair Housing Council of Oregon and Housing Land Advocates who recommended deferring the decision until findings relative to Statewide Planning Goal 10 were provided that demonstrated that the proposals did not leave the City with less than adequate residential land supplies. Staff noted there was no change to the R-2 zoning of the property and the 2001 housing needs analysis showed the need for R-2 dwelling units. An email from Glenn Westland discussed concerns regarding the loss of 12 acres of wetlands and loss of wildlife habitat. Staff noted there was 3.9 acres of wetlands on the site, and 1.06 acres would be impacted by the proposed development and the rest would be preserved. The dedication of

the public greenway would protect the riparian corridor and wildlife habitat along Baker Creek. The .85 acre park would also preserve habitat in the Oak tree groves.

Associate Planner Fleckenstein reiterated that staff recommended approval of all three applications with conditions.

8:03 Commission Questions: Commissioner Dirks asked about the conditions for PDA 4-18. For Condition 14, temporary emergency access, there would be a locked gate on that gravel access. She asked about how long it would be until this would be a paved road for residents to use.

Associate Planner Fleckenstein said the Fire and Police Departments knew about the locked gate. Planning Director Richards said Stafford Development was working on an application for the adjacent property, and she couldn't put a timeframe on when it would be done.

Commissioner Dirks asked about Condition 11, wetland mitigation plan. The condition was no construction permits would be issued until the plan was approved by the Department of State Lands, however if there were problems with the plan the layout might need to be changed. Who would review the layout changes?

Planning Director Richards clarified if the plan required only minor tweaks it could be an administrative review. If the tweaks changed the layout significantly it would come back to the Planning Commission.

Commissioner Langenwalter said the Great Neighborhood Principles were not in effect when this application was submitted and those standards did not apply. If they had been in effect, would that have changed staff's recommendations or conditions?

Planning Director Richards did not know, however there were several things in these applications that followed the principles such as a variety of housing types, bicycle and pedestrian paths, and open space.

Commissioner Perron asked about the traffic on Pinot Noir Drive and how even though the street was built to accommodate 1,200 vehicles per day, the livability threshold was 1,000 vehicles per day.

Associate Planner Fleckenstein said McMinnville did not have an adopted standard for livability. The traffic impact analysis showed that it met the threshold.

Planning Director Richards said if Commissioner Perron could find a criterion in which livability could be applied to the project, they could look at it further. They had standards that were adopted in the Transportation System Plan for 1,200 daily trips on this type of street.

Commissioner Butler said in 2000 and 2005 it was intended to build 129 homes in this area. Was it Stafford property at that time? Was Pinot Noir Drive always planned to be the only access to that area?

Associate Planner Fleckenstein said no, it was not Stafford property at the time. Pinot Noir Drive had always been planned this way.

8:20 Applicant's Testimony: Lori Zumwalt, Premier Development, introduced her team members in attendance.

Ron Pomeroy, Planning Consultant, said this proposal sought to remove 11.47 acres out of the Oak Ridge Planned Development and to add 11.47 acres to the Oak Ridge Meadows Planned Development. The total would be 35.47 acres to be developed through a subdivision application for 108 single family residential lots. He noted the underlying zone was R-2 and without the planned development, the lots would be 7,000 square feet or larger and they could be single family attached and detached housing with Class A manufactured homes on individual lots, duplexes on corner lots, and establishment of social relief facilities. The proposal was to develop 108 lots for single family detached housing. The lots ranged in size from less than 5,000 square feet to over 14,000 square feet, with the average lot size of 7,770 square feet. The lots towards the southern portion of the site were designed to be complimentary in size to the adjacent existing development. North of that there were smaller, more affordable homes on the interior of the property and the largest lots were around the perimeter of the site for protection of the steep slopes and mature trees. There were amenities that this area had not seen before, such as the .85 acre private park and connecting pathways from Pinot Noir Drive to Pinehurst Drive and to the public greenspace. This would be the first dedication of the park land along the south side of Baker Creek to bring into fruition the City's decades long vision for a connecting greenway from Tice Park to the western edge of the City. Regarding the 1,000 average daily trips and livability, that was a livability concept but was not something that was adopted as a standard in McMinnville. The City's standard was residential streets were designed for 1,200 average daily trips and this application met that standard.

