



City of McMinnville
Planning Department
 231 NE Fifth Street
 McMinnville, OR 97128
 (503) 434-7311

www.mcminnvilleoregon.gov

Planning Commission
McMinnville Civic Hall, 200 NE 2nd Street
April 18, 2019

6:30 PM Regular Meeting

Welcome! All persons addressing the Planning Commission will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. Public Hearings will be conducted per the outline on the board in the front of the room. The Chair of the Planning Commission will outline the procedures for each public hearing.

If you wish to address Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."

Commission Members	Agenda Items
Roger Hall, Chair Lori Schanche, Vice-Chair Erin Butler Martin Chroust-Masin Susan Dirks Christopher Knapp Gary Langenwalter Roger Lizut Amanda Perron	6:30 PM – REGULAR MEETING - COUNCIL CHAMBERS <ol style="list-style-type: none"> 1. Call to Order 2. Citizen Comments 3. Approval of Minutes <ul style="list-style-type: none"> • March 21, 2019 Work Session Minutes (<i>Exhibit 1a</i>) • March 21, 2019 Planning Commission Minutes - (<i>Exhibit 1b</i>) 4. Public Hearings <ol style="list-style-type: none"> A. <u>Quasi-Judicial Hearing. PDA 3-18/PDA 4-18/S 3-18 (Planned Development Amendments & Subdivision)</u> - (<i>Exhibit 2</i>) <p>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.</p> <p>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</p>

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

*Please note that these documents are also on the City's website, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.

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

5. Action Item:

A. MP 1-17 (Minor Partition) Approval Extension Request - (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

6. Commissioner/Committee Member Comments

7. Staff Comments

8. Adjournment



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MINUTES-Exhibit 1a

March 21, 2019
Planning Commission
Work Session Meeting

5:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Christopher Knapp, Gary Langenwaller, Roger Lizut, and Lori Schanche

Members Absent: Amanda Perron

Staff Present: Chuck Darnell – Senior Planner, Heather Richards – Planning Director, and Tom Schauer – Senior Planner

1. Call to Order

Chair Hall called the meeting to order at 5:30 p.m.

2. Discussion Items

- **BLI/HNA Update – Work Session Memo**
 - **Housing Strategy Guidance Memo** (*Work Session Exhibit 1*)
 - **Draft Housing Needs Analysis** (*Work Session Exhibit 2*)
 - **Memo from ECONorthwest on Housing Needs Analysis Decision Milestones** (*Work Session Exhibit 3*)

Senior Planner Schauer gave an overview of the buildable lands inventory and housing needs analysis. They were trying to address housing needs in the City and to achieve the great neighborhood principles through the housing strategy. He also discussed presumptions and needed housing types. The buildable lands inventory would help with this work by inventorying what had already been built and what was available for development. He then reviewed what took place at the last Project Advisory Committee meeting. The housing mix that was recommended was 55% single family and 45% would be single family attached and multi-family types. That would influence the density calculations. For the infill and redevelopment assumptions, they recommended an assumption of 8% of all new housing units would be occurring through redevelopment and infill.

Commissioner Langenwaller asked with the new legislation regarding ADUs, if the assumption should be higher.

Senior Planner Schauer explained not every lot would be putting in an ADU and this work was planning for the next 20 years. He then discussed the map of the land that was left after deducting the lots that were available for residential development. He pointed out some of the

lots that were currently outside the Urban Growth Boundary and those that remained in the Urban Growth Boundary after the Court of Appeals decision as well as lots that were in the process to be developed and properties that had constraints. There were about 721 buildable acres, however some of the land would not be available in the short term. The current housing mix according to census data was 68% detached single family homes, 9% attached single family homes, and 23% multi-family. The historic mix from 2000-2018 was a bit more multi-family than single family detached and comparable attached single family. They also looked at two other scenarios with more multi-family than single family. This was for new housing to be built and whatever mix the City ended up with would influence how much acreage was needed for housing. There was a 20-year deficit of approximately 460 acres when comparing the land supply to the needed housing, before accounting for additional land use deductions.

There was discussion regarding the assumptions for the mix of development.

Senior Planner Schauer said the Committee recommended a mix of 55% detached single family, 12% attached single family, and 33% multi-family. The density numbers would be calculated based on that mix. Infill and redevelopment would be about 8 units per year assuming 6% infill and redevelopment, so slightly higher at the recommended 8%.

Planning Director Richards said the housing strategy would help the City decide how housing would develop in McMinnville. The Committee had recommended looking into a high density residential zone that would not allow single family residential and would be located in strategic places around the City and to look into another catch-all residential zone that allowed single family residential development all the way up to some higher density development like cottage clusters, duplexes, triplexes, and quads and the great neighborhood principles would be used for creating a mix of housing types.

Senior Planner Schauer said the strategic categories would be brought back to the Planning Commission and an action plan would be created.

There was discussion regarding manufactured home parks which depreciated in value and how they would be replaced by cottage clusters that appreciated in value.

3. Adjournment

Chair Hall adjourned the meeting at 6:10 p.m.

Heather Richards
Secretary



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MINUTES – Exhibit 1b

March 21, 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, Christopher Knapp, Gary Langenwalter, Roger Lizut, and Lori Schanche

Members Absent: Amanda Perron

Staff Present: Chuck Darnell – Senior Planner, Heather Richards – Planning Director, and Tom Schauer – Senior Planner

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes

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

Commissioner Butler pointed out an error in the minutes on page 5 where she had asked why the applicant was not building townhomes instead of Commissioner Perron.

Commissioner Langenwalter moved to approve the February 21, 2019 minutes as amended. The motion was seconded by Commissioner Chroust-Masin and passed 8-0.

4. Public Hearing:

A. Quasi-Judicial Hearing. Conditional Use Permit (CU 1-19)

Request: Conditional Use Permit to operate a bed and breakfast establishment within an existing home. The property is currently approved for a resident-occupied short-term rental, which allows no more than two guest sleeping rooms. A Conditional Use Permit for a bed and breakfast establishment would authorize three or more guest sleeping rooms. The applicant is requesting approval for up to four guest sleeping rooms within the existing home.

Location: The subject site is zoned R-4 (Multiple Family Residential) and is located at 806 SE Davis Street. It is more specifically described as Tax Lot 1100, Section 21CC, T.4 S., R. 4 W., W.M.

Applicant: Katherine Jabuka

Chair Hall opened the public hearing and read the hearing statement. He 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. There was no discussion regarding the visits.

Senior Planner Schauer presented the staff report. This was a request for a conditional use permit to operate a bed and breakfast at 806 SE Davis Street. The property was in the R-4 zone. He explained the location of the property, surrounding neighborhood, and locations of other short term rentals. He then reviewed the approval criteria and conditions. The property would need to be registered with the City and would pay the transient lodging tax. There would be a maximum of four guest rooms and it would be resident occupied. It would need to comply with the required parking as well. If a sign was added in the future, it would need to comply with the standards. Smoke detectors were also required. They might need to upgrade their meter size through McMinnville Water and Light. The permit would need to be renewed annually. Staff recommended approval with conditions.

Commissioner Chroust-Masin clarified this was an application for renting four bedrooms. He asked where the resident lived. Senior Planner Schauer said they would either use one of the bedrooms and rent the other three or they would use the living area as a studio residence.

Commissioner Langenwalter pointed out a spelling error on page 155. He also commented on Condition 2 and how there was no maximum occupancy listed. Senior Planner Schauer said that was the way the definition was written for a bed and breakfast, limiting it to the four guest bedrooms and allowing 6 or more guests.

Commissioner Langenwalter thought that should be revisited at a later time.

There was no public testimony.

Chair Hall closed the public hearing.

Commissioner Dirks thought the application should be approved, but wished the applicant had come to the hearing.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to APPROVE CU 1-19 subject to the conditions of approval. SECONDED by Commissioner Lizut. The motion PASSED 8-0.

B. Legislative Hearing. Comprehensive Plan Text Amendment: Great Neighborhood Principles (G 1-19)

Request: The City of McMinnville is proposing text amendments to Chapter IX (Urbanization) of the McMinnville Comprehensive Plan. The proposal is related to the incorporation of Great Neighborhood Principles (GNP) into the City's land use planning program. The purpose of the GNP is to define what makes a great neighborhood in McMinnville, and to identify and describe specific principles (which also could be referred to as elements or characteristics) that shall be achieved in every neighborhood. The GNP will ensure that new development and redevelopment, as it occurs, creates places and neighborhoods that are livable, healthy, social, safe, and vibrant for all residents of McMinnville. The GNP will guide future development, and will also be used to guide future development code updates establishing more detailed requirements to achieve and implement the GNP.

Applicant: City of McMinnville

Chair Hall opened the public hearing. He 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.

Commissioner Schanche disclosed that she participated on the Project Advisory Committee for this project.

Senior Planner Darnell gave the staff report. This was a legislative hearing for Comprehensive Plan text amendments related to Great Neighborhood Principles. The intent of the principles was to create great neighborhoods in McMinnville by including certain elements in future developments. A Project Advisory Committee had overseen the project and there had been a public engagement process. The proposed text amendments were recommended to be added to the Urbanization Chapter of the Comprehensive Plan. Each of the 13 principles would become policies in the new section of the chapter. He reviewed the language that would be added including the intent, how the principles would be applied, a description of each principle, and proposals to implement the principles. The principles were: natural feature preservation, scenic views, parks and open spaces, pedestrian friendly, bike friendly, connected streets, accessibility, human scale design, mix of activities, urban/rural interface, housing for diverse incomes and generations, housing variety, and unique and integrated design elements. No public testimony had been received about the text amendments. McMinnville Water and Light had suggested some amendments to the principles, which had been provided to the Commission that night. Some of the suggestions were more detailed than the policy level principles that had been drafted. These amendments had not been taken to the Project Advisory Committee or the public. Staff did not think they should be adopted at this time, however he explained the few additions to the language that staff recommended to address the intent of McMinnville Water and Light's comments. If the Commission recommended approval, these text amendments would go to the City Council on April 9. He explained the positive feedback they had received from the public for creating these principles.

Commissioner Dirks asked why McMinnville Water and Light waited so long before making such substantial changes and what was their response to staff's proposal. Senior Planner Darnell said McMinnville Water and Light was contacted for comments at the end of the process, as was the standard procedure. Staff had not shared the suggested language with them yet, but if the Commission approved it, they would share that with McMinnville Water and Light before it went to Council.

Planning Director Richards had let McMinnville Water and Light know about staff's recommendation. The City did not have this type of micro language in the code. She thought McMinnville Water and Light wanted to ensure the utility's infrastructure was a consideration when designing and planning neighborhoods. She thought the amended language staff was proposing would give that assurance. There were other policies in the Comprehensive Plan dealing with infrastructure systems as well.

Commissioner Dirks wanted to make sure that McMinnville Water and Light understood the Commission was not ignoring the suggestions, but that the level of detail was not in the great neighborhood principles.

There was no public testimony.

Chair Hall closed the public hearing.

Commissioner Langenwaller proposed adding an Item C under number 7, Accessibility, to read, "Great neighborhoods are designed such that owning a vehicle can be optional."

Commissioner Chroust-Masin did not think adding the language was necessary because it was always optional. He was in favor of the text amendments, and wanted to make sure they would not end up on a shelf unused.

Planning Director Richards recommended adding Commissioner Langenwaller's proposed language under number 9, Mix of Activities.

Commissioner Langenwaller pointed out a current residential development in the western area of McMinnville that was designed to require residents to have cars.

Commissioner Dirks said the Project Advisory Committee had worked for several months on these text amendments. She did not think it was in Commission's purview to make these changes if the issue was not raised in the public process.

Commissioner Butler pointed out the development to the west was not done under the Great Neighborhood Principles. She was in favor of adding the proposed language to number 9 and have it be associated with the Mix of Activities principle.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the staff, Commissioner Langenwaller MOVED to RECOMMEND APPROVAL to the City Council for G 1-19 including proposal 48, amendment to policy 187.20, and added Item C to Great Neighborhood Principle number 9. SECONDED by Commissioner Knapp. The motion PASSED 8-0.

C. Legislative Hearing. Comprehensive Plan Text Amendment: Historic Preservation Plan (G 2-19)

Request: The City of McMinnville is proposing to amend the goals and policies of Chapter III (Cultural, Historical, and Educational Resources) of McMinnville's Comprehensive Plan and to adopt a Historic Preservation Plan as an appendix to the Comprehensive Plan to provide a guide for the City's historic preservation program for the next 15 to 20 years. The Historic Preservation Plan would include the following elements: a historic context statement for McMinnville; an overview of the current status of the

City's historic preservation program; goals, policies, and proposals to guide future historic preservation work and activities to be completed by the City (which would also be included in Chapter III of the Comprehensive Plan as described above); and an implementation matrix organizing the future historic preservation work and activities into ongoing, short-term, mid-term, and long-term timeframes. The Historic Preservation Plan would not include any specific changes to any development code or regulatory processes. There are some recommendations on potential code amendments to analyze further and future survey work to complete, but no changes would occur to the City's development code or regulatory processes from the action to adopt the Historic Preservation Plan.

Applicant: City of McMinnville

Chair Hall opened the public hearing. He 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.

Senior Planner Darnel provided the staff report. This was another legislative hearing for Comprehensive Plan text amendments related to the incorporation of a Historic Preservation Plan. A couple of years ago the City updated the historic preservation chapter of the City's code and incorporated new regulations in response to an update to the Oregon Administrative Rules for how historic resources were treated. The OARs called for a historic preservation ordinance, following the Secretary of the Interior's standards and guidelines, creating a local historic context statement, and adopting a Historic Preservation Plan. He explained the process for developing the Plan, which would be a guide to the City's historic preservation program for the next 15-20 years. There were stakeholder meetings, public meetings, and Historic Landmarks Committee meetings where input was received that helped guide the process. The proposed text amendments would be added to the Cultural, Historical, and Educational Resources Chapter of the Comprehensive Plan and new goals, policies, and proposals would be added to the existing section titled Historic Preservation. The entire Historic Preservation Plan would be adopted as an appendix to the Comprehensive Plan as well. He then reviewed the components of the Historic Preservation Plan which included the historic context statement, evaluation and status of the current program, new goals, policies, and proposals, implementation plan, and maps identifying areas for further consideration and study. Some of the goals were to increase awareness of McMinnville's history and Historic Preservation Program, encourage the preservation and rehabilitation of historic resources, document and protect historic resources, and increase heritage tourism. No public testimony had been received on this item. McMinnville Water and Light had some recommendations for language changes. Staff had reviewed those changes, which focused on modern utility services to historic structures. Some of it was too detailed and did not fit well with the policies. Staff recommended a new proposal under Goal 3.4 to encourage the preservation and rehabilitation of historic resources that acknowledged the need to provide modern utility services to these buildings, but also that there was an overarching goal of preserving the historic character of those places. If the Commission approved the text amendments, they would go to the City Council on April 23.

Commissioner Schanche asked if there was a reason the comments from McMinnville Water and Light came in so late. Senior Planner Darnell said similar to the previous text amendments, the standard notification process had prompted their response and staff had reviewed their recommendations, but felt that they did not fit in well with the policy level language in the remainder of the proposed Comprehensive Plan text amendments. Staff still suggested addressing the comments by including the proposed new proposal.

Commissioner Schanche was in support of the text amendments. She pointed out a typo in the Historic Preservation Plan on page 13.

Commissioner Butler pointed out a typo on page 32.

Commissioner Dirks wanted to make sure realtors knew that properties were on the historic landmarks list when they were sold. Proposal 3.26 addressed that, but it was not a short term priority. Senior Planner Darnell said the Historic Landmarks Committee had been discussing how to make property owners more aware of properties that were historic resources and it was part of their work plan for 2019.

Commissioner Dirks asked about the revision to the Plan for the pre-European settlement history. Senior Planner Darnell explained that was Proposal 3.08, to partner with tribal organizations to further research and document the history of human settlement prior to the European explorer arrival to expand the historic context in the Plan. That was a mid-term policy in the implementation chapter.

Commissioner Langenwaller asked if the City adopted the Historic Preservation Plan, why were there no changes to the Development Code or regulatory processes. Senior Planner Darnell explained the Plan did not include any specific updates to the historic review processes.

Commissioner Chroust-Masin thought people should be aware that it was a voluntary program and there was a process to withdraw from the program and that should be included in the Plan. If they wanted people to stay in the program, there needed to be some incentives for them. He suggested putting plaques on buildings with the histories of the buildings for walking tours and more awareness. Senior Planner Darnell stated that the withdrawal from the program was not necessarily voluntary, but that there was a process that a property owner could go through to request removing their property from the Historic Resource Inventory. He discussed the process for getting properties unlisted from the inventory, and also stated that there was a proposal included in the plan to continue creating walking tour brochures to highlight historic properties.

Cynthia Lopez, McMinnville resident, advocated for adding language to the Plan letting people know in the buying process that they were buying a historic house. She was also in favor of adding plaques to the homes.

Chair Hall closed the public hearing.

Commissioner Lizut had served on the historic preservation committee in Corvallis and that committee did not have the kind of support and quality that this Plan provided. He thought it was a good and impressive Plan and it would be a very useful tool to protect what McMinnville had and to guide the future.

Commissioner Langenwaller complimented all those involved in the creation of the Plan. It was thorough and well done.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the staff, Commissioner Lizut MOVED to RECOMMEND APPROVAL to the City Council for G 2-19 including the amendment addressing McMinnville Water and Light's concerns. SECONDED by Commissioner Langenwaller. The motion PASSED 8-0.

5. Old/New Business

None

6. Commissioner/Committee Member Comments

Commissioner Schanche suggested reordering the agenda so those items that had public testimony would go first.

Commissioner Dirks liked the reorganization of the staff report. Planning Director Richards said that had been part of the Strategic Plan.

7. Staff Comments

Planning Director Richards said staff had been watching the legislature regarding the planning bills that were being discussed, especially regarding affordable housing. She explained proposed HB 2001 and how she had given feedback on amendments to the bill.

8. Adjournment

Chair Hall adjourned the meeting at 8:16 p.m.

Heather Richards
Secretary



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STAFF REPORT

DATE: April 18, 2019
TO: Planning Commission Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: PUBLIC HEARING: PDA 3- 18 and PDA 4-18 (Planned Development Amendments), and S 3-18 (Tentative Subdivision Plan) for Oak Ridge Meadows Development

STRATEGIC PRIORITY & GOAL:

 GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.	 HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.
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Report in Brief:

This is a combined quasi-judicial hearing to consider three separate and distinct land-use applications for the Oak Ridge meadows housing development, but take all public testimony on these three applications during the combined public hearing. Premier Development, LLC, is requesting to amend two existing Planned Development Overlay Districts: 1) Oak Ridge – adopted in February, 2000 by Ordinance No. 4722; and 2) Oak Ridge Meadows – adopted in April, 2005 by Ordinance No. 4822, and the approval of a tentative subdivision plan.

Although all land-use applications support one housing development, they each need to be treated as individual land-use decisions and are governed by different regulations and criteria.

The order of consideration and approval should be:

- PDA 3-18, Oak Ridge Planned Development Amendment (Ordinance No. 4722).
- PDA 4-18, Oak Ridge Meadows Planned Development Amendment (Ordinance No. 4822).
- S 3-18, Tentative Subdivision Plan for Oak Ridge Meadows Planned Development Amendment

Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 3-18

Attachment B: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 4-18

Attachment C: Decision, Findings of Fact and Conclusionary Findings for the Approval of S 3-18

Attachment D: Public Notices

Attachment E: Agency Comments

Attachment F: Public Testimony Received

Attachment G: PDA 3-18/PDA 4-18 and S 3-18 Application Materials

Planning Commission is making a recommendation to the City Council for the two Planned Development Amendments (PDA 3-18 and PDA 4-18) and is making a decision on upon the tentative subdivision plan (S 3-18). If the tentative subdivision plan is approved it will be contingent upon the City Council's approval of the two planned development amendments.

PDA 3-18 considers the removal of the 11.47 acres of undeveloped land from the Oak Ridge Planned Development (Ordinance No. 4722), Tax Lot R44170300.

PDA 4-18 considers the addition of the 11.47 acres of undeveloped land removed from the Oak Ridge Planned Development to the current 24 acre Oak Ridge Meadows Planned Development (Ordinance No. 4822), Tax Lot R440700602, for a total of 35.47 acres, and the following amendments to the approved design and development standards of the Oak Ridge Meadows Planned Development.

- That the average lot size shall be amended from 7,500 square feet to approximately 7,770 square feet.
- That the setbacks be amended from:

Setbacks	Current	Proposed
Front Yard	20 feet	20 feet
Side Yard	Lots less than 6,000 square feet in area - 6 feet. All other lots – 7.5 feet.	5 feet
Exterior Side Yard	15 – 20 feet	10 feet
Rear Yard	20 feet	20 feet
Open Side of Garage	20 feet	20 feet

- That side lot 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.
- That the maximum block length be amended to 2,305 feet, with a maximum distance of 800 feet between pedestrian ways.
- That a lot depth to width ratio exceed the recommended two (2) to one (1) ratio shall be allowed where necessary to respond to physical conditions of the site, not to exceed 2.75:1.
- That a minimum .85 acre private active neighborhood park be provided and improved.
- That a minimum 5.6 acre public open space greenway be dedicated and improved.

The original planned development approval didn't include public open space amenities. The proposed amendments add provisions that a subdivision within the PD overlay would provide public open space and greenway amenities consistent with the specified parameters.

S 3-18 considers the approval of a tentative subdivision plan for 108 lots on the 35.47 acres in the amended Oak Ridge Meadows Planned Development Overlay District if PDA 3-18 and PDA 4-18 are approved.

Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 3-18

Attachment B: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 4-18

Attachment C: Decision, Findings of Fact and Conclusionary Findings for the Approval of S 3-18

Attachment D: Public Notices

Attachment E: Agency Comments

Attachment F: Public Testimony Received

Attachment G: PDA 3-18/PDA 4-18 and S 3-18 Application Materials

See Figure 1 for a map showing the respective application boundaries.

Background:

The subject site being considered for the amended Oak Ridge Meadows PD and new 108-lot subdivision tentative plan consists of a total of 35.47 acres, including the 11.47 acres of undeveloped land in the Oak Ridge Planned Development (Ordinance No. 4722) and the current 24.0 acres of undeveloped land in the Oak Ridge Meadows Planned Development (Ordinance No. 4822). The subject site is identified as Residential on the McMinnville Comprehensive Plan Map and is currently 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, and is currently undeveloped. **See Figure 1.**

The Oak Ridge Planned Development was approved in February, 2000. A tentative subdivision plan (S 6-99) of 107 residential lots with an average minimum lot size requirement of 7,000 square feet, was approved by the McMinnville Planning Commission as a three phase plan for the Oak Ridge Planned Development Overlay District. The original subdivision plan was eventually amended to reallocate the 107 lots from three phases into four phases. The first three phases of the residential subdivision were developed, totaling 82 lots averaging 7,387 square feet in size. The fourth phase (with 25 lots) was left undeveloped due to the onset of the Great Recession in 2007, leaving 11.47 acres unplatted and undeveloped.

The Oak Ridge Meadows Planned Development Overlay District was approved in April, 2005, and due to the Great Recession in 2007 development did not move forward.

Currently both planned development overlay districts are active, zoned R2-PD, and Premier Development LLC could submit two separate tentative subdivision plans that satisfy the covenants of each individual planned development and develop the acreage accordingly. However, they felt that it would be more appropriate to masterplan the remaining land as part of one larger planned development due to their adjacencies and opportunities for improved connectivity and open space planning.

Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 3-18

Attachment B: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 4-18

Attachment C: Decision, Findings of Fact and Conclusionary Findings for the Approval of S 3-18

Attachment D: Public Notices

Attachment E: Agency Comments

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Attachment G: PDA 3-18/PDA 4-18 and S 3-18 Application Materials

Figure 1. Subject site proposed for removal from Oak Ridge PD and addition to amended Oak Ridge Meadows PD



Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 3-18

Attachment B: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 4-18

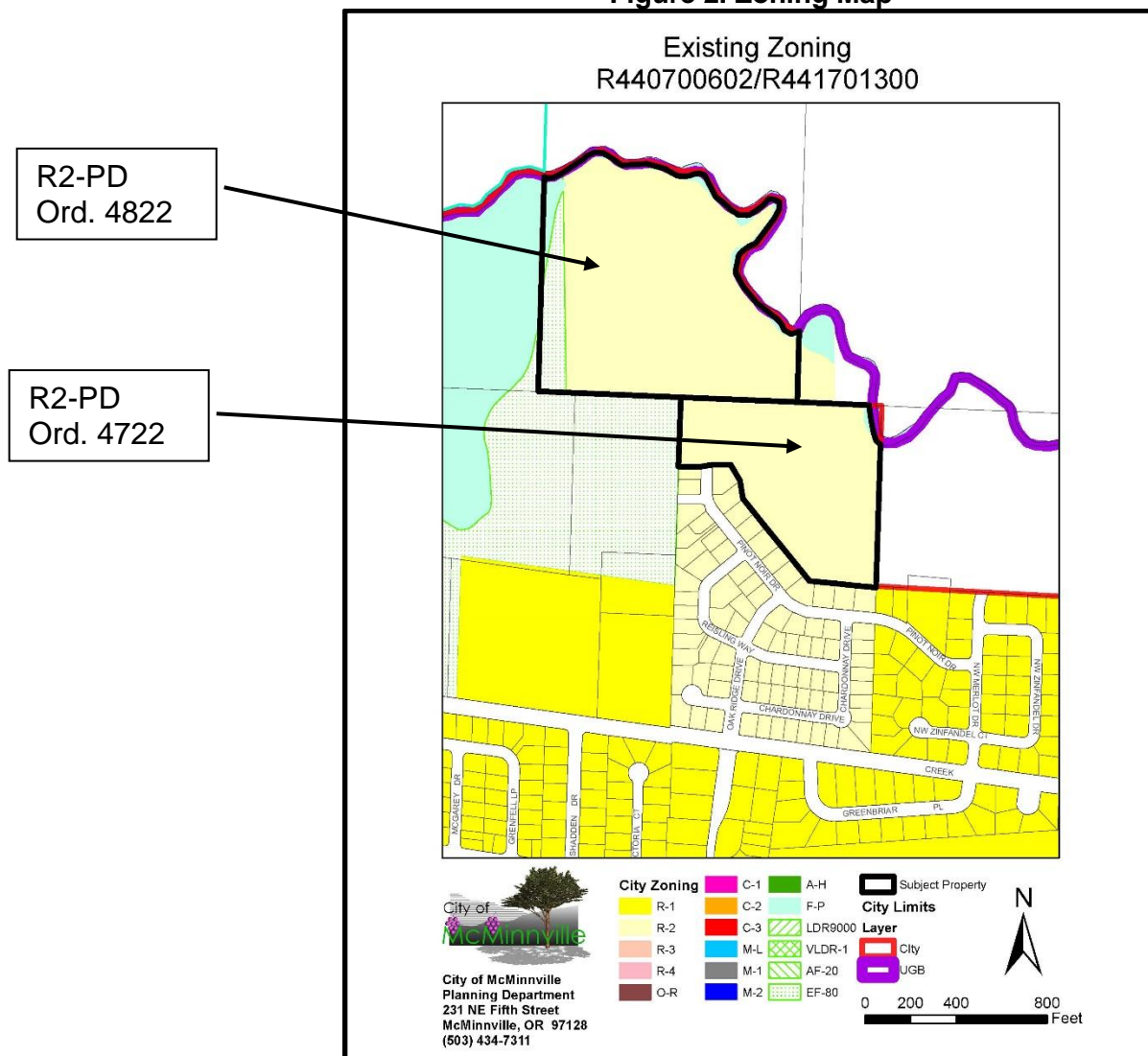
Attachment C: Decision, Findings of Fact and Conclusionary Findings for the Approval of S 3-18

Attachment D: Public Notices

Attachment E: Agency Comments

Attachment F: Public Testimony Received

Attachment G: PDA 3-18/PDA 4-18 and S 3-18 Application Materials

Figure 2. Zoning Map

The applicant's request is to combine the undeveloped 11.47 acres remaining in the Oak Ridge Planned Development Overlay District with the 24 acres in the Oak Ridge Meadows Planned Development Overlay District for a total site area of 35.47 acres for a subdivision of 108 lots of varying sizes to build a housing development with a dedicated, 5.6 acre public greenway and trail system along Baker Creek, and a private 0.85 acre park, overlooking a preserved wetland to be maintained by the homeowner's association in a separate tract of land. The applicant is working with the Department of State Lands on updating the wetland delineation and developing a wetland mitigation plan to address disturbed areas necessary to accommodate the needed infrastructure to support the housing development. The applicant has also secured an arborist to identify and evaluate all of the mature trees on the site with the goal of preserving as many of them as possible balanced with the need to develop medium density housing. Figure 3 illustrates the Tentative Subdivision Plan to be considered, application S 3-18.

Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 3-18

Attachment B: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 4-18

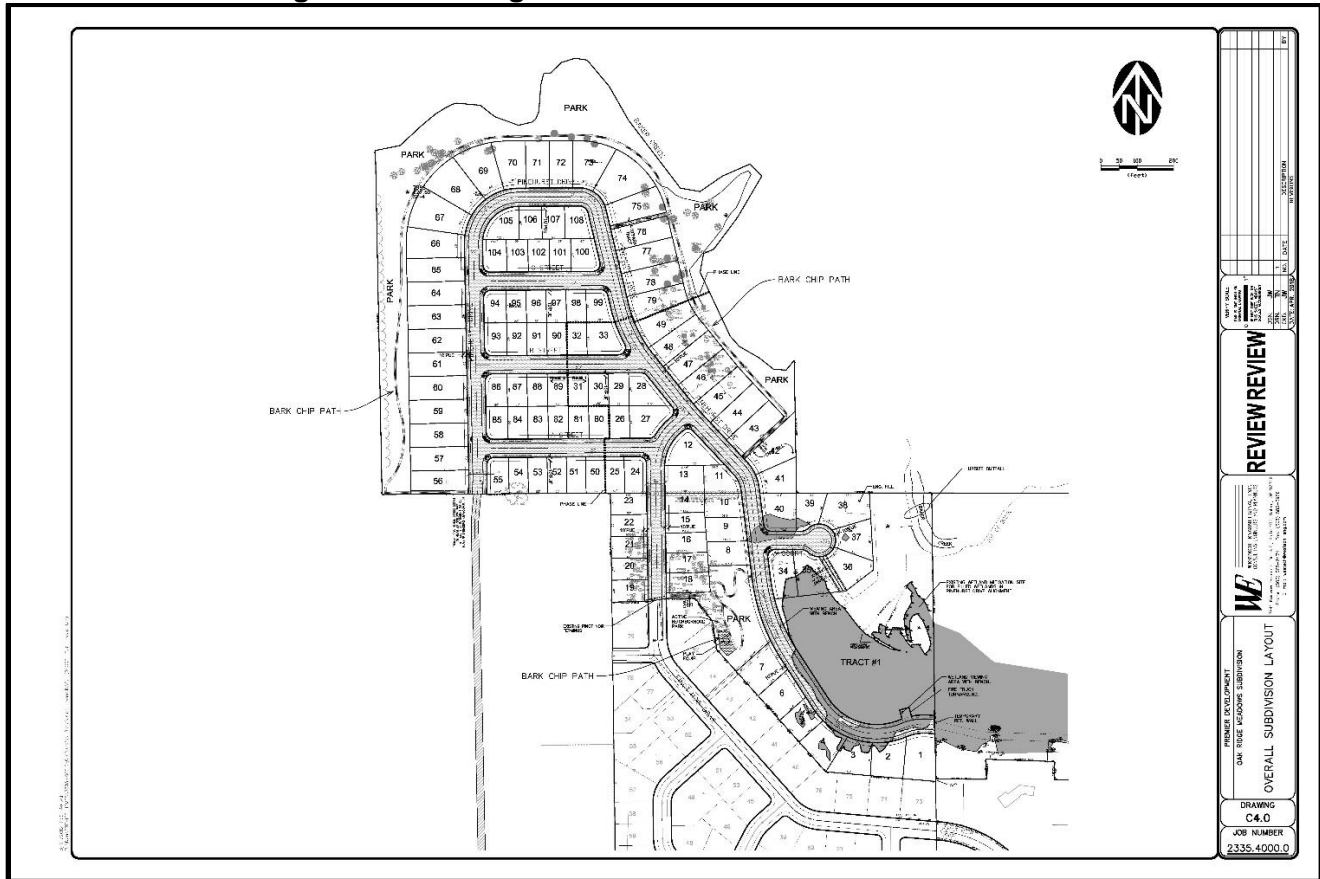
Attachment C: Decision, Findings of Fact and Conclusionary Findings for the Approval of S 3-18

Attachment D: Public Notices

Attachment E: Agency Comments

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Figure 3. Oak Ridge Meadows Tentative Subdivision Plan**Attachments:**

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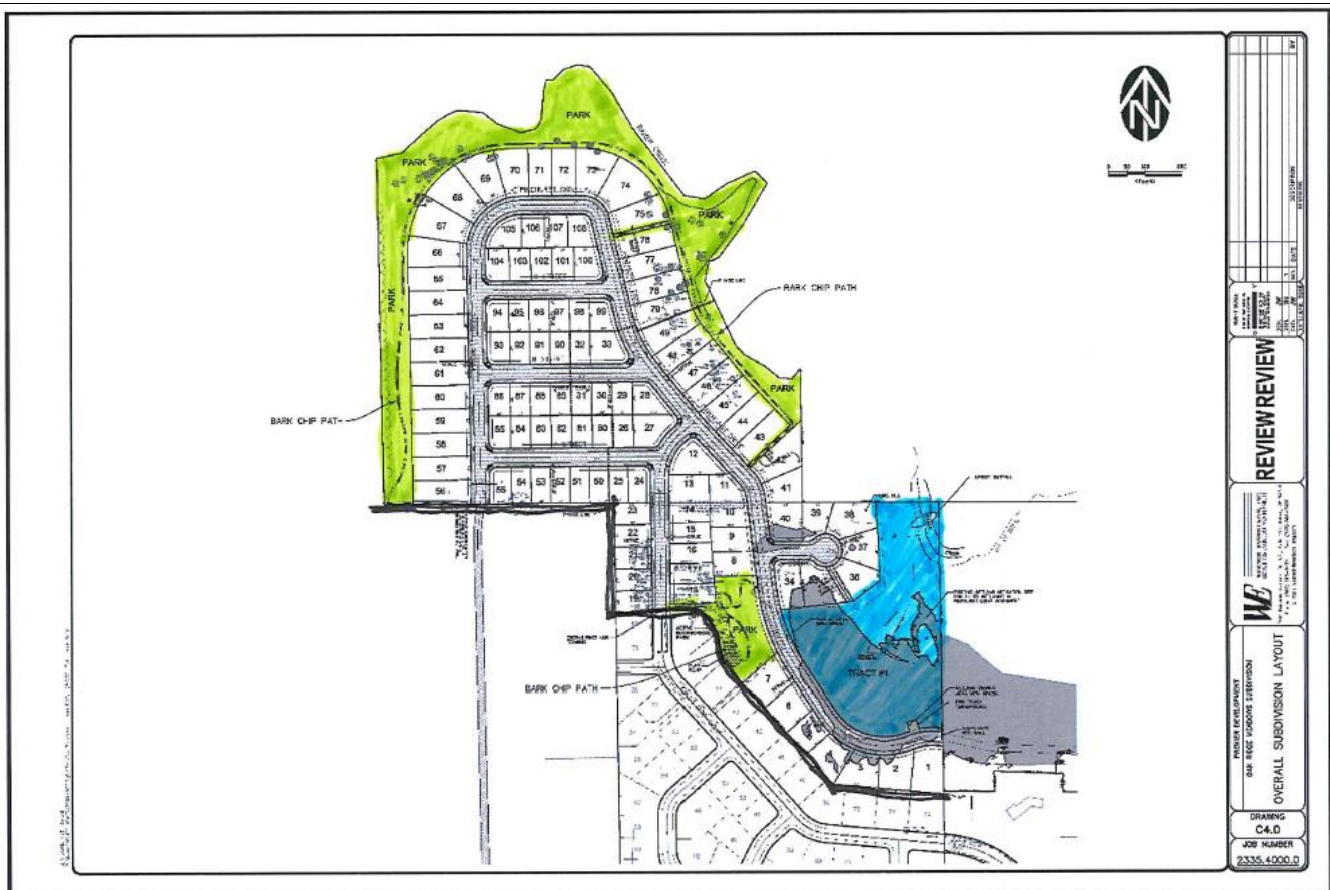
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Note: Shading added by staff to identify proposed public and private open space (green) and proposed wetland tract (blue).