Commissioner Schanche asked about connecting the trail to the east side of the property.

Mr. Pomeroy would take that under advisement. He explained the pedestrian access points that were proposed.

Commissioner Chroust-Masin asked if the greenway would only be used by residents or could it be used by the general public.

Mr. Pomeroy said it would be owned by the City and open to the public.

Commissioner Dirks asked about Accessory Dwelling Units or other types of multi-family housing on any of the larger lots.

Mr. Pomeroy said they were limited to 108 homes and currently there was no capacity for ADUs in this proposal.

Planning Director Richards said by state law they had to allow ADUs in single family lots. The threshold for the condition of approval for this proposal was only to allow 108 units until Shadden Drive was built and was a public accessway.

Caroline Rim, wetlands consultant with Pacific Habitat Services, conducted the wetland delineation for this site. It was a typical wetland delineation and she explained the process. She anticipated the state would approve the boundary. She would be working on the permit application and mitigation plan as well.

Commissioner Schanche asked about the mitigation plan as the last one had failed.

Ms. Rim said the mitigation area that was previously part of the earlier permit had failed. It was not possible to transform that one acre area to the condition of a wetland. For this application they planned to go to the Mud Slough Mitigation Bank and would buy credits from them to help

create a wetland there through a 1 to 1 ratio. Mud Slough was west of Salem. None of this wetland was in the floodplain.

Commissioner Butler asked what was originally planned for the wetland area.

Ms. Rim replied it was supposed to be used for a road.

Commissioner Langenwalter asked about the flooding of Baker Creek and updating the FEMA map for the 100 year floodplain. He thought it should reflect the reality.

Associate Planner Fleckenstein said the 100 year floodplain was only a 1% chance of a high flow happening every year. To update the map they would have to get cross sections of the whole basin and run a new hydraulic model. It would take about a year and a half.

City Attorney Koch said they had to apply the code as it was today and if they wanted to amend the code to better determine what the floodplain was that was a different process.

Commissioner Perron asked if the Mud Slough was in the same watershed as Baker Creek.

Ms. Rim confirmed it was in the same drainage basin.

Josh Wells, Engineer with WesTech Engineering, clarified where the temporary emergency access was located and how they planned to widen Pinot Noir Drive to 28 feet. He also noted the public seating areas that would be placed around the wetlands. Regarding stormwater runoff, the subdivision would have to meet the City's standards for flow control as well as National Marine Fishery Slopes 5 standards which required treatment and additional flow control. Regarding the FEMA floodplain, they were not proposing any floodplain fill.

Commissioner Butler asked about the park which would be maintained by an HOA until 2032. The City did not have enough funds to take care of current parks.

Mr. Wells clarified the HOA would maintain the park and bark chip path next to the floodplain and creek. When they had discussions with City staff that was the point of delaying it until 2032, as the City thought by that point there would be sufficient funds to maintain the park and path.

Mr. Wells then discussed the preservation of the floodplain area and where things would be located on the site.

Public Testimony:

8:55 Proponents: None

8:56 Opponents: Sandi Colvin, McMinnville resident, was a part of Friends of Baker Creek Wetlands. It was a group of three neighborhoods joining together to protect the wetlands. The Friends did not have an issue with development, their only concern was to protect the Baker Creek basin and wetlands and the neighborhoods downstream which recent floodings indicated the water was getting higher.

Catherine Olsen, McMinnville resident, was also a part of the Friends group. The Commission had a report recommending approval of a proposed development based on outdated and incomplete information. The Friends' greatest concern was the 11.47 acres. If it was developed, the homes built would irreparably change the wetlands from a vital ecosystem to wet land.

Because this proposal affected homes outside of the mapped area, the Commission could not look at only what was in front of them and ignore everything else. The McMinnville residential design policies called for distinctive and unique natural features to be preserved. The wetlands area was vibrant and its health depended on the current boundaries. If they shrank the boundaries with homes, it would stagnate. She questioned whether DSL, DEQ, or the Army Corps of Engineers would permit building on these lands. She thought they needed reports from these agencies. The FEMA maps were updated 9 years ago and the land use changes since then could render them inaccurate. The Friends wanted accurate, updated FEMA maps. The application said mitigation had been completed, but it had failed and the wetlands had reestablished themselves on top of the fill. At the neighborhood meeting they had been told that 5 to 7 feet of fill would be used to build Pinehurst Drive. She thought using fill and asphalt would flood the homes in Crestbrook. The Oak tree on Lot 1 should be preserved. As a piece of the greenway it would be a jewel but only if it was left as a nature preserve, not as a housing development with a few benches scattered over left over ground too wet to build on.