Discussion:

Decisions and/or recommendations for approval of all three land-use applications are dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code. The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached are three different decision documents that provide the Findings of Fact and Conclusionary Findings for each land-use application. These documents outline the legal findings on whether or not each application meets the applicable criteria and whether or not there are conditions of approval that if achieved put the application in compliance with the criteria.

A Planned Development Overlay District is a method of adopting a specialized zone for specific property that has refined design and development standards to allow for better development within the City of McMinnville than would normally occur with just strict interpretation of the Zoning Ordinance.

For subdivisions that are part of a Planned Development Overlay District they need to meet the criteria in the McMinnville Municipal Code, including compliance with the standards for subdivisions and the

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zoning district unless amended standards have been adopted as part of the Planned Development Overlay District.

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.

The two Planned Development Amendment applications (PDA 3-18 and PDA 4-18) are 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.

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 many of the additional benefits possible through Planned Development outside of that process.

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The applicant has provided extensive narrative and findings to support the request for the Planned Development Amendments based on their proposed additional benefits to the community that would be provided through the amendment.

1. The addition of the area within 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.

Below are some tables summarizing the applications compliance with critical criteria. The Decision Documents for each land-use application have the detailed analysis and findings for this compliance:

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Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 3-18

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Attachment C: Decision, Findings of Fact and Conclusionary Findings for the Approval of S 3-18

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PDA 3-18 (Planned Development Amendment, Ordinance No. 4722, Removal of 11.47 Acres)

Issue	Notes	Condition to Help Meet Criteria
Removes land from an existing PD to include in an adjacent PD for connectivity efficiency and open space planning.	Meets Comp Plan Policies and Code Criteria for Amendment. Oak Ridge Planned Development without planned Phase IV still meets the intent and covenants of the Comp Plan and the code.	Condition of Approval #1
What happens if the land is successfully removed from the Oak Ridge Planned Development but not successfully amended into the Oak Ridge Meadows Planned Development.	Land will be rezoned from R2-PD to R2, and future development will need to be compliant with the R2 zone.	Condition of Approval #2

PDA 4-18 (Planned Development Amendment, Ordinance No. 4822, Addition of 11.47 Acres plus design and development standard amendments)

Issue	Notes	Condition to Help Meet Criteria
Trade-Offs for Planned Development	Comp Plan, Volume 1, Chapter V, references the need for trade-offs that benefit the community in addition to a mixture of lot sizes and housing types.	Condition of Approval #8 identifies the provision of a private active neighborhood park within the subdivision. Condition of Approval #9, identifies the dedication, construction and maintenance of a 5.6 acre greenway and trail system along Baker Creek. Condition of Approval #10 identifies the preservation of the majority of wetlands with viewing areas.
Street Specifications	Due to the unique characteristics of the site with Baker Creek and its associated floodplain bordering three sides of the site, a variance on right angle intersections was requested. Request meets Comp Plan policies and City Code with Condition.	Condition of Approval #5

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PDA 4-18 Continued. (Planned Development Amendment, Ordinance No. 4822, Addition of 11.47 Acres plus design and development standard amendments)

Issue	Notes	Condition to Help Meet Criteria
Lots Depth to Width Ratio	Due to the unique characteristics of the site with Baker Creek and its associated floodplain bordering three sides of the site, a variance on the lot depth to width ratio was requested. Request meets Comp Plan policies and City Code with Condition.	Condition of Approval #6
Block Length	Due to the unique characteristics of the site with Baker Creek and its associated floodplain bordering three sides of the site, a variance on block lengths was requested. Request meets Comp Plan policies and City Code with Condition of approval that requires a bicycle and pedestrian mid-block connection at least every 800 feet.	Condition of Approval #7
Provides Required Open Space	Meets Parks Master Plan and Comp Plan Policies with the construction and dedication of a 5.6 acre public greenway and trail system along Baker Creek, and a 0.85 acre private park, and preserved wetlands.	Condition of Approval #8 Condition of Approval #9 Condition of Approval #10
Wetland Delineation	Wetland Delineation was updated and needs to be approved by Department of State Lands prior to platting. This is a state regulation and approval process.	Condition of Approval #11

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PDA 4-18 Continued. (Planned Development Amendment, Ordinance No. 4822, Addition of 11.47 Acres plus design and development standard amendments)

Issue	Notes	Condition to Help Meet Criteria
Wetland Mitigation	Wetland Mitigation Plan will need to be submitted and approved by the Department of State Lands prior to any construction work impacting the wetland. This is a state regulation and approval process.	Condition of Approval #11
Tree Preservation	Trees 9" or greater in diameter will need to be inventoried and a plan identifying preservation and removal needs to be submitted for approval by the Planning Department prior to construction.	Condition of Approval #12 Condition of Approval #13
Traffic Impact	A new traffic impact analysis was conducted indicating that Pinot Noir could accommodate the amount of trips generated by 108 dwelling units prior to a second public access street was constructed for the development.	Condition of Approval #15 limits the amount of dwelling units that can be constructed to 108 dwelling units prior to the construction of a second public access street.

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S 3-18 (Tentative Subdivision Plan for Amended Planned Development Overlay District associated with the approval of PDA 4-18).

Issue	Notes	Condition to Help Meet Criteria
Size and Number of Lots	Meets Code and PD	
Street Specifications	Meets City Code	
Lots Depth to Width Ratio	Meets PD	
Block Length	Meets PD with Condition	Condition of Approval #10
Provides Required Open Space	Meets Parks Master Plan and PD with Condition	Condition of Approval #3 Condition of Approval #8 Condition of Approval #9 Condition of Approval #11
Wetland Delineation	Meets State Requirements and City Comp Plan Policies with Condition	Condition of Approval #22
Wetland Mitigation	Meets State Requirements and City Comp Plan Policies with Condition.	Condition of Approval #22 Condition of Approval #23
Tree Preservation	Meets City Code and PD.	
Traffic Impact	Meets City Code and PD.	Condition of Approval #12
Variety of Housing Types	Meets Comp Plan Policy and PD.	
Disposition of lots for public sale.	Meets Comp Plan Policy with condition.	Condition of Approval #7

In short, the proposals provide several advantages over a standard subdivision and the current PD approvals in effect and the prior, now expired tentative plan approvals.

- Original Oak Ridge PD approval and Phase 4 didn't include any public open space. The new proposals for that portion of the site include a new private open space lot. The wetland tract and access configuration remain substantially as originally proposed.
- Original Oak Ridge Meadows PD didn't include any public open space. The new proposals for that portion of the site include a public greenway and trail system. The new proposals also include better internal street connectivity. The external street connectivity (current and future) remain as originally proposed.
- Together, the total area provides a better overall development plan than the current PD approvals in place and the previously approved (now expired) tentative plan approvals.

Commission Options for Planned Development Amendment Applications, PDA 3-18 and PDA 4-18. (Each to be voted on separately):

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.

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- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Commission Options for Tentative Subdivision Plan Application, S 3-18:

- 1) Close the public hearing and vote to **APPROVE** the application per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation:

Staff recommends approval of all three land-use applications with the conditions specified in the decision document. Recommended motions for each land-use application is provided below.

MOTION FOR PDA 3-18:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE PDA 3-18, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR PDA 4-18:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE PDA 4-18, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR S 3-18:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVE S 3-18, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

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

503-434-7311
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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT TO REMOVE PROPERTY FROM AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT AT R441701300.

DOCKET: PDA 3-18 (Planned Development Amendment)

REQUEST: Approval to amend an existing Planned Development Overlay District to remove property from the Overlay District boundary. The original Planned Development Overlay District was adopted in 2000 by Ordinance 4722.

LOCATION: North and east of NW Pinot Noir Drive, south of Baker Creek (Tax Lot 1300, Section 17, 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 2nd 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; and Northwest Natural Gas. 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 3-18) to the McMinnville City Council **subject to the conditions of approval provided in Section II of this document.**

RECOMMENDATION: APPROVAL WITH CONDITIONS

City Council: _____
Scott Hill, Mayor of McMinnville

Date:

Planning Commission: _____
 Roger Hall, Chair of the McMinnville Planning Commission

Date:

Planning Department: _____
Heather Richards, Planning Director

Date:

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 proposal is an application for a Planned Development Amendment (PDA 3-18) 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), approximately 11.47 acres, from the boundary of the Oak Ridge Planned Development Overlay District.

A concurrent application for a Planned Development Amendment (PDA 4-18) requests 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, in addition to other zoning allowances. The second Planned Development Amendment request (PDA 4-18) 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.

The subject site being considered in PDA 3-18, Tax Lot R441701300, is approximately 11.47 acres in size. This parcel is identified as Residential on the McMinnville Comprehensive Plan Map and is 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 and the Oak Ridge Meadows PD site, and is currently undeveloped. ***See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.***

Excerpts from Land Use Application Narrative and Findings (a portion of the narrative also describes the characteristics of the adjacent 24 acre Oak Ridge Meadows site together with the 11.47 acre subject property):

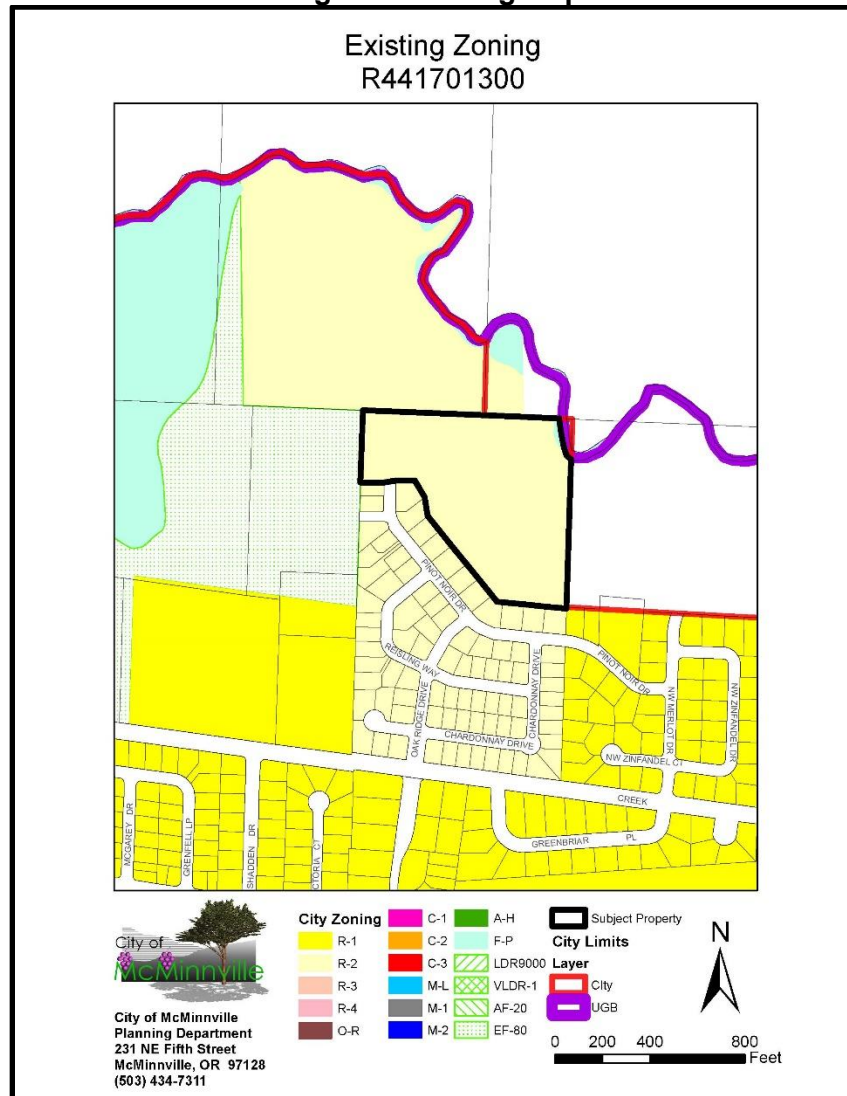
Baker Creek and its associated floodplain lie adjacent to the northern and a portion of the eastern edges of the site; other land to the east is identified as wetlands. The southernmost edge of the site lies adjacent to the Oak Ridge 1st Addition and Oak Ridge 2nd Addition residential subdivisions, zoned R-2 PD subject to the Oak Ridge Planned Development Overlay adopted by Ordinance 4722. 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. Northwest of the site is the undeveloped land subject to the Oak Ridge Meadows Planned Development, zoned R-2 PD and the subject of the concurrent Planned Development Amendment request (PDA 4-18).

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.

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.

Summary of Criteria & Issues

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.

The application (PDA 3-18) 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.

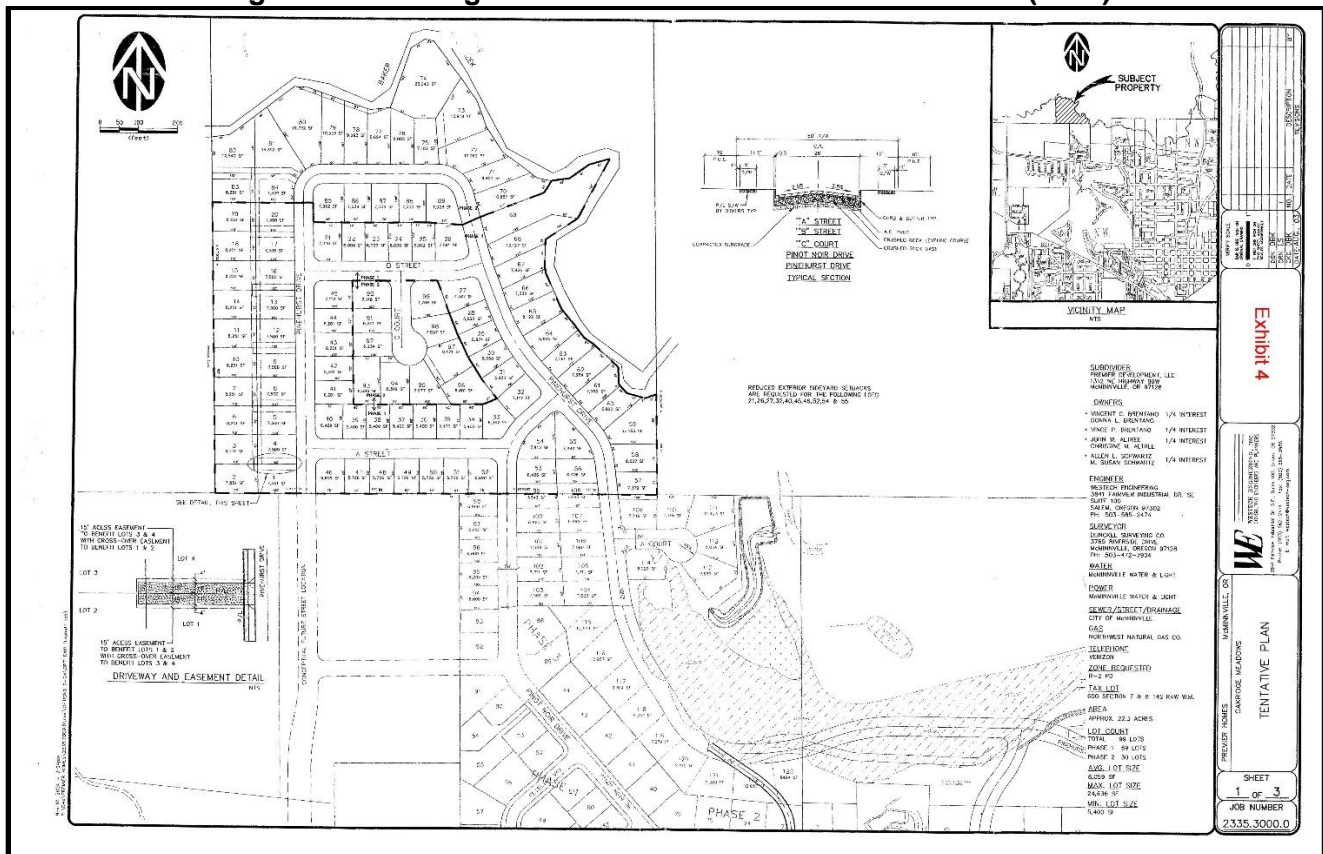
Review criteria for Planned Development Amendments refer to the “plan, “development”, or “proposed development” that results from the requested Planned Development Amendment. In the case of the requested Planned Development Amendment (PDA 3-18), there is no plan, development, or proposed

development in association with the specific request. The specific request of PDA 3-18 is the removal of the subject site, an undeveloped property, from the boundary of an existing Planned Development Overlay District, and not to consider any proposed development of that property.

The applicant is also requesting approval of a second Planned Development Amendment (PDA 4-18) and Tentative Subdivision Plan (S 3-18). It is in these concurrent requests that a proposed development including the subject property is described. The second Planned Development Amendment and Tentative Subdivision Plan are separate land-use decisions and will be processed in a separate decision documents.

The requested Planned Development Amendment (PDA 3-18) is driven by the special physical conditions of the previously approved subdivisions for the Oak Ridge and Oak Ridge Meadows planned developments. The approved plans required simultaneous construction to allow street connections and access through one development into the other. The extension of Pinot Noir Drive through the Oak Ridge 4th Phase was necessary to access the Oak Ridge Meadows site, and the intersection of Pinot Noir Drive and Pinehurst Drive within the Oak Ridge Meadows development was necessary to access the majority of lots in the Oak Ridge 4th Phase. **See Oak Ridge Meadows Tentative Subdivision Plan (2005) (Figure 3).** The proposed subdivisions were not platted or constructed, and each tentative subdivision approval has expired. To restart the development of the two lots as once envisioned, two separate subdivision requests under two separate planned development overlays would need to occur.

Figure 3. Oak Ridge Meadows Tentative Subdivision Plan (2005)



This applicant's overall proposal, which includes two (2) planned development amendment requests and a tentative subdivision requests, seeks to achieve the intended development pacing envisioned for the Oak Ridge Fourth Phase and Oak Ridge Meadows subdivisions 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. The first step in this process is the removal of the subject property from the Oak Ridge Planned Development Overlay District.

Removal of the subject property from the Oak Ridge Planned Development Overlay District does not alter the function of the already constructed first three phases of the Oak Ridge Planned Development. The applicant has demonstrated a special physical condition of the Planned Development that the amendment request would help alleviate. Furthermore, a development plan is not part of this specific request, and future development plans for the subject site will be reviewed against applicable criteria at that time. Overall, the criteria for Planned Development Amendment approval are satisfied by this proposal.

II. CONDITIONS:

1. That Ordinance 4722 is amended to remove the subject site and property, Tax Lot R441701300, from the Oak Ridge Planned Development Overlay District, hereby adjusting the boundary of the Planned Development Overlay District. All other standards and conditions of approval adopted by Ordinance 4722 remain in effect.
2. That Tax Lot R441701300 shall remain in the underlying R-2 zone when removed from the boundary of the Oak Ridge Planned Development Overlay District until such time that it is re-zoned.

III. ATTACHMENTS:

1. PDA 3-18 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, and the 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 S 3-18, to which they are applicable.

- McMinnville Fire Department

We have no comments on these amendments.

- McMinnville Public Works Department

Staff Comment: Comments provided by the Public Works Department are not relevant to this Planned Development Amendment application, and can be found in the Decision Document for Planned Development Amendment PDA 4-18, to which they are applicable.

- 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 (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 3-18) 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.
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 prior to the issuance of this Decision Document to the Planning Commission 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 and east of NW Pinot Noir Drive, south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M.)
2. **Size:** 11.47 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 northeast, towards Baker Creek. Mature native oak trees are found on the uphill portion of the site, and wetlands are found on the lower portion of the site.
9. **Utilities:**
 - a. **Water:** Water service is available to the property.
 - b. **Electric:** Power service is available to the property.
 - c. **Sewer:** Sanitary sewer service is available to the property.
 - d. **Stormwater:** A storm water facility serving the Oak Ridge development is in the northeast corner the subject site. A storm drain easement provides storm sewer access for that facility.
 - e. **Other Services:** Other utility services are available to the property. 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). The street terminates at the property line of the subject property. 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.

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 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.

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 CONDITION 1. The proposed Planned Development Amendment would result in the removal of the subject site from the Oak Ridge Planned Development Overlay District, which was previously found to be consistent with applicable Comprehensive Plan goals and policies. The Planned Development Amendment, as it is solely the removal of the undeveloped subject site from a larger Overlay District, does not result in any change to the previously developed phases of the Planned Development. Previous phases of the Oak Ridge development were built in compliance to the requirements established by Ordinance 4722, and removal of the undeveloped fourth phase does not change that. A condition of approval is included to ensure that all other standards and conditions of approval adopted by Ordinance 4722 in the approval of the original Planned Development Overlay District would remain in effect.

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:

17.74.070. Planned Development Amendment – Review Criteria.

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. Special physical conditions exist that warrant the departure from the regulation requirements of the Planned Development Overlay District adopted by Ordinance 4722 for the Oak Ridge development. This is due to the fact that 1999 and 2005 approvals of the proposed Oak Ridge and Oak Ridge Meadows subdivision street networks contemplated concurrent or simultaneous construction of the two adjacent subdivisions, neither of which could be constructed without completion of a portion of the other. Both tentative subdivision plans were made a part of the zone and made binding on the property owner and developer. The concurrent or simultaneous construction of the two approved subdivisions did not occur due to economic recession, and the tentative subdivision approvals for Oak Ridge and Oak Ridge Meadows have since expired. The plans, though, remain a part of the zone. Any development

plan of the subject site is therefore necessarily dependent on the development of the adjacent Oak Ridge Meadows property. The removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development Overlay District would help alleviate this special physical condition for any future development plan by removing it from a binding site plan, thereby reducing its co-dependence on construction of an adjacent development under different planned development overlay requirements.

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 WITH CONDITION 1. No development is proposed to accommodate the removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development overlay, established by Ordinance 4722. Any future development of the subject site would be subject to review under all applicable Comprehensive Plan objectives of the area at that time. Removal of the subject site from the Planned Development Overlay District would not cause any inconsistency between the existing Oak Ridge subdivision phases and Comprehensive Plan goals and objectives or Ordinance 4722. A condition of approval is included to ensure that all other standards and conditions of approval adopted by Ordinance 4722 in the approval of the original Oak Ridge Planned Development Overlay District would remain in effect.

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. No development is proposed to accommodate the removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development overlay, established by Ordinance 4722. Any future development of the subject site would be subject to review under all applicable review criteria at that time.

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 WITH CONDITION 2. No development plan is proposed to accommodate the removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development overlay, established by Ordinance 4722. The timeliness of future development of the subject site would be subject to review under all applicable review criteria at that time.

Furthermore, completion of the Oak Ridge Planned Development has not happened within a reasonable amount of time. Again, this is due to the fact that 1999 and 2005 approvals of the proposed Oak Ridge and Oak Ridge Meadows subdivision street networks created a situation where neither of the two adjacent subdivisions could be constructed without the concurrent or simultaneous completion of a portion of the other. Both tentative subdivision plans were made a part of the zone and made binding on the property owner and developer. The concurrent or simultaneous construction of the two approved subdivisions did not occur due to economic recession, and the tentative subdivision approvals for Oak Ridge and Oak Ridge Meadows have since expired. The plans, though, remain a part of the zone. Any development plan of the subject site is therefore necessarily dependent on the development of the adjacent Oak Ridge Meadows property. The removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development Overlay District would help facilitate timely completion of any future development plan by removing it from a binding site plan.

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. The subject site is undeveloped and no streets or public rights-of-way are located on the site. Therefore, the removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development overlay would not impact the streets in the Oak Ridge planned

development, or elsewhere. Any streets proposed to support future development of the subject site would be subject to review under all applicable review criteria at that time.

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. No utility or drainage facilities are proposed to accommodate the removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development overlay, established by Ordinance 4722. Any future utility or drainage facilities proposed to support future development of the subject site would be subject to review under all applicable review criteria at that time.

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. The removal of Parcel R441701300 from the boundary of the Oak Ridge Planned Development overlay, established by Ordinance 4722, would not create any noise, air, or water pollutants that would have an adverse effect on the surrounding areas, public utilities, or the city as a whole. Any future development of the site would be subject to review under all applicable land use criteria at that time.



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

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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMEDEMMENT 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 2nd 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.**

////////////////////////////////////
RECOMMENDATION: APPROVAL WITH CONDITIONS
////////////////////////////////////

City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

Planning Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

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.

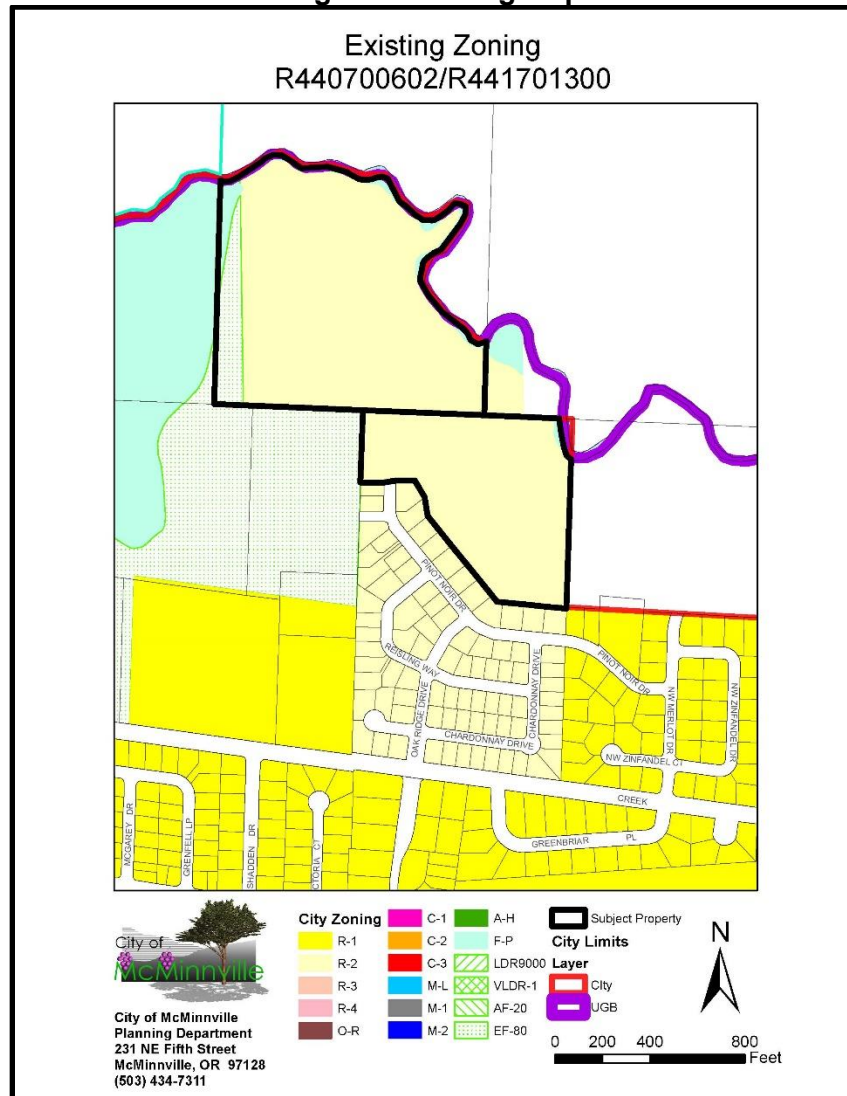
The site exhibits two main topographic characteristics. The central portion of the site, north of the existing temporary terminus of NW Pinot Noir Drive, is relatively flat. Wrapping around this central area of the site to the west, north and east is a band of steeply sloping land beyond which can be 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:

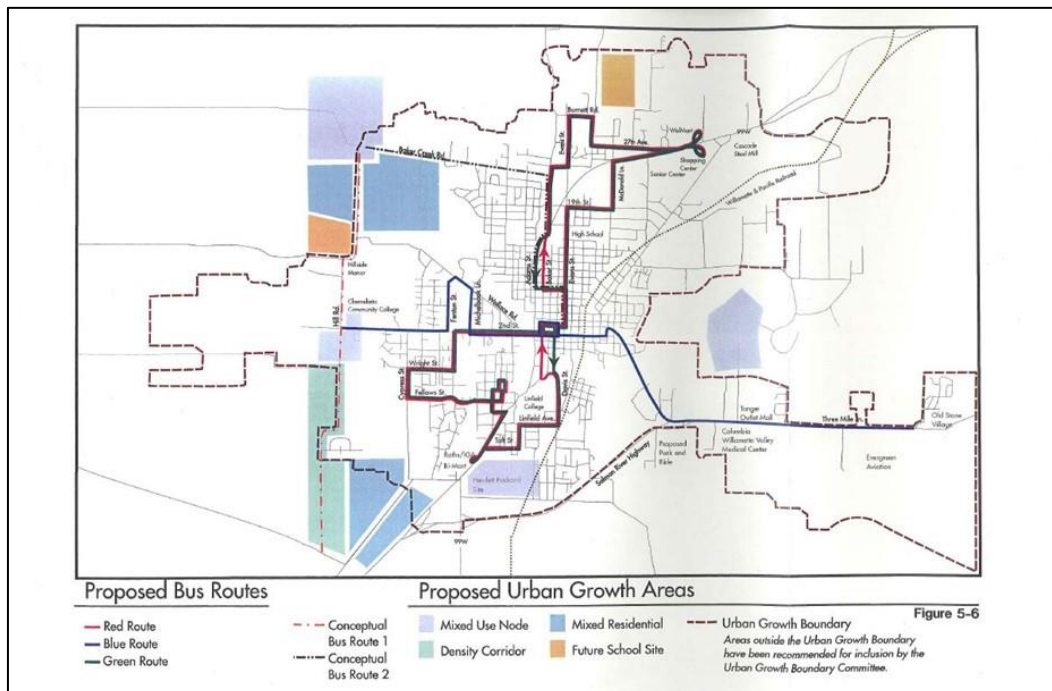
- 1. The capacity of facilities and services;*
- 2. Within one mile of existing or planned transit;*
- 3. Lower sloped areas within the West Hills;*
- 4. Riverside South area (lands more than 500 feet from planned and existing heavy industrial lands);*
- 5. Proximity to jobs, commercial areas, and public 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 low-lands 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) ¹	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 ²	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 ³								
	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 Zone (with ADA requirements)	Pedestrian Amenities ⁴							
	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		
Traffic Management	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 ⁵	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:
1. 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.
2. An absolute maximum 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 development along an established route or other severe physical constraints preclude construction of the preferred facility width.
3. Street design for each development shall provide for emergency and fire vehicle access.
4. 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.
5. 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.
6. None with on-street parking.
Street Design Standard Notes:
(a) Exclusive of side slope assessment which may be required in addition for cuts and fills in rough terrain.
(b) 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.
(c) The right-of-way, street width, improvement standards, and turnaround radius of commercial industrial cul-de-sacs and streets shall be dependent upon the type of vehicle traffic to be served.
(d) Intersecting streets shall be no less than 25 feet. On-street width shall not be narrower than 15 feet distance of street intersection measured from the beginning of the curb lines. Where such a local residential street intersects an arterial, parking along the local street shall not be permitted within 100 feet of the intersection and within 100 feet of the driveway. The driveway shall be dependent upon the type of vehicle traffic to be served. Signage shall be dependent upon the type of vehicle traffic to be served.
(e) Sidewalks and planter strips shall not be required along easements.
(f) For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the boulevard 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 Finding 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.



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
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**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 (Tentative Subdivision)

REQUEST: Approval of a Tentative Subdivision (more than 10 lots) for a 108 lot, two phase single-family detached residential development.

LOCATION: Generally north of Baker Creek Road and the multi-phased Oak Ridge residential development, and 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 shall, based on Findings of Fact, render a decision which shall either approve or deny the application, or approve the application in a different form.

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

PROCEDURE: An application for a Tentative Subdivision (more than 10 lots) 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 Tentative Subdivision are specified in Chapter 17.53 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:

As specified in Section 17.72.180 of the Zoning Ordinance, the Planning Commission's decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed. 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, including resolution of any local appeal.

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.

DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **APPROVES** Tentative Subdivision (S 3-18) **subject to the conditions of approval provided in Section II of this document.**

////////////////////////////////////
DECISION: APPROVAL WITH CONDITIONS
 //////////////////////////////////////

Planning Commission: _____
 Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
 Heather Richards, Planning Director

Date: _____

I. APPLICATION SUMMARY:

The applicant has provided extensive information in their application narrative and findings (attached) 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 Subdivision 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 request is for approval of a Tentative Subdivision for the construction of a 108 lot, two phase single-family residential development on approximately 35.47 acres of land, referred to as Oak Ridge Meadows. If approved, the subdivision would provide the opportunity for the construction of 108 single-family homes on lots ranging in size from approximately 4,950 to 14,315 square feet and averaging approximately 7,771 square feet in size. 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. **See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.**

Concurrent to the Tentative Subdivision application, two (2) Planned Development Amendments are requested to allow exceptions to the underlying planned development (Ordinance 4822) and R-2 zone, including lot size averaging; modified sideyard and exterior sideyard 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.

The subject property is located generally north and east of NW Pinot Noir Drive and south of Baker Creek. The subject property is zoned R-2 PD (Single Family Residential Planned Development) and is currently undeveloped. South of the subject site are Phases One, Two, and Three of the Oak Ridge Planned Development, single family developments also zoned R-2 PD. North and west of the site is the undeveloped land subject to the Oak Ridge Meadows Planned Development, zoned R-2 PD and the subject of the concurrent Planned Development Amendment request (PDA 4-18). **See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.**