Tim Roberts, McMinnville resident, had lived by Baker Creek for 25 years. He showed a picture that was taken in December of 2018 which was the last high water event and other pictures that showed how fast the water came up during certain times of the year. His house had never been damaged by flood waters. He was downstream from this proposed development and his property was in the 100 year floodplain.

Commissioner Chroust-Masin pointed out that this property was lower in elevation than the proposed development area.

Mike Colvin, McMinnville resident, discussed the Comprehensive Plan and how it encouraged citizen input, however since most of the engineering had already been done attempting positive changes was a challenge. The Friends group suggested a Shadden Drive access to Oak Ridge Meadows instead of Pinehurst. The flooding pictures also showed that the FEMA 500 year flood plan had flooded 3 times in the last 5 years. It showed how inaccurate the FEMA maps were. He strongly urged a new FEMA study to find out if the 11 acres in the wetlands area was buildable or not. Shadden Drive was only available as a temporary emergency street. He had attended Stafford Development's neighborhood meeting and the layout they showed used Shadden Drive as an access street in the future. Stafford's plan also showed that future Oak Ridge Meadows residents would have three through access streets. There were no through access roads for Compton Crest or Oak Ridge developments which was where Oak Ridge Meadows residents would be directed for up to five years. It was difficult to get out during rush hour currently. Pinehurst was the only access street 14 years ago, but that had changed as Shadden had been connected to Cottonwood last year and would be the closest, quickest, and safest access to Oak Ridge Meadows residents. He would turn in a separate report showing the Comprehensive Plan goals and policies that using Shadden would meet and that using Pinehurst did not meet. He asked that they not trash the environment and quality of life in the current neighborhoods to gain 10-15 houses and a dead end road to nowhere. He asked the Commission to name Shadden as a primary access street to Oak Ridge Meadows.

Scott Wellman, McMinnville resident, addressed what was distinctive about the Baker Creek wetlands and keeping with the City's resource policy. Distinctive natural features were to be retained wherever possible. He lived in Oak Ridge, and below him was the basin that had been carved out of the earth by the action of Baker Creek. The basin was integral to the dynamics of the creek because it absorbed the flood waters when rain overwhelmed the creek's shallow bed. Over time the flooding created a wetland out of this basin. Water also accumulated as a result of drainage from the ridge above and springs below. These forces had created a refuge for

animals. Rare colonies of birds lived here and would seriously be threatened by the loss of the Oak trees.

Bill Kabeiseman, attorney in Portland, was representing the Friends group. The two main concerns of the group were preserving the wetlands and making sure the transportation system still worked. He asked that the hearing be continued to allow for more public testimony. The Friends recommended denial of the applications. The applicant wanted to amend a previously approved Planned Development and develop a subdivision through those amendments. Planned Developments were designed to have more flexibility and in return the City got preservation of a natural area. This application would destroy a third of the wetlands, and the City would lose a significant portion of a natural area. The City did not get a benefit with this development. Eliminating the homes that planned to be developed along Pinehurst Road would go a long way in eliminating the problem. There was a LUBA opinion filed on an appeal by this developer about this development in 2005. The concern was about a condition the City had placed on the development limiting development to 76 lots until new access was provided. Even though those lots were approved, there was a limit on development of 76 lots. He did not think this was an approvable Planned Development until the Commission amended Ordinance 4822.

Commissioner Dirks asked about the location of the trees and the birds that were mentioned in the previous testimony.

Mr. Wellman clarified it was the slopes on the existing Pinot Noir Drive.

Commissioner Chroust-Masin asked what happened to the LUBA remand. Planning Director Richards said it went back to City Council and the Council amended their finding based on the remand.

Mr. Kabeiseman said the Council adopted Ordinance 4845 in response to the LUBA remand. The ordinance reiterated the limitation on the number of lots that could be developed.