Figure 1. Vicinity Map

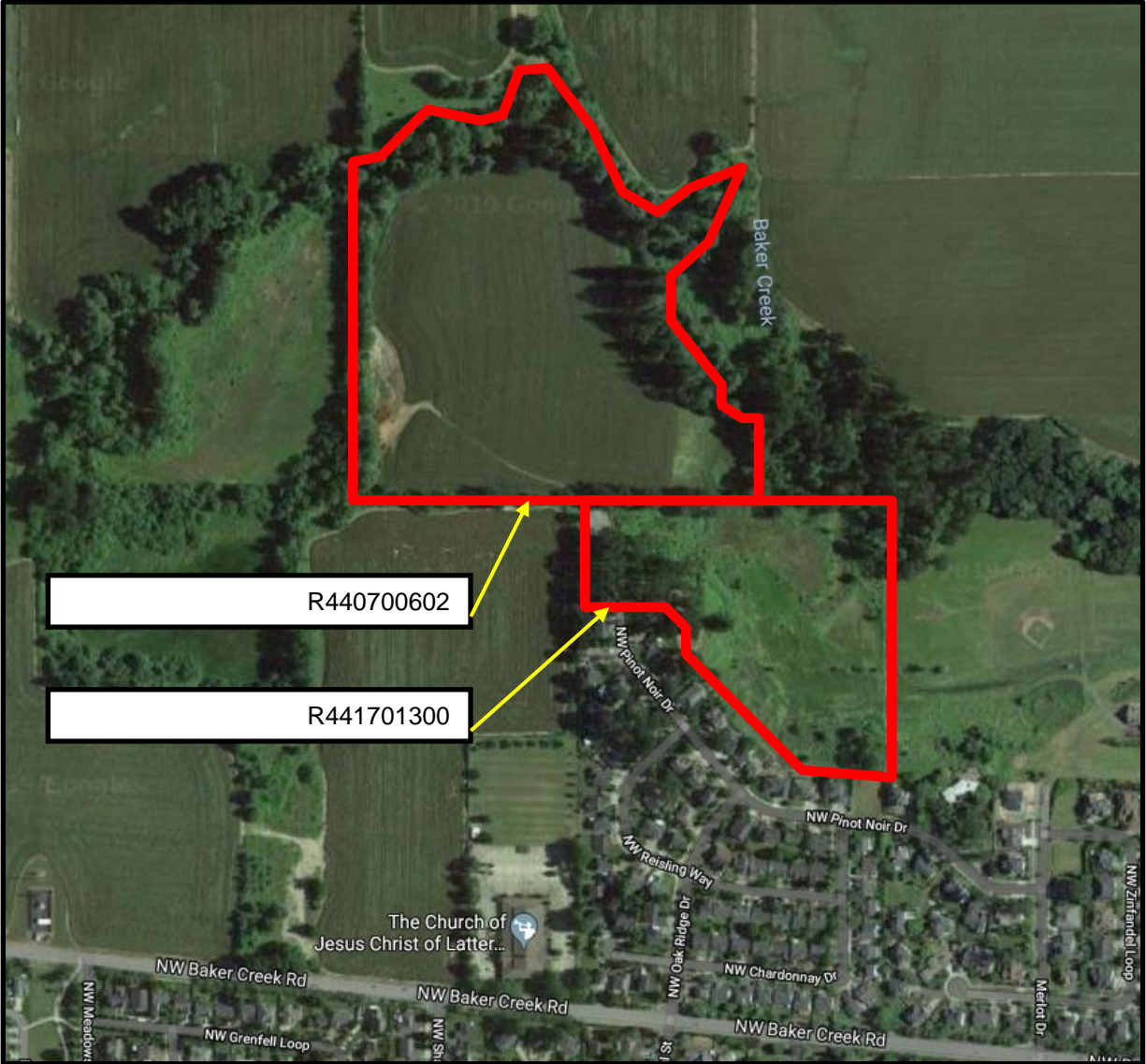
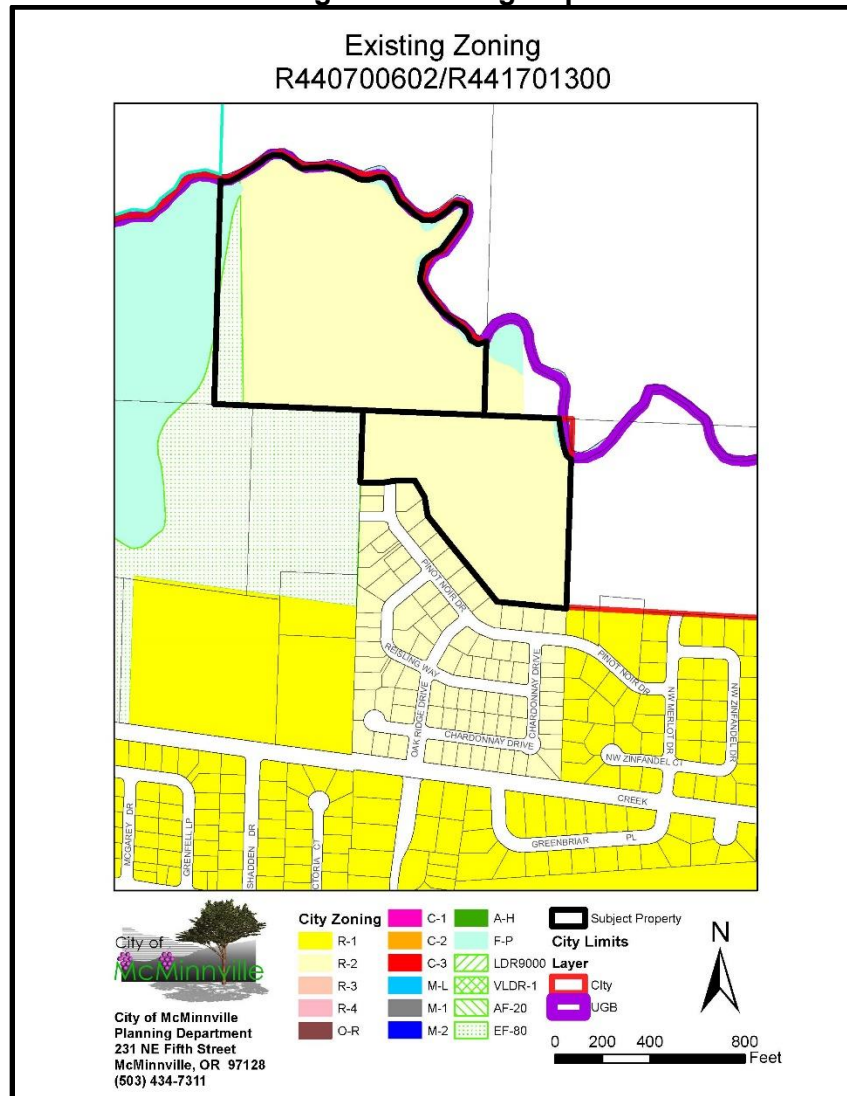
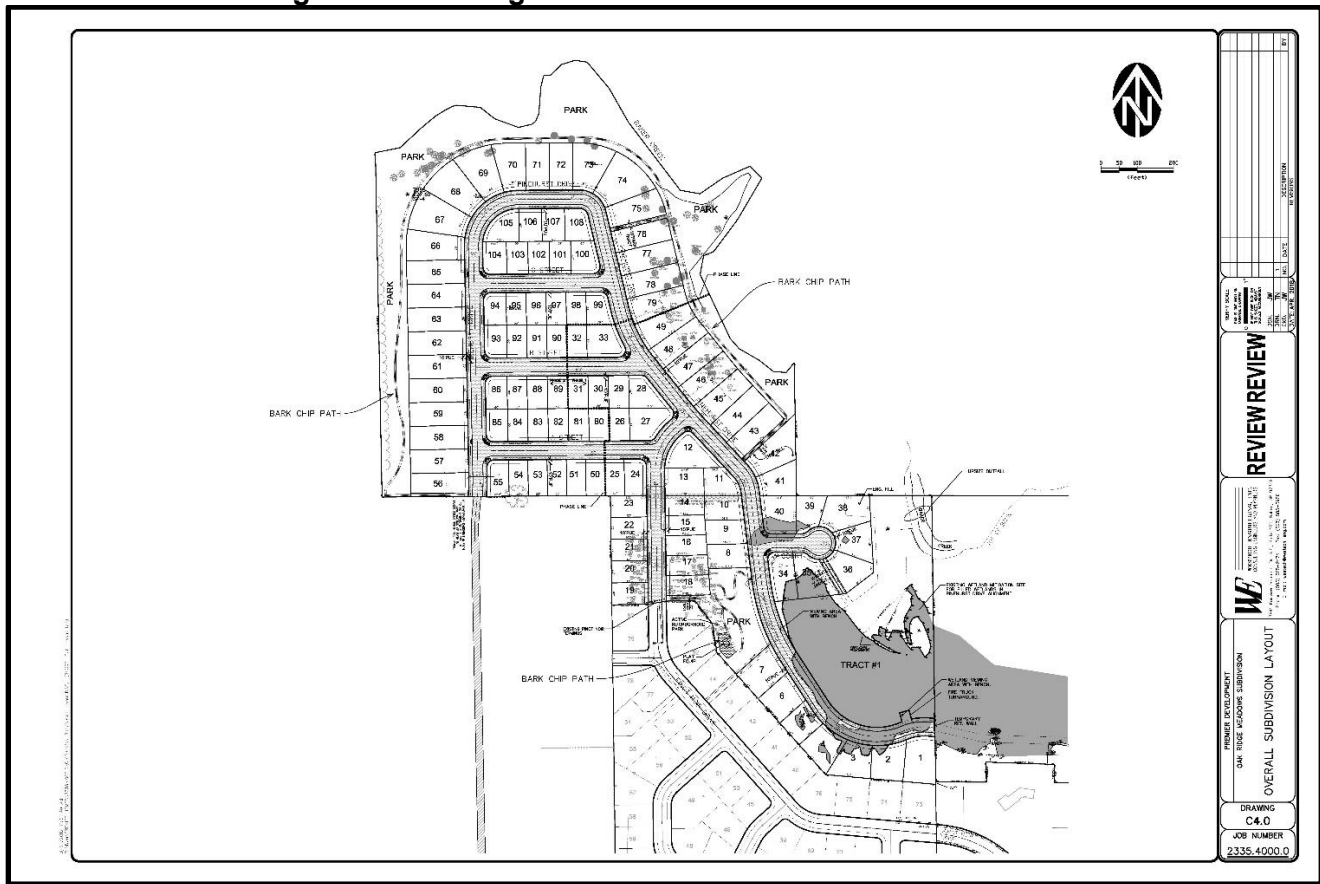


Figure 2. Zoning Map**Summary of Criteria & Issues**

The proposed tentative subdivision plan is provided below for reference. **See Oak Ridge Meadows Tentative Subdivision Plan (Figure 3) below.**

Figure 3. Oak Ridge Meadows Tentative Subdivision Plan

Excerpts from Land Use Application Narrative and Findings:

For general orientation to the main elements of the proposed tentative subdivision, the larger residential lots are identified as being generally located around the west, north and east perimeter of the site which has the benefit of preserving as much of the steeper elevations of the site as possible and allowing for building envelopes that allow preservation of much of the associated natural greenway and tree cover. Lots that are more centrally located within the site are proposed to be moderately sized (generally between approximately 4,950 and 8,825 square feet in size) and those that are proposed to be located toward the southern end of the site along the west side of NW Pinot Noir Drive are designed to approximate the sizes of the nearby existing developed lots to the south and also located along the west side of NW Pinot Noir Drive to purposefully help the proposed development blend cohesively with the current adjacent established neighborhood. Lots proposed to be located along the east side of this same length of NW Pinot Noir Drive are a bit larger than those found along the west side but not quite as large as the nearby existing developed lots to the south and located along the east side of NW Pinot Noir Drive. This transition from existing to proposed lot sizes along the east side of NW Pinot Noir Drive is mitigated by a proposed 15-foot wide public pedestrian access path leading eastward from NW Pinot Noir Drive to provide pedestrian access to the approximately 36,833 square foot (0.85-acre) active private neighborhood park connecting NW Pinot Noir Drive and NW Pinehurst Drive. The varied arrangement of proposed lot sizes within the two-phased subdivision plan complements the existing adjacent residential development pattern, preserves environmentally sensitive and scenic areas and will provide a range of lots sizes at varying price points within the residential market.

This plan also preserves a very similar vehicular circulation pattern to that previously tentatively approved for the area that was to become the Oak Ridge fourth phase and the Oak Ridge

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Meadows tentative residential subdivision plan by continuing the northerly extension of NW Pinot Noir Drive to serve an almost identical pattern of previously proposed interconnected local streets. One cul-de-sac street is currently proposed which is in the same general location as was supported in the previous Oak Ridge subdivision approval due to the presence of adjacent wetlands along the site's southeastern edge. Access necessary to allow for inspection and maintenance functions related to the sewer system in this area is also provided from this cul-de-sac and is proposed to be located within easements centered along the common property line of Lots 35 and 36 (Exhibit 7). NW Pinehurst Drive is proposed to continue southward beyond this cul-de-sac to serve proposed lots to be located along the west side of NW Pinehurst Drive; this was also approved as part of the previous Oak Ridge approval.

The dedication of a public greenway inclusive of a pedestrian pathway is being proposed to encircle the west, north and most of the eastern edges of the site. This greenway dedication is proposed to begin at the site's outer edge and extend inward toward the toe of the encircling slope effectively forming a ring around the majority of the outer edge of the site. This public greenway will vary in width based on the location of the site boundary and the location of the steeper portions of the slope. It is anticipated that the width of this public greenway may extend to a width of some 300-feet at its widest. In conversations with the McMinnville Parks and Recreation Department it was determined that a bark chip path, similar to that located along the greenway river edge of Joe Dancer Park, would be the desired improvement to request of Premier Development to provide enabling pedestrian mobility through this public open space greenway. With the exception of the portion of the bark chip path proposed to be temporarily provided along the south edge of Lot 56 (which is further described in Findings below) the entirety of the bark chip path would be located in areas dedicated to the public. This dedication totals approximately 5.6 acres of public open space located adjacent to this neighborhood for the use and enjoyment of the general community.

This proposal also includes for the creation of the approximately 0.85 acre (approximately 36,833 square feet) active private neighborhood park mentioned above and proposed to be located in Phase One of this development. This park will afford neighborhood residents a convenient location from which to enjoy the scenic viewshed of the preserved wetlands to the east. Access through the active private neighborhood park would be provided by a curvilinear pedestrian pathway connecting NW Pinot Noir Drive to NW Pinehurst Drive. The active private neighborhood park will also provide a designated area on the upland portion from which to view the wetlands to the east; additional wetland viewing benches are also proposed along the eastern side of NW Pinehurst Drive adjacent to the wetlands. Premier Development also proposes to install suitable permanent child-appropriate playground equipment within this upland portion of the park to provide active recreational opportunities for children residing within the neighborhood. With the proposed arrangement of park spaces, pedestrians will be able 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, they will be able to then move east along the public access walkway leading from NW Pinehurst Drive and enjoy the walking trail which will wind its way through the entire greenway that will wrap the neighborhood all the way to subject site's southwestern-most corner; at this point the public pedestrian pathway will have the opportunity to be extended as a pedestrian feature as part of the future development of adjacent land to the south and west which is currently owned by Stafford Land Company. Additional public pedestrian accesses to this greenway path will be provided by way of park chip paths leading to the greenway from NW Pinehurst Drive to be located between lots 75 and 76 and along the south side of lot 56. Premier Development proposes that the forthcoming Homeowner's Association for this proposed Oak Ridge Meadows development will be responsible for full maintenance responsibilities of the entirety of the publicly dedicated greenway path and its associated 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 below.

It is anticipated that the Stafford Land Company intends to provide a continuation of this public greenway system along the northern edge of their adjacent forthcoming development proposal located generally west of the Oak Ridge Meadows site. As part of that proposal it is understood that a permanent public pedestrian access path to this greenway will be proposed to be provided by Stafford Land Company connecting a local public residential street located approximately 100 feet south of the temporary access path that Premier Development will be providing along the south side of lot 56. If and when this permanent pedestrian access path to the greenway is provided by Stafford Land Company, the temporary access path provided by Premier Development by way of an easement along the south side of lot 56 will be extinguished.

II. CONDITIONS:

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 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 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.

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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 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.
 - b. Phase 2 – The balance of Oak Ridge Meadows.

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

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"

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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 proposed wetland viewing area east of the private active neighborhood park be relocated within the common open space Tract 1 and outside of the delineated wetland within that Tract.
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. 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.
14. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. That all streets within the 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.
22. 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

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Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.

23. 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.
24. 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."
25. 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.
26. On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns.
27. 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.
28. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
29. 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.
30. 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.
31. That the Tentative Subdivision Plan, Phase One shall expire one (1) year 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.
32. That the Tentative Subdivision Plan, 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

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Department a minimum of 30 days prior to the expiration date of this approval.

33. 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.
34. 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
35. 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.
36. Public pedestrian/bicycle access paths 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 path to the greenway trail shall be improved to accommodate maintenance vehicles.

III. ATTACHMENTS:

1. S 3-18 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:

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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 Park and Recreation Department

The McMinnville Comprehensive Plan includes the following provisions:

159.00 *The City of McMinnville's Parks, Recreation, and Open Space Master Plan shall serve to identify future needs of the community, available resources, funding alternatives, and priority projects. (Ord. 4796, October 14, 2003)*

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.*

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)*

Comment: Per the McMinnville Comprehensive Plan Policy #163.05 the City should locate greenways and trails in the floodplain to connect community and other park types to each other. The proposed dedication of a trail that connects Tice Park to a potential future park and/or the BPA trail appears to satisfy this criterion.

164.00 *The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.*

Comment: Per the McMinnville Comprehensive Plan Policy #164.00, the City shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks. The proposed floodplain land to be dedicated to the city for a natural trail and greenway system along Baker Creek appears to satisfy this criterion.

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.*

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.*

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

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Comment: Per the McMinnville Comprehensive Plan Policy #166.00 and #168.00, the city should recognize and retain distinctive natural features and areas in future urban developments. Baker Creek and its associated riparian environment is a natural feature in the proposed Oak Ridge Meadows Subdivision and the proposed dedication of this land to the city for a trail appears to satisfy this criterion.

- 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)

Comment: Per the McMinnville Comprehensive Plan Policy #170.05, the City should use the standards in the McMinnville Parks, Recreation, and Open Space Master Plan, which are as follows:

The McMinnville 1999 Parks Master Plan contains the following relevant recommendations:

- Develop special use parks to protect and highlight unique natural areas and to respond to the particular recreation needs of McMinnville residents;
- Protect natural areas and stream corridors by acquiring greenways along creeks and the Yamhill river;
- Provide public access to natural areas and trail-related recreation by developing trails through greenways and in natural areas. (p. 38)

Comment: Table 10 of the Parks Master Plan outlines underserved areas in our City related to parks, this property can be found in planning area 3 and specifically recommends acquiring a greenway “along Baker Creek connecting Tice/BPA Easement” as a first tier priority for the action plan. The Master Plan Map shows a multi-purposed trail along Baker Creek in this general area which is reflected in the development proposal, therefore this element of the Parks Master Plan appears to be met by the application as proposed.

Thank you for the opportunity to comment. Please let me know if you have any further questions or need anything additional from the Parks and Recreation Department.

- McMinnville Engineering Department

Additionally, I offer the following suggestions conditions of approval re: the subdivision:

- 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.
- Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City’s Building Division.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.
- That all streets within the 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.
- 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.
- 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.
- 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."
- 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.
- On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns.
- 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

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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.

- The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
- 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.
- 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.

- 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 issuance of this Decision Document 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,

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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 Tentative Subdivision application (S 3-18) 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.
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 prior to the 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.

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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:** 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 northeast, towards Baker Creek. Mature native oak trees are found on the uphill portion of the site, and wetlands are found on the lower portion of the site.
9. **Utilities:**
 - a. **Water:** Water service is available to the property.
 - b. **Electric:** Power service is available to the property.
 - c. **Sewer:** Sanitary sewer service is available to the property.
 - d. **Stormwater:** A storm water facility serving the Oak Ridge development is in the northeast corner the subject site. A storm drain easement provides storm sewer access for that facility.
 - e. **Other Services:** Other utility services are available to the property. 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). The street terminates at the property line of the subject property. 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 Tentative Subdivision are specified in Section 17.53.070 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.

Comprehensive Plan Volume II:

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

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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 WITH CONDITION 4. Staff concurs with the applicant’s findings, and adds that the City of McMinnville shall 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

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characteristics, natural hazards, and wetlands. A condition of approval requiring the final wetland delineation and report for the wetlands on the site and any required wetland mitigation to be reviewed and approved by the Department of State Lands has been included.

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 subdivision would comply with the companion planned development amendment (PDA 4-18) allowing an average lot size of 7,771 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)

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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:

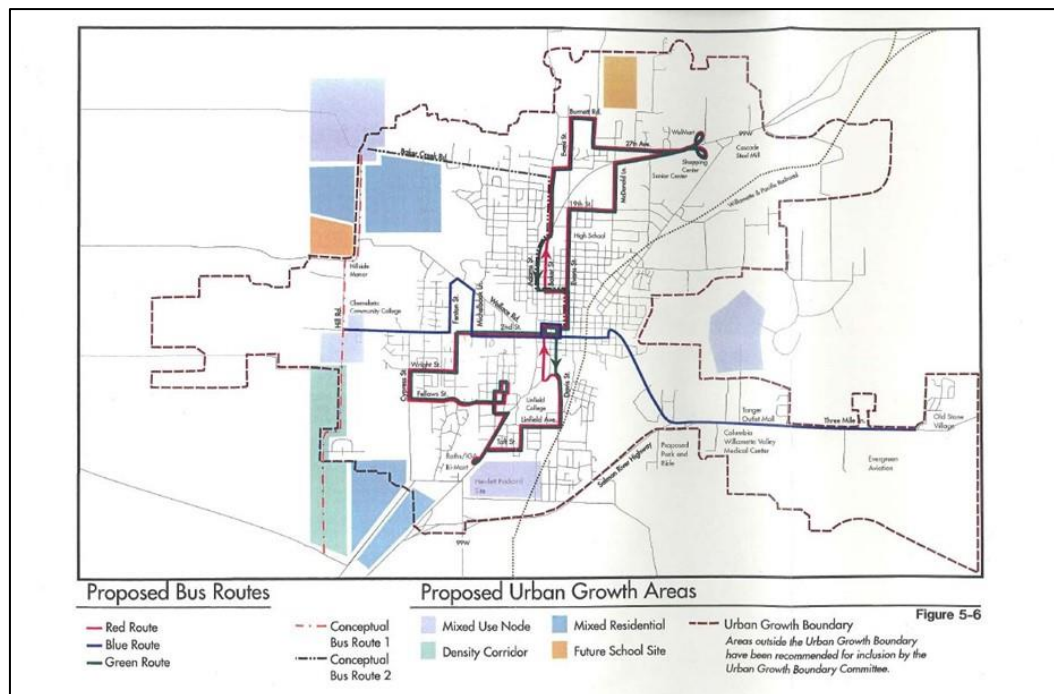
- 1. The capacity of facilities and services;*
- 2. Within one mile of existing or planned transit;*
- 3. Lower sloped areas within the West Hills;*
- 4. Riverside South area (lands more than 500 feet from planned and existing heavy industrial lands);*
- 5. Proximity to jobs, commercial areas, and public 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

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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 proposed subdivision and planned development is designated Residential on the Comprehensive Plan map and is in an area where urban services are already available. The proposed subdivision and companion Planned Development Amendment (PDA 4-18) 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 floodplains and wetlands, and street facilities limited to local streets, the low-density residential development supported by the companion Planned Development Amendment is appropriate. The proposed subdivision would help achieve buildable land planned and zoned for residential housing, helping to meet McMinnville's housing needs. Staff notes that the applicant's finding indicates an approved development plan would be binding, however binding the development plan to the zone is not a condition of approval of the request.

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

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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.

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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 CONDITION 6, 12. The proposed subdivision proposal would be consistent with the companion planned development amendment (PDA 4-18) and therefore the planned development policies of the Comprehensive Plan. The design and layout of the subdivision allows for a variety of housing to be constructed on a variety of lot sizes. Lots would be oriented to preserve and retain natural features within the subject as far as is practical through compliance with the zoning departures established in the companion planned development amendment.

Common open space in the form of a private active neighborhood park, public open space greenway is designated in the subdivision as required by the companion planned development. Tract 1 containing the delineated wetlands is also commonly owned open space. The public open space greenway would be readily accessible to users with multiple access points to the trail. The private active neighborhood park is located in a generally central location within the unusually shaped subdivision so as to be readily accessible. Wetland viewing areas adjacent to the wetland would provide a benefit to the community. As shown on the applicant's Exhibit 6, a wetland viewing area east of the private active neighborhood park is proposed within the public-right-of-way. A condition of approval requiring a homeowner's association with maintenance responsibilities for common open space as well as the public open space greenway until 2032 has been included. A condition of approval requiring the relocation of the wetland viewing area into the common open space Tract 1 has been included. This condition will ensure that the subdivision's homeowner's association is assigned maintenance responsibilities for all common open space amenities.

Traffic systems internal to the subdivision would be built to City standards, which provide for safe and efficient traffic flow and give full consideration to pedestrian and bicycle pathways. Additional pedestrian ways included in the subdivision to break up unusually long block lengths provide further consideration of pedestrian and bicycle traffic flow.

The street network would to be compatible with existing and anticipated circulation patterns of adjoining properties, as shown by the extension of Pinehurst Drive to proposed temporary termini at the southeast and southwest property lines, where it could be extended if and when adjacent properties develop. Because the planned development places limits on the number of dwelling units allowed within the subdivision until a second permanent street connection is provided, traffic expected on the adjacent 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*

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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

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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

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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. Staff concurs with the applicant's findings, and notes that the companion planned development amendment would establish the average lot size to be approximately 7,770 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 7,771 square feet in area. Additionally, streets within the subdivision whose layout does not directly respond to the limiting topography and geography of the site ("A", "B", and "C" Streets, and "A" Court) are generally oriented in an east-west direction. This maximizes the potential for unobstructed solar access to lots along these streets, which account for approximately half the proposed lots. 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.

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.

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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 low-lands 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

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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

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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									
		Arterial		Collector		Neighborhood Connector	Local Residential	Alley	
Streetscape	Street Profile	Auto/Truck Amenities (lane widths) ¹	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	Bike Facility ²	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (5 ft.)	2 Lanes (5 ft.) or Shared Lane	Shared Lane	Shared Lane
	Curb-to-curb Street Width ³	On-Street Parking Two Sides None	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
	Pedestrian Zone (with ADA requirements)	Pedestrian Amenities ⁴							
		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 Management	Traffic Calming	Not Typical	Not Typical	Not Typical	Permissible/ Not Typical	Permissible/ Not Typical	Typical	Not Typical
Managed Speed ⁵		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 street, which is expected to occur only in locations where existing development 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 center 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 easement 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 material shall be determined upon the type of vehicle to be served.
- Intersection curb radii shall be no less than 25 feet. On-street parking shall not be permitted within a 30-foot distance of street intersections measured from the beginning of the curb extension. Where such a local residential street intersects an arterial, parking along the local street shall not be permitted within 30 feet of the intersection and the standard for the intersection shall be the same.
- The developed land to be contiguous to the proposed street shall be approved by the Planning Department.
- Sidewalks and planter strips shall not be required along shoulders.
- 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.

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 development 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 center 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 range 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 easement 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 geology, 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 minimum radius of commercial industrial cul-de-sacs and streets shall be dependent upon the type of vehicle traffic to be served.
- Where a local residential street intersects an arterial, parking along the local street shall not be permitted within 100 feet of the intersection. The developer shall be responsible for the protection of this "No Parking" right as approved by the City Engineering Department.
- 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.

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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

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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. Staff concurs with the applicant's findings, and notes that the temporary, emergency only access is proposed to be provided as required by the planned development for the subject site.

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. Staff concurs with the applicant's findings to the extent that transportation facilities within the proposed subdivision would be designed and constructed to City standards. 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

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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. The developer would be required to comply with the condition of approval of the planned development that limits development of the proposed subdivision to 108 dwelling units 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,

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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. 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, the developer would be required to comply with the condition of approval of the planned development that limits development of the proposed subdivision to 108 dwelling units 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

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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 9, 10. Staff concurs with the applicant’s findings, and notes that the companion planned development amendment would require public and private open space as proposed. Conditions of approval have been included to describe the proportional development of the public and private open space.

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.*

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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,*

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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

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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. Staff concurs with the applicant's findings, and a notes that the companion planned development amendment would 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 open space greenway park within this planned development area.

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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

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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. Staff concurs with the applicant's findings, and notes that the proposed subdivision would provide public and private open space as described and proposed above, and as required by the companion planned development amendment (PDA 4-18).

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.

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FINDING: SATISFIED. Staff concurs with the applicant's findings, but notes that the average lot size that would be established by the companion planned development amendment is 7, 771 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 McMINNIVILLE.

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 tentative subdivision approval 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 17.53. Land Division Standards

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17.53.101 Streets.

A. **General.** The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

APPLICANT'S RESPONSE: The planned street layout provides for the northerly extension of NW Pinot Noir Drive to serve the subject site. The plan also provides for the future easterly continuation of NW Pinehurst Drive beyond the easterly edge of the site, and the southerly continuation of NW Pinehurst drive from the temporary terminus proposed to be located between Lots 55 and 56, both of which will provide future public access opportunities to other adjacent sites. The proposed streets are local streets to be permitted and constructed to City standards. Therefore, this criterion is met.

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

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or

APPLICANT'S RESPONSE: Due to the rather peninsular shape of a large portion of the subject site, and the site being bounded, in part, by Baker Creek and wetlands, continuation opportunities for streets to adjacent properties are limited as was recognized in the City's prior approvals of development proposals memorialized by the City Council's adoption of Ordinances 4722 and 4822 and their attendant preliminary subdivision plans. Since Premier Development is proposing to dedicate approximately 5.6 acres of open greenway space to the public for preservation and pedestrian enjoyment, a westerly street extension from this site is infeasible. However, as described above in the Finding for 17.35.101(A)(1), feasible street stubs will be provided to adjacent properties east and south. Additionally, while the adjacent Oak Ridge subdivision phases to the south incorporate a curb-to-curb dimension of 26-feet, Premier Development will not be continuing this design standard as the curb-to-curb street dimension requirement has since changed by City ordinance and is now required to be 28-feet in width at the curb-to-curb dimension. Premier Development proposes to comply with the current design standard which will result, not only in design compliance, but also in increased vehicle mobility and public safety which were main purposes in the revision of that street standard.

FINDING: SATISFIED. Staff concurs with the applicant's findings. The tentative subdivision would comply with the planned development requirements established for Oak Ridge Meadows in the companion planned development amendment (PDA 4-18).

3. Maximize potential for unobstructed solar access to all lots or parcels. 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. The east-west orientation of streets shall be integrated into the design.

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans, the extension of NW Pinot Noir Drive and the creation of the majority of NW Pinehurst Drive that creates the outer street edge of the proposed development are generally configured in a north-south orientation.

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This is due to the configuration of the site, the placement of the current terminus of NW Pinot Noir Drive and the need to provide public street access to the extents of the site. All of the remaining streets and the northernmost portion of NW Pinehurst Drive are proposed with an east-west orientation and allow maximum opportunities for solar access to all adjacent lots. The Findings related to solar access provided in Finding of Fact 4 above are hereby with this reference are also incorporated into this Finding of Fact. Therefore, this criterion is met.

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

- B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table ["McMinnville Transportation System Plan, Exhibit 2-4 – Complete Streets Design Standards"]:

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans (e.g., Exhibits 6, 9 and 11) all proposed streets will meet all applicable right-of-way, street width and streetscape requirements inclusive of the requirements of Section 17.51.151 of the McMinnville Zoning Ordinance and McMinnville Transportation System Plan, Exhibit 2-4 – Complete Streets Design Standards. Therefore, this criterion is met.

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

- C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans (e.g., Exhibits 6, 9 and 11) all proposed streets will meet all applicable right-of-way, street width and streetscape requirements inclusive of the requirements of Section 17.51.151 of the McMinnville Zoning Ordinance and McMinnville Transportation System Plan, Exhibit 2-4 – Complete Streets Design Standards. Therefore, this criterion is met.

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

- D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

APPLICANT'S RESPONSE: All streets in this subdivision proposal are local streets and are shown on the tentative subdivision plans exhibiting rights-of-way and design features commensurate with local streets. While safe and efficient vehicular circulation is provided by this proposal, there are eight "T" intersections in the proposed street design:

1. The intersection of "A" Street and NW Pinehurst Drive located between Lots 55 and 85 that will be stubbed to the south;
2. The east and west ends of "B" Street at their intersections with NW Pinehurst Drive;
3. The east and west ends of "C" Street at their intersections with NW Pinehurst Drive;
4. The intersection of "A" Street and NW Pinot Noir Drive;
5. The intersection of NW Pinot Noir Drive and NW Pinehurst Drive; and,
6. The intersection of "A" Court and NW Pinehurst Drive.

None of these “T” intersections are of a design that exhibit alignments with streets oriented in the same, or approximately the same, direction. As can be observed on Exhibit 9 (Preliminary Subdivision Plat), all centerline street offsets of proposed “T” intersections exceed 125 feet. Therefore, this criterion is met.

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

- E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street.

APPLICANT’S RESPONSE: As shown on Exhibit 6 for example, this proposal provides for the future continuation of NW Pinehurst Drive to adjacent lands both to the south and east. The subject site is currently also served by public street access from developed land to the south. Baker Creek and its greenway lie adjacent to the site to the north and does not warrant a street stub at the site’s northern edge. The proposed approximately 5.6-acre public greenway dedication to occur along the western edge of the site precludes a public street stub to the west; the land to the west has the opportunity to be served by approval of a forthcoming development proposal utilizing Premier Development’s southwesterly NW Pinehurst Drive street stub in addition to the creation of streets leading northward from Baker Creek Road as means of providing public street access to that future development site. Therefore, this criterion is met.

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

- F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.

APPLICANT’S RESPONSE: As shown on the tentative subdivision plans, there are five intersections that are proposed to be laid out approximating right angles:

1. The intersection of “A” Street and NW Pinehurst Drive located between Lots 55 and 85 that will be stubbed to the south;
2. The west end of “A” Street at its intersection with NW Pinehurst Drive;
3. The west end of “B” Street at its intersection with NW Pinehurst Drive;
4. The west end of “C” Street at its intersection with NW Pinehurst Drive; and,
5. The intersection of NW Pinot Noir Drive and NW Pinehurst Drive.

As can be observed on the submitted preliminary subdivision plans, the proposed street design complies with the requirements above and provides at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection. At intersections which contain an acute angle of less than 80 (eighty) degrees there is a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and the maintenance of a uniform width between the roadway and the right-of-way line (Exhibit 6). Therefore, this criteria is met.

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

- G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.

APPLICANT'S RESPONSE: This project abuts only one existing right-of-way which is the temporary northerly terminus of NW Pinot Noir Drive which was developed to meet current City right-of-way and design standards at the time of construction. Since that time, the City has amended the paved section requirement of local streets from 26-feet in width to 28-feet in width. NW Pinot Noir Drive will be extended northward as shown on the submitted preliminary subdivision plans and will initiate a transition to a paved section of 28-feet in width immediately north NW Pinot Noir Drive's current temporary terminus and will then continue further northward into the subject site to serve and provide access to other planned streets within the proposed neighborhood. No additional right-of-way from adjacent existing streets is needed to support approval of this proposal. Therefore, this criterion is met.

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

- H. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

APPLICANT'S RESPONSE: As shown on the submitted tentative subdivision plans, there are no half streets proposed as part of this development plan. Therefore, this criterion is met.

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

- I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans, there is one cul-de-sac planned as part of this proposal; "A" Court located in Phase I. At approximately 200-feet in total length, "A" Court is proposed to serve no more than seven (7) dwelling units if all of those proposed lots (Lots 34-40) were provided direct vehicular access from "A" Court. Therefore, this criterion is satisfied.

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

- J. Eyebrows. Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication. (Amended 11/18/94 by Ordinance 4573.)

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APPLICANT’S RESPONSE: As shown on the tentative subdivision plans, no eyebrows are planned. Therefore, this criterion is satisfied.

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

- K. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged. (Amended 10/9/90 by Ordinance No. 4477.)

APPLICANT’S RESPONSE: With the exceptions of NW Pinot Noir Drive and NW Pinehurst Drive, all other street names shown on the Tentative Subdivision Plan, are, at this time, conceptual in nature. The future naming of new streets will not propose names that will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Further, all proposed street names and all street numbers shall be as approved by the City. Therefore, this criterion is satisfied.

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

- L. Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grad exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required.
1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
 2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

APPLICANT’S RESPONSE: The proposed streets are local streets and are not planned to exceed a grade of 12 (twelve) percent. As depicted on the submitted tentative subdivision plans and as will be reviewed by the McMinnville Engineering Department and Planning Department, the centerline radii of curves is not less than 100 feet as required by this standard except in locations dictated by the unique shape of the site and, as such, are approvable by the Planning Commission. Additionally, as shown on the attached Exhibits (e.g., Exhibits 30, 31, and 33-45), the proposed street grades comply with these requirements. Therefore, this criterion is met.

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

Criteria not Applicable: The following subsections of Section 17.53.101 are not applicable to this request as these circumstances do not exist within or adjacent to this proposal:

- M. Streets adjacent to a railroad right-of-way

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- N. Frontage roads/streets
- O. Alleys
- P. Private way/drive
- Q. Bikeways [along arterial or collector streets]
- R. Residential Collector Spacing
- U. Gates

- S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)

APPLICANT'S RESPONSE: All proposed streets will meet all applicable right-of-way, street width and streetscape requirements inclusive of curbside planter strips. All public sidewalks are shown on the attached Exhibits to be proposed to be five-feet in width and are to be placed one-foot from the right-of-way line along both sides of all proposed streets within this development. Therefore, this criteria is satisfied.

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

- T. Park Strips. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

APPLICANT'S RESPONSE: As shown on the tentative subdivision plans, all proposed streets will meet all applicable right-of-way, street width and streetscape requirements inclusive of a curbside planter strip along both sides of all proposed streets. Premier Development also proposes one physical element to be placed within the planter strip along the east side of NW Pinehurst Drive, south of "A" Court. Premier Development is proposing the permanent installation of a bench within this portion of the planter strip to afford convenient long-term viewing of the adjacent wetlands for neighborhood residents and the community at large. This is being offered as an enhancement of the opportunity to enjoy this wetland area in a convenient and comfortable manner. This criterion is met.

While not directly related to park strip improvement requirements, Premier Development is also proposing the installation of a second permanent wetland viewing bench to be located at the northwest corner of the proposed fire truck turnaround to be located near the easternmost extent of NW Pinehurst Drive (Exhibits 6 and 9); this fire truck turnaround is proposed to satisfy Fire Department requirements related to emergency vehicle access and maneuverability. This fire truck turnaround is depicted on numerous submitted Exhibits inclusive of Exhibits 6, 7, 9, and 47.