Planning Director Richards explained it amended the finding for that particular condition. Ordinance 4822 had the condition of approval in it and this ordinance was recommended to be repealed by the decision document. Based on the traffic impact analysis that was submitted, the applicant was asking for 108 units.

Mr. Kabeiseman disagreed as he thought Ordinance 4845 imposed that condition and it was something this current application did not address and could not be approved without dealing with Ordinance 4845.

Steve Fox, McMinnville resident, lived on the corner of Oak Ridge and Pinot Noir. There were many families on this corner with children. He moved to McMinnville in 2017 and found it a very friendly community. That summer several dump trucks went by his home and were dumping fill onto a nearby slope. The applicant had stated they would not use any landfill, but he questioned whether it had already been done. Was there a permit for the dumping that was going on in 2017? There was approval of a plan in 2000, but regulations had changed since then and he questioned if the same permits were still valid. There was a 2010 FEMA wetlands study, but things had happened in the last 9 years. He asked if there were other alternatives to the design of this area. He also asked why Shadden Drive was not selected to be developed first and if they were willing to approve a plan that might require use of eminent domain to have enough land to widen Pinot Noir.

Gail Norby, McMinnville resident, was appalled that there was no written documentation about the idea that Pinot Noir was going to be expanded from 21 feet to 28 feet wide. She thought the applications needed to be denied. McMinnville prided itself on safety and livability and this development did not address those kinds of issues. Pinot Noir would be the primary access for up to five years of this build out. The extra 1,000 vehicles per day did not count the current traffic flow. Pinot Noir was currently 21 feet wide and if a car was parked on the road, an emergency vehicle could not get by it. Because Pinot Noir was so narrow, there would be a bottleneck and it would impact the livability and safety of the neighborhood.

Commissioner Chroust-Masin asked if there was right-of-way for the Pinot Noir widening. Mr. Wells said there was enough right-of-way to widen the street to 28 feet which was a standard City street width.

Ms. Norby said the widening would mean removal of ten trees and ten feet of property removed on each side. Commissioner Chroust-Masin clarified eminent domain would not be needed because there was enough right-of-way.

Ms. Norby asked at whose expense would the widening happen.

Mark Bierly, McMinnville resident, lived in the developed Oak Ridge subdivision. He thought the impact on wetlands needed to be addressed as well as the traffic access. For the first five years there would only be one access to the 108 lot subdivision. There were a lot of Oak trees in this area and he was concerned that a tree could fall over in a windstorm and block the road. There would be no way for people to get in or out until the tree was removed. During the construction period all of the construction equipment, vehicles, and workers would use the same Pinot Noir Drive and the construction traffic would be added to the current residential traffic. He recommended requiring an immediate second public access to the subdivision, not waiting five years from now.

Lon Skene, McMinnville resident, lived near the intersection of Pinot Noir and Merlot. He asked what type of financial analysis was done on Premier Homes and their viability to complete the project if another recession happened. He questioned how sustainable they would be through another recession.

Ray Clevidence, McMinnville resident, concurred with the testimony given by the Colvins.

Andrew Grasley, McMinnville resident, thought the issues regarding an extra 1,000 vehicles per day on Pinot Noir could be easily alleviated through building a second access road. Pinot Noir was a busy, narrow road and livability would be greatly decreased due to the extra traffic.

9:45 Rebuttal: Lacy Brown, Traffic Engineer with DKS Associates, said regarding the volume of traffic, it would be 1,200 trips per day total. Currently there were about 200 trips per day, so this new development would add about 1,000 more trips. The portion of Pinot Noir Drive that would be at that capacity was about 500 feet before it connected to other roadways or the traffic would split. It would not be the entire section of Pinot Noir Drive that would be at capacity. Regarding livability, the main body of the traffic impact study was looking at intersection operations and using standard methodology. The only reason they included the livability study was because DKS had done the traffic study for this area in 2004 and at that time the Oak Ridge development was not complete and there was not sufficient traffic data to conduct the analysis. The closest they could get was the livability evaluation and it was included in the study for this application as an update now they had actual numbers. It was not a typical piece of information they would use to evaluate the impact of development. The traffic count was for complete build out of the

area and prior to Shadden Drive going in. It did not count the construction vehicles, however the number of trips would not increase because not every home would be occupied while construction was going on.