FINDING: SATISFIED. Staff concurs with the applicant's findings, however, staff notes that the planned development for the subject site requires a minimum of two (2) wetland viewing areas within Tract 1, the common open space tract in the southeast portion of the site. The proposed wetland viewing area within the fire truck turnaround would meet this criteria, but the second wetland viewing area south of "A" Court proposed in the right-of-way does not. There appears to be room in Tract 1 outside of the delineated wetland to accommodate a second wetland viewing area. Therefore, a condition of approval requiring the relocation of the wetland viewing area from the right-of-way into Tract 1 is included.

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. The proposed block lengths comply with the requirements of the planned development. The planned development allows 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). No proposed block length exceeds this maximum, and no full, connecting block has a perimeter exceeding the 1,600 foot standard.

3. Easements.

1. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.

APPLICANT'S RESPONSE: Ten-foot wide public utility easements will be provided along all public rights of way and other locations as required to accommodate the installation of such utilities and maintenance opportunities as necessary as shown on Exhibit 6. Therefore, this criterion is met.

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

2. Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the

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purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.

APPLICANT'S RESPONSE: As shown on Exhibits 6, 7 and 11, the proposed subdivision is not impacted by drainageways, channels or streams except at the lowest elevations in locations where development is not proposed except for the following, generally described:

- Engineered fill will exist as the northeastern corner of Lot 38 and will also occur on Lot 42.
- A ten-foot wide public storm easement is proposed to be created between Lots 75 and 76 from the public right-of-way to the public greenway to then transition to a rip-rap channel to be installed within the greenway.
- There are wetlands located along the southeast portion of the site that will be impacted by the proposed construction of portions of NW Pinehurst Drive and "A" Court and on some of the proposed residential lots adjacent to these locations. The proposed impacted wetland areas are shown on Exhibit 6 and other attached Exhibits.

Tract 1, located east of the southern portion of NW Pinehurst Drive, has upland area where there is an existing detention and water quality treatment area for Phase I. The majority of the remaining area in Tract 1 is identified as a wetland area that has been previously delineated and mitigated and is bound by protections in that plan (Exhibit 8).

Relative to the proposed location of a portion of NW Pinehurst Drive that was the subject of that mitigation plan, it has been found through recent analysis by the well-established environmental consulting team Pacific Habitat Services, Inc. that some part of the adjacent wetland area has since manifested again into some location(s) of the already mitigated roadway area over the ensuing fifteen years since that plan's approval. Additionally, there are also found to be wetlands identified within a portion of proposed "A" Court and on some of the proposed residential lots adjacent to these locations. While the delineation of these wetlands has been completed and is reflected on numerous submitted Exhibits inclusive of Exhibits 6, 7, 8 and 9, a final report has not yet been issued by Pacific Habitat Services, Inc.

Premier Development, LLC requests that a Condition of Approval of this proposal require the submittal of the final report from Pacific Habitat Services, Inc. to the Division of State Lands (DSL) for review and approval. Additionally, that a wetland mitigation plan be approved by DSL. Therefore, this criterion is met.

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

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 CONDITION 11. The planned development amendment (PDA 4-18) has a condition of approval requiring a maximum distance of 800 feet between a street corner intersection and a pedestrian way, or between two consecutive pedestrian ways, on the same side of the street. The proposed subdivision contains two blocks longer than 800 feet where pedestrian ways would be required to provide through-block connectivity. The first, Pinehurst Drive from Pinot Noir Drive to its southeast terminus, is approximately 1250 feet in length. A pedestrian way is proposed through the private active neighborhood park. The distance from the Pinot Noir/Pinehurst Drive street corner intersection to the proposed pedestrian way is approximately 480 feet, and from the pedestrian way to the temporary southeast terminus of Pinehurst Drive is approximately 770 feet. Therefore, the standard for distance between pedestrian ways on this block is met.

The block from the southwest terminus of Pinehurst Drive along the northern perimeter of the site to “A” Court has a length of approximately 2,305 feet. The distance from “A” Court to the first pedestrian access to the north, between Lots 42 and 43, into the public open space greenway is approximately 215 feet, complying with the standard. From that first pedestrian access way north of “A” Court to the second, between Lots 75 and 76, is approximately 730 feet, also complying with the standard. However, the distance between the pedestrian way between Lots 75 and 76 and the temporary pedestrian way easement on the south side of lot 56, is approximately 1,295 feet, exceeding the maximum distance between pedestrian ways required by the planned development. Therefore, a condition of approval requiring a pedestrian way between Lots 56 and 75 such that the distance to the next pedestrian way on the block does not exceed 800 feet is included.

17.53.105 Lots.

A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.

1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

APPLICANT’S RESPONSE: As shown on the submitted tentative plans the proposed lots are generally rectangular in shape as much as can be achieved given the unique peninsula like shape and topography of the site in addition to the site’s protected wetland area along its eastern edge. The proposed lot sizes and orientation are appropriate for the type of use contemplated and given the current request for modifications to two existing Planned Development approvals. Additionally, all proposed lots are buildable.

Due to the limiting physical factors mentioned, and the need to provide adequate public street access throughout the site, there are a number of lots with a depth dimension exceeding two times their width. At this point, it is important to note the precise wording of this subject portion of 17.50.105(A)(1) which is that “the depth of lot shall not *ordinarily* exceed two times the average width.” [emphasis added] The word “ordinarily” is meaningful in this context and this word was placed in this standard for a reason and that is to provide relief to the desired dimensional lot ratio when atypical site considerations prevail. To look closely, the word “ordinarily” evokes a standard of something being rather common and routine. In fact, for something to be ordinary, it evokes the majority and not the exception.

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The lots that uncommonly exceed the 2:1 depth to width ratio in this proposal are lots 15-18, lots 42-49, and lots 56-79 (36 lots, or some 34 percent of the proposed lots in this two-phased plan). Premier Development has tried to avoid exceeding this desired lot depth to width ratio but given the physical characteristics of this site not all lots were able to be made to conform to this dimensional preference. With 34 percent of the proposed lots exceeding the 2:1 ratio, and some 66 percent of the proposed lots conforming to this ratio, Premier Development submits that it is clearly *not* ordinary that the proposed lots exceed this desired standard. In fact, 66 percent of the proposed lots, by far the majority, are dimensioned sufficiently to meet this desired dimensional lot ratio and the lots that do not meet the ratio have atypical physical characteristics that make it impractical to meet those requirements.

In addition to the discussion above, it is instructive to recall that this subdivision application accompanies two additional applications requesting amendments to existing Planned Developments that are currently part of the zone and binding on the subject site (Ordinances 4722 and 4822). Additional findings relative to lot size and dimensions are found in the portion of this application addressing the Planned Development Amendment request to modify Ordinance 4822 at 17.74.070 (A) and (B). Therefore, this criterion is satisfied.

FINDING: SATISFIED. Staff concurs with the applicant's findings. The proposed subdivision would comply with the lot shape requirements established by the proposed companion Planned Development Amendment.

- B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.

APPLICANT'S RESPONSE: As shown on the submitted subdivision plans each lot will abut a public street for a width of at least 25 (twenty-five) feet. There will be no direct access onto a major collector or arterial street as no such designated street is within or adjacent to the subject site. Therefore, this criterion is met.

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

- C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.

APPLICANT'S RESPONSE: One such through lot is proposed and is identified as Lot 12 in Phase I of the subdivision. Lot 12 sits at the northernmost portion of the block bounded by NW Pinot Noir Drive on the west and NW Pinehurst Drive on the west. This lot is generally triangular in shape and is some 10,232 square feet in size. The circumstances that precipitated the design of this lot relate directly to site configuration, topography, the placement of the existing portion of NW Pinot Noir Drive and the goal of providing public street access to the buildable portions of the site. The design of this one through lot overcomes the site's challenges and provides a buildable lot with enough area to allow for flexible placement of a future residence. This lot should also not be seen as uncommon for the surrounding area as Lots 1 – 11 of the Oak Ridge Subdivision to the south are fronted by Baker Creek Road on the south and either Cabernet

Court or Chardonnay Drive on the north and are all consequently defined, approved and platted as through lots. This criterion has been satisfied.

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

- D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

APPLICANT'S RESPONSE: As shown on the submitted tentative subdivision plans, the side lines of lots run at right angles to the street upon which the lots face as far as practicable. Given the unique shape of the site, accurately referenced before as being somewhat peninsularly shaped, in addition to the location of the site's protected wetland area along its eastern edge and the need to provide adequate public street access throughout the site for the creation of buildable lots, there are some lots that cannot fully meet this standard (particularly those lots located around the northern curves along NW Pinehurst Drive and lots being accessed from the "A" Court cul-de-sac). This standard allows for a consideration of physical factors in its application (".. as far as practicable ..") and Premier Development has worked toward achieving this standard as far as practicable given the unique shape of this site and other physical factors previously discussed. While a number of the proposed lots do not provide side lot lines running at right angles to the street as can be seen on the submitted preliminary subdivision plans, Premier Development contends that it has met this standard as far as can practicably be achieved. Therefore, this criterion is met.

FINDING: SATISFIED. Staff concurs with the applicant's findings. The proposed subdivision would comply with the lot shape requirements established by the proposed companion Planned Development Amendment.

- E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

APPLICANT'S RESPONSE: There are no flag lots proposed as part of this residential development plan. Therefore, this criterion is met.

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

17.53.151 Specifications for Improvements. The City Engineer has submitted and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:

- A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;
- B. Drainage facilities;
- C. Sidewalks in pedestrian ways;
- D. Sewers and sewage disposal facilities.

17.53.153 Improvement Requirements. The following improvements shall be installed at the expense of the subdivider:

- A. Water supply system. All lots within a subdivision shall be served by the City water supply system.
- B. Electrical system. All lots within a subdivision shall be served by the City electrical system.
- C. Sewer system. All lots within a subdivision shall be served by the City sewer system.
- D. Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other

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affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.

- E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.
- F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.
- G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.
- H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.

APPLICANT'S RESPONSE: 17.53.151 (A)-(D) and 17.53.153 (A)-(H) are satisfied in that the City Council has adopted the specifications referenced above as being appropriate and applicable to and administered by the City of McMinnville. As shown on Exhibits 7, 25 and 29, all lots shall be served by City water, electrical, sanitary and storm sewer systems including planned storm outfalls toward the eastern side of the development site. All streets will be graded and improved to city standards. No private ways or drives are proposed within the subject site. Dedication and improvement of public streets shall occur as required by City standards inclusive of curbs and gutters, five-foot wide sidewalks and planter strips; should this subdivision request be approved, a street tree planting plan shall be required as a condition of its approval which will require submittal of a plan to be reviewed for approval by the Landscape Review Committee. Therefore, these criteria are satisfied.

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

JF



PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128
www.mcminnvilleoregon.gov

**PUBLIC HEARING NOTICE
PLANNING COMMISSION REVIEW OF TWO (2)
MAJOR AMENDMENTS TO PLANNED DEVELOPMENT OVERLAY
ORDINANCES & 108 LOT SUBDIVISION REQUEST
OAK RIDGE MEADOWS**

NOTICE IS HEREBY GIVEN that applications for a two (2) major amendments to Planned Development overlay ordinances and a 108 lot subdivision have been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding these applications or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Jamie Fleckenstein with any questions at (503) 434-4153, or jamie.fleckenstein@mcminnvilleoregon.gov.

DOCKET NUMBER: PDA 3-18/PDA 4-18/S 3-18 (Planned Development Amendments & Subdivision)

REQUEST: 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.

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.

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.

APPLICANT: Premier Development, LLC

SITE LOCATION(S): The subject site, approximately 35.47 acres, is located generally north of Baker Creek Road and the multi-phased Oak Ridge residential development and south of Baker Creek. (see attached map)

MAP & TAX LOT(S): R4417 01300 & R4407 00602

ZONE(S): R-2 PD (Single Family Residential, Planned Development)

MMC REQUIREMENTS: McMinnville Municipal Code (MMC), Chapter 17.53 and Section 17.74.070 (see reverse side for specific review criteria)

NOTICE DATE: March 29, 2019

PUBLIC HEARING DATE: April 18, 2019 at 6:30 P.M.

HEARING LOCATION: McMinnville Civic Hall Building
200 NE 2nd Street, McMinnville, OR, 97128

Proceedings: A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either recommend approval of the application to the McMinnville City Council or deny the application.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission and City Council in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5th Street, McMinnville, OR 97128, or by email to jamie.fleckenstein@mcminnvilleoregon.gov.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at www.mcminnvilleoregon.gov.

Appeal: Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

REVIEW CRITERIA:

McMinnville Municipal Code

MMC, Section 17.74.070 Planned Development Amendment - Review Criteria.

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:

- 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.

MMC, Chapter 17.53 Land Division Standards

All applicable criteria found in Chapter 17.53 shall apply to this request.

MMC, Chapter 17.15 R-2 Single Family Residential Zone

All applicable criteria found in Chapter 17.15 shall apply to this request.

Planned Development Overlay Ordinances

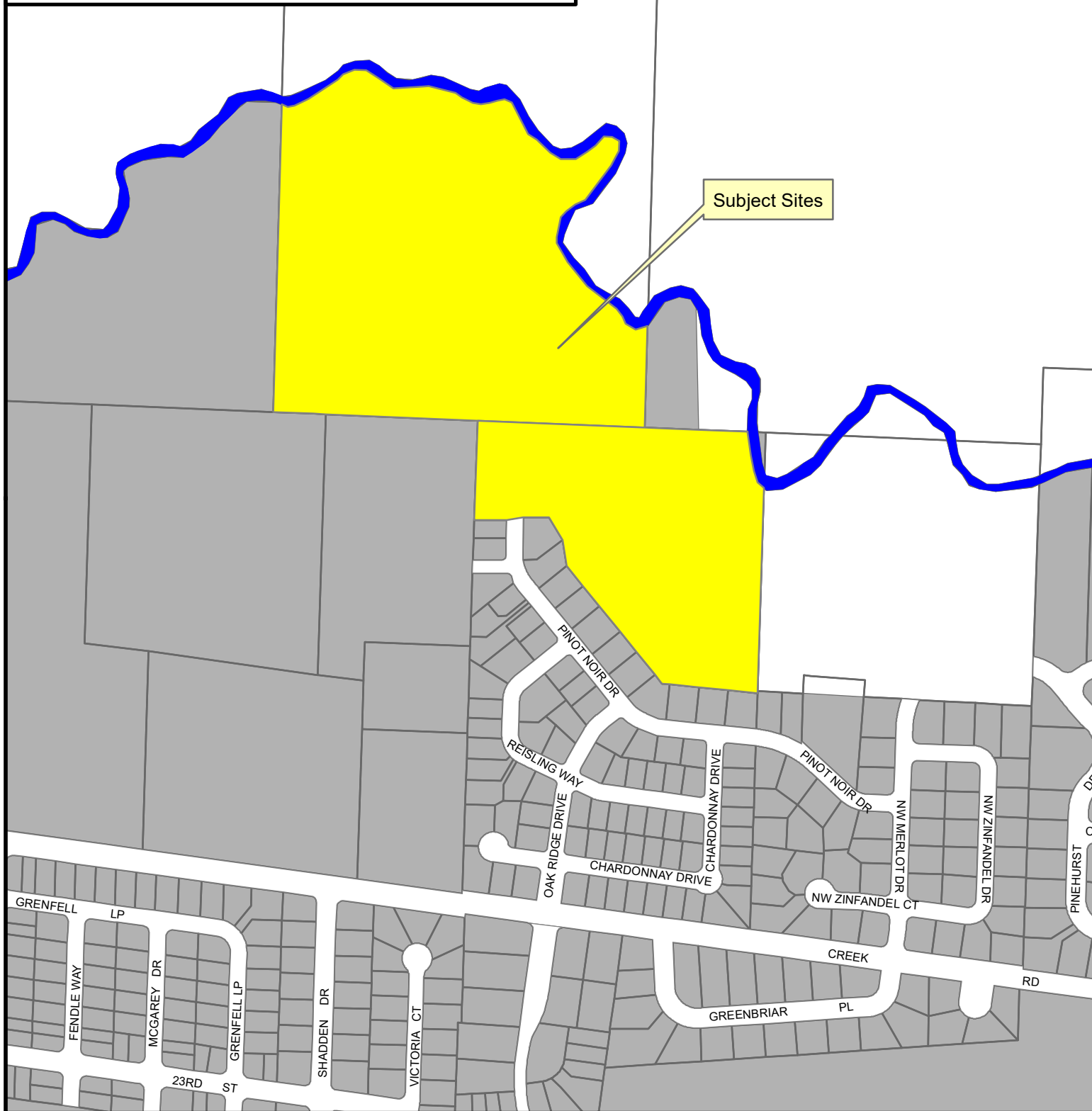
Ordinance No. 4722

All applicable criteria found in Planned Development Ordinances 4722 shall apply to this request.

Ordinance No. 4822

All applicable criteria found in Planned Development Ordinances 4822 shall apply to this request.