Wendie Kellington, Land Use Attorney, clarified there would be no widening of roads on private land. All of the widening would be done within the existing right-of-way. Regarding the concern that stormwater impacts of the fill, asphalt, and grading would flood downstream properties, the reports in the record indicated that the applicant had designed a stormwater management system to be consistent with the City's Stormwater Management Plan that involved detention and pretreatment and water being released to pre-development conditions on the site. Regarding the photographs of the floodplain doing what floodplains did, they were not talking about development that would be within the floodplain. The photographs were not relevant to what was being proposed. Staff had discussed what was allowed now with the existing regulatory regime that covered this property. This proposal was less intense than what was currently allowed and added greenway, a park, and natural features that were not otherwise required or available under a use provided outright. Ordinance 4845 that was cited earlier did not change the terms of Ordinance 4822; it only amended the findings. This application would supersede Ordinance 4822 and would impose new regulations on Oak Ridge Meadows. The Fire Department said the secondary access was not needed as long as the houses had fire sprinklers. They would be providing a temporary emergency access, which could be used if trees fell down or there was an emergency. Sometimes trees did fall down, and in other places it was the same, that people could not get out until the tree was removed. What was currently allowed on the property was far more intensive and far less beneficial to the neighborhood than what was being proposed. It would be the first one to dedicate this much open space and parks. She asked that the Commission approve the proposal tonight.

Jeff Zumwalt, applicant, explained the road widening would be at the end of Pinot Noir and the existing right-of-way would be used for the widening.

Commissioner Dirks asked who was paying for the benches and play equipment at the .85 acre pocket park. It was a steep area and she asked if other locations had been considered for the park that were more central.

Ms. Zumwalt said the park would be built by the developer. There would be some excavation for the park and the playground would be on the top of the area and the trail would lead down. They did not consider other locations.

Chair Hall asked if those who testified wanted to request the opportunity to present additional evidence, arguments, or testimony regarding this application. There was consensus that those who testified wanted that opportunity.

Chair Hall said the hearing could be continued or it could be closed and the record could be left open for more testimony.

Commissioner Schanche was concerned that some people left the meeting and were not able to testify. She would like to continue the hearing.

Commissioner Dirks agreed.

There was consensus to continue the hearing to May 16, 2019.

5. Action Item:

A. <u>MP 1-17 (Minor Partition) Approval Extension Request)</u> - *(Exhibit 3)*

Request: Approval of a request for an extension of a previously approved tentative partition plan (MP 1-17). The tentative partition was originally approved by the Planning Director on April 5, 2017. The applicant was not able to complete the required conditions of approval prior to submitting a final plat, and requested a one year extension of the tentative partition approval. That one year extension request was approved by the Planning Director with a new deadline of April 5, 2019. Due to extenuating circumstances, the applicant was not able to complete the required conditions of approval, and has requested an additional extension of the tentative partition approval to June 30, 2019. Additional extensions beyond one year require the approval of the Planning Commission.

Location: The subject site is located at 2950 NE Hembree Street and more specifically described as Tax Lot 800, Section 09CD, T.4 S., R. 4 W., W.M.

Applicant: Terry Duckett

10:07 Agenda Item Introduction: Chair Hall introduced the item.

10:08 Staff Presentation: Planning Director Richards said this minor partition had been approved in April 2017 and the applicant had asked for an extension to April 2019. In the meantime, the applicant had passed away and the family was trying to decide how to move forward and had asked for more time. Staff recommended extending the application for another year.

Commissioner Schanche moved to approve the extension request for MP 1-17. The motion was seconded by Commissioner Perron and passed 7-1 with Commissioner Dirks opposed.

6. Commissioner/Committee Member Comments

10:09 Commissioner Chroust-Masin asked what would be on next month's meeting agenda. Planning Director Richards said there would be the continued hearing and a hearing for a third Planned Development Amendment.

Commissioner Langenwalter asked if the Commission voted no on the continued hearing, would that allow the developer to go back to the original approved plans. Planning Director Richards explained the developer's options. She then discussed the process if one or more of the applications were denied.

7. Staff Comments

None

8. Adjournment

Chair Hall adjourned the meeting at 10:13 p.m.

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Heather Richards
Secretary