Vicinity Map



PDA 3-18, PDA 4-18, S 3-18

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4417BB01600	2767 NW PINOT NOIR DR	LIERMAN JEAN TRUSTEE FOR THE	LIERMAN JEAN TRUSTEE FOR THE	2767 NW PINOT NOIR DR	MCMINNVILLE OR	97128
2	R4417BB06907	2646 NW CHARDONNAY DR	CLAYTON GEOFFREY R	CLAYTON GEOFFREY R	2646 NW CHARDONNAY DR	MCMINNVILLE OR	97128
3	R4407 00701	10551 NW BRENTANO LN CNTY	DAVISON LINDA	DAVISON LINDA L FAMILY TRUST	10551 NW BRENTANO LN	MCMINNVILLE OR	97128
4	R4417BB06200	1407 NW REISLING WAY	CUSCADEN MYRNA K	CUSCADEN MYRNA K	1407 NW REISLING WAY	MCMINNVILLE OR	97128
5	R4407 00701	10551 NW BRENTANO LN CNTY	DAVISON LINDA	DAVISON LINDA L FAMILY TRUST	10551 NW BRENTANO LN	MCMINNVILLE OR	97128
6	R4408 00200	3375 WESTSIDE RD CNTY	BERNARDS RUSSELL	BERNARDS KAREN J	8645 NW DONNELLY LN	MCMINNVILLE OR	97128
7	R4417BB06900	2658 NW PINOT NOIR DR	PREMIER DEVELOPMENT LLC	PREMIER DEVELOPMENT LLC	1312 NE HWY 99W	MCMINNVILLE OR	97128
8	R4418 00107	CNTY	BAKER CREEK	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO OR	97034
9	R4417 01202	MCMN	TOTH LESLIE A &	TOTH LESLIE A &	2700 NW PINEHURST DR	MCMINNVILLE OR	97128
10	R4417BB06300	1427 NW REISLING WAY	OWENS FREDERICK N	OWENS FREDERICK N	1427 NW REISLING WY	MCMINNVILLE OR	97128
11	R4417BB06906	2671 NW PINOT NOIR DR	KEARNS CALEB J	KEARNS CALEB J	2671 NW PINOT NOIR DR	MCMINNVILLE OR	97128
12	R4417BB00500	2718 NW PINOT NOIR DR	COLVIN CHARLES M TRUSTEE	COLVIN CHARLES M TRUSTEE	2718 NW PINOT NOIR DR	MCMINNVILLE OR	97128
13	R4417BB06905	2679 NW PINOT NOIR DR	CHANG YONGJIAN	CHANG YONGJIAN	2260 NW WEST WIND DR	MCMINNVILLE OR	97128
14	R4417BB00600	2687 NW OAK RIDGE DR	FOX STEPHEN OWEN	FOX STEPHEN OWEN	2687 NW OAK RIDGE DR	MCMINNVILLE OR	97128
15	R4417BB00200	2780 NW PINOT NOIR DR	SMITH MELBA L	SMITH MELBA L	2780 NW PINOT NOIR DR	MCMINNVILLE OR	97128
17	R4408 00200	3375 WESTSIDE RD CNTY	BERNARDS RUSSELL	BERNARDS KAREN J	8645 NW DONNELLY LN	MCMINNVILLE OR	97128
18	R4417BB07005	2824 NW PINOT NOIR DR	PARR LARRY E	PARR LARRY E	2824 NW PINOT NOIR DR	MCMINNVILLE OR	97128
19	R4417BB07004	2840 NW PINOT NOIR DR	NORBY JAMES M CO-TRUSTEE	NORBY JAMES M CO-TRUSTEE	2840 NW PINOT DR	MCMINNVILLE OR	97128
20	R4417BB01300	2741 NW PINOT NOIR DR	FREY JAMES A II & ANDREA L	FREY JAMES A II & ANDREA L TRUSTEES	1271 NE HIGHWAY 99W #501	MCMINNVILLE OR	97128
21	R4417BB01700	2729 NW REISLING WAY	GABRYS CLINTON D	GABRYS CLINTON D	2729 NW REISLING WAY	MCMINNVILLE OR	97128
22	R4417 01300	1565 NW BAKER CREEK RD	PREMIER HOME BUILDERS INC	PREMIER HOME BUILDERS INC	1312 NE HIGHWAY 99W	MCMINNVILLE OR	97128
23	R4417BB06600	1481 NW REISLING WAY	STORMS TREVOR M	STORMS TREVOR M	1481 NW REISLING WAY	MCMINNVILLE OR	97128
24	R4417BB01000	2698 NW REISLING WAY	OBREGON GILDARDO A	OBREGON GILDARDO A	PO BOX 865	MCMINNVILLE OR	97128
25	R4417BB07003	2849 NW PINOT NOIR DR	RUDOLPH BRETT &	RUDOLPH BRETT &	2849 NW PINOT NOIR DR	MCMINNVILLE OR	97128
26	R4417 01200	2616 NW PINOT NOIR DR	COMPTON HUNT M	COMPTON HUNT M	PO BOX 203	MCMINNVILLE OR	97128
27	R4417BB08600	2598 NW PINOT NOIR DR	HAUGHEY MATTHEW A TRUSTEE	HAUGHEY MATTHEW A TRUSTEE	2643 NW PINOT NOIR	MCMINNVILLE OR	97128
28	R4417BB01500	2781 NW PINOT NOIR DR	BOURNE JASON R &	BOURNE JASON R &	2781 NW PINOT NOIR DR	MCMINNVILLE OR	97128
29	R4417BB06902	2684 NW PINOT NOIR DR	GOEKLER CATHERINE L	GOEKLER CATHERINE L	2684 NW PINOT NOIR DR	MCMINNVILLE OR	97128
30	R4417BB07002	2835 NW PINOT NOIR DR	SANDELS CHRISTOPHER M	SANDELS CHRISTOPHER M	2835 NE PINOT NOIR DR	MCMINNVILLE OR	97128
31	R4417BB07001	1572 NW BLAKE ST	GUBRUD CHRIS M	GUBRUD CHRIS M	1572 NW BLAKE ST	MCMINNVILLE OR	97128

Date Sent 3/27/19
Sent By SP

PDA 3-18, PDA 4-18, S 3-18

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
32	R4417BB00700	2649 NW OAK RIDGE DR	CHASE DAVID B	CHASE DAVID B	2649 NW OAK RIDGE DR	MCMINNVILLE OR	97128
33	R4417BB06400	1449 NW REISLING WAY	KIMURA SCOTT M	KIMURA SCOTT M	1449 NW REISLING WY	MCMINNVILLE OR	97128
34	R4417BB00400	2732 NW PINOT NOIR DR	BROTT NORMA G TRUSTEE FOR	BROTT NORMA G TRUSTEE FOR	2732 NW PINOT NOIR DR	MCMINNVILLE OR	97128
35	R4408 00200	3375 WESTSIDE RD CNTY	BERNARDS RUSSELL	BERNARDS KAREN J	8645 NW DONNELLY LN	MCMINNVILLE OR	97128
36	R4417BB07000	2795 NW PINOT NOIR DR	HEIMAN RANDOLPH T	HEIMAN RANDOLPH T	1546 NW MEDINAH DR	MCMINNVILLE OR	97128
37	R4417BB04700	2632 NW CHARDONNAY DR	EIDE NOLAN	EIDE NOLAN	2632 NW CHARDONNAY DR	MCMINNVILLE OR	97128
38	R4417BB00100	2812 NW PINOT NOIR DR	ROBERTS MICHAEL F	ROBERTS MICHAEL F	2812 NW PINOT NOIR DR	MCMINNVILLE OR	97128
39	R4417 01202	MCMN	TOTH LESLIE A &	TOTH LESLIE A &	2700 NW PINEHURST DR	MCMINNVILLE OR	97128
40	R4417BB06901	2664 NW PINOT NOIR DR	PEDERSEN RODNEY N CO-TRUSTEE	PEDERSEN RODNEY N CO-TRUSTEE	2664 NW PINOT NOIR DR	MCMINNVILLE OR	97128
41	R4417BB06700	1493 NW REISLING WAY	CLEVIDENCE RAYMOND L JR	CLEVIDENCE RAYMOND L JR	1493 NW REISLING WAY	MCMINNVILLE OR	97128
42	R4417BB06903	2690 NW PINOT NOIR DR	WILKINS JOSEPH R	WILKINS JOSEPH R	2690 NW PINOT NOIR DR	MCMINNVILLE OR	97128
43	R4417BB01100	2731 NW PINOT NOIR DR	UHRINAK TERRY A	UHRINAK TERRY A	2731 NW PINOT NOIR DR	MCMINNVILLE OR	97128
44	R4407 00600	10225 NW BRENTANO LN CNTY	BRENTANO VINCENT	SCHWARTZ FAMILY TRUST 74.11%	10225 NW BRENTANO LN	MCMINNVILLE OR	97128
45	R4417BB06904	2687 NW PINOT NOIR DR	HADFIELD SARAH &	HADFIELD SARAH &	2687 NW PINOT NOIR DR	MCMINNVILLE OR	97128
46	R4417BB01400	2753 NW PINOT NOIR DR	BENITZ DAVID P	BENITZ DAVID P	2753 NW PINOT NOIR DR	MCMINNVILLE OR	97128
47	R4418 00106	CNTY	BAKER CREEK	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO OR	97034
48	R4407 00600	10225 NW BRENTANO LN CNTY	BRENTANO VINCENT	SCHWARTZ FAMILY TRUST 74.11%	10225 NW BRENTANO LN	MCMINNVILLE OR	97128
49	R4417BB01200	2737 NW PINOT NOIR DR	LUNSFORD PAUL	LUNSFORD PAUL	2737 NW PINOT NOIR DR	MCMINNVILLE OR	97128
50	R4417BB06500	1463 NW REISLING WAY	WALDRON BERNARD E CO-TRUSTEE	WALDRON BERNARD E CO-TRUSTEE	1463 NW RIESLING WAY	MCMINNVILLE OR	97128
51	R4417BB07400	2632 NW PINOT NOIR DR	COMPTON HUNT M	COMPTON HUNT M	PO BOX 203	MCMINNVILLE OR	97128
52	R4417BB07700	2621 NW PINOT NOIR DR	MOBERG RICHARD A	MOBERG RICHARD A	2621 NW PINOT NOIR DR	MCMINNVILLE OR	97128
53	R4417BB00300	2756 NW PINOT NOIR DR	WELLMAN SCOTT T	WELLMAN SCOTT T	2756 NW PINOT NOIR DR	MCMINNVILLE OR	97128
54	R4417BB07500	2650 NW PINOT NOIR DR	OLSEN STEVEN T & CATHERINE D	OLSEN STEVEN T & CATHERINE D TRUSTEES	2650 NW PINOT NOIR DR	MCMINNVILLE OR	97128
55	R4417 01300	1565 NW BAKER CREEK RD	PREMIER HOME BUILDERS INC	PREMIER HOME BUILDERS INC	1312 NE HIGHWAY 99W	MCMINNVILLE OR	97128
56	R4417BB06800	2693 NW PINOT NOIR DR	ATHARINIKROUH EMILY G	ATHARINIKROUH EMILY G	2693 NW PINOT NOIR DR	MCMINNVILLE OR	97128
57	R4417BB04600	2608 NW CHARDONNAY DR	FUCHS ERIC C	FUCHS ERIC C	2608 NW CHARDONNAY DR	MCMINNVILLE OR	97128
58	R4417BB07600	2643 NW PINOT NOIR DR	HAUGHEY MATTHEW A TRUSTEE	HAUGHEY MATTHEW A TRUSTEE	2643 NW PINOT NOIR DR	MCMINNVILLE OR	97128
Applicant	R4417 01300	1565 NW BAKER CREEK RD	PREMIER HOME BUILDERS INC	PREMIER HOME BUILDERS INC	1312 NE HIGHWAY 99W	MCMINNVILLE OR	97128
Consultant			RON POMEROY	NAVIGATION LAND USE CONSULTING, LLC	PO BOX 1514	MCMINNVILLE OR	97128

Date Sent 3/29/19
Sent By SP

NOTICE

PLANNING COMMISSION PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 18th day of April, 2019, at the hour of 6:30 p.m. in the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, relating to the following matter:

TWO (2) MAJOR AMENDMENTS TO PLANNED DEVELOPMENT OVERLAY ORDINANCES & 108 LOT SUBDIVISION REQUEST OAK RIDGE MEADOWS

DOCKET NUMBER: PDA 3-18/PDA 4-18/S 3-18

PDA 3-18: Premier Development, LLC is requesting 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: Premier Development, LLC is requesting 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: Premier Development, LLC is requesting 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. The subject site, approximately 35.47 acres, is located generally north of Baker Creek Road and the multi-phased Oak Ridge residential development and south of Baker Creek, and is more specifically described as Tax Lot 602, Section 07 and Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE Fifth Street, McMinnville, Oregon, during working hours, and on the City of McMinnville website at www.mcminnvilleoregon.gov.

For additional information please contact the Planning Department at the above address or by phone at (503) 434-7311.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

A handwritten signature in black ink, appearing to read 'Heather Richards', positioned above a horizontal line.

Heather Richards
Planning Director

Publish in the Tuesday, April 9, 2019, *News Register*

From: Sarah Sullivan
To: "Lauren.Brown@state.or.us"; Andrew Schurter (andrew.schurter@nwnatural.com); Carl Peters (CPeters@recology.com); Dave Gehring; David Koch; David Renshaw; Deborah McDermott; Heather Richards; Jeff Towery; Ken Friday; Matt Scales; Meghan Womeldorf (mkw@mc-power.com); Mike Bisset; Peter Keenan (pkeen@msd.k12.or.us); Randall Rene - Comcast (Serviceability_portland@cable.comcast.com); Robert Poskin; Samuel Justice (SRJ@mc-power.com); Scott Albert (scott.albert@ftr.com); Stuart Ramsing; Susan Muir
Cc: Jamie Fleckenstein
Subject: Planned Development Amendments (PDA 3-18/PDA 4-18) & Subdivision (S 3-18)
Date: Tuesday, February 05, 2019 9:12:00 AM

Good morning,

The attached material has been referred to you for your information, study, and official comments. Your recommendations and suggestions will be used to guide the McMinnville Planning Commission when reviewing this proposal. If you wish to have your comments on the attached material considered by the Commission, please email your response back to our office by **February 26, 2019**. The Planning Commission will hold a public hearing to consider these matters on **March 21, 2019** at 6:30 p.m., in the McMinnville Civic Hall Building at 200 NE Second Street, McMinnville, Oregon.

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/PDA_3-18_PDA_4-18_S_3-18_application_submittal.pdf

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak_Ridge_Meadows_Application_Narrative_and_Findings_-_2018.pdf

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak_Ridge_Meadows_Application_Exhibits_1-28-2018.pdf

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak_Ridge_Meadows_12-18-18-grading_plans.pdf

Your prompt reply will help to facilitate the processing of this application and will insure consideration of your recommendations.

If you have any questions regarding this application, or if you are having trouble viewing the attachment, please call our office at (503) 434-7311.

Thanks

Sarah Sullivan
Planning Analyst
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128
503-434-7311

From: [Deborah McDermott](#)
To: [Sarah Sullivan](#)
Subject: RE: Planned Development Amendments (PDA 3-18/PDA 4-18) & Subdivision (S 3-18)
Date: Thursday, February 07, 2019 8:33:11 AM

We have no comments on these amendments.

From: Sarah Sullivan
Sent: Tuesday, February 5, 2019 9:13 AM
To: Lauren.Brown@state.or.us; Andrew Schurter (andrew.schurter@nwnatural.com) <andrew.schurter@nwnatural.com>; Carl Peters (CPeters@recology.com) <CPeters@recology.com>; Dave Gehring <David.Gehring@mcminnvilleoregon.gov>; David Koch <David.Koch@mcminnvilleoregon.gov>; David Renshaw <David.Renshaw@mcminnvilleoregon.gov>; Deborah McDermott <Deborah.McDermott@mcminnvilleoregon.gov>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Jeff Towery <Jeff.Towery@mcminnvilleoregon.gov>; Ken Friday <fridayk@co.yamhill.or.us>; Matt Scales <Matt.Scales@mcminnvilleoregon.gov>; Meghan Womeldorf (mkw@mc-power.com) <mkw@mc-power.com>; Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>; Peter Keenan (pkeen@msd.k12.or.us) <pkeen@msd.k12.or.us>; Randall Rene - Comcast (Serviceability_portland@cable.comcast.com) <Serviceability_portland@cable.comcast.com>; Robert Poskin <Robert.Poskin@mcminnvilleoregon.gov>; Samuel Justice (SRJ@mc-power.com) <SRJ@mc-power.com>; Scott Albert (scott.albert@ftr.com) <scott.albert@ftr.com>; Stuart Ramsing <Stuart.Ramsing@mcminnvilleoregon.gov>; Susan Muir <Susan.Muir@mcminnvilleoregon.gov>
Cc: Jamie Fleckenstein <Jamie.Fleckenstein@mcminnvilleoregon.gov>
Subject: Planned Development Amendments (PDA 3-18/PDA 4-18) & Subdivision (S 3-18)

Good morning,

The attached material has been referred to you for your information, study, and official comments. Your recommendations and suggestions will be used to guide the McMinnville Planning Commission when reviewing this proposal. If you wish to have your comments on the attached material considered by the Commission, please email your response back to our office by **February 26, 2019**. The Planning Commission will hold a public hearing to consider these matters on **March 21, 2019** at 6:30 p.m., in the McMinnville Civic Hall Building at 200 NE Second Street, McMinnville, Oregon.

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/PDA 3-18_PDA 4-18_S 3-18_application_submission.pdf

<http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak Ridge Meadows Application Narrative and Findings - 2018.pdf>

<http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak Ridge Meadows Application Exhibits 1-28- 2018.pdf>

[http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak Ridge Meadows 12-18-18-grading plans.pdf](http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak_Ridge_Meadows_12-18-18-grading_plans.pdf)

Your prompt reply will help to facilitate the processing of this application and will insure consideration of your recommendations.

If you have any questions regarding this application, or if you are having trouble viewing the attachment, please call our office at (503) 434-7311.

Thanks

Sarah Sullivan
Planning Analyst
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128
503-434-7311

From: [DEBLASI Michael](#)
To: [Sarah Sullivan](#)
Subject: RE: Planned Development Amendments (PDA 3-18/PDA 4-18) & Subdivision (S 3-18)
Date: Friday, February 08, 2019 11:35:19 AM

Sarah,

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.

Michael De Blasi
Aquatic Resources Coordinator
Marion, Polk, Tillamook & Yamhill Counties

Oregon Department of State Lands
775 Summer St NE, Suite 100
Salem, Ore 97303
503.986.5226
<http://www.oregon.gov/DSL/Pages/index.aspx>

The information contained in this e-mail is intended only for the recipient(s) to whom it is addressed.
Its contents, including any attachments, may contain confidential and/or privileged information.
If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents.
If you receive this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message.

From: Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>
Sent: Tuesday, February 5, 2019 9:13 AM
To: Lauren.Brown@state.or.us; Andrew Schurter (andrew.schurter@nwnatural.com)
<andrew.schurter@nwnatural.com>; Carl Peters (CPeters@recology.com)
<CPeters@recology.com>; Dave Gehring <David.Gehring@mcminnvilleoregon.gov>; David Koch
<David.Koch@mcminnvilleoregon.gov>; David Renshaw <David.Renshaw@mcminnvilleoregon.gov>;
Deborah McDermott <Deborah.McDermott@mcminnvilleoregon.gov>; Heather Richards
<Heather.Richards@mcminnvilleoregon.gov>; Jeff Towery <Jeff.Towery@mcminnvilleoregon.gov>;
Ken Friday <fridayk@co.yamhill.or.us>; Matt Scales <Matt.Scales@mcminnvilleoregon.gov>; Meghan
Womeldorf (mkw@mc-power.com) <mkw@mc-power.com>; Mike Bisset
<Mike.Bisset@mcminnvilleoregon.gov>; Peter Keenan (pkeen@msd.k12.or.us)
<pkeen@msd.k12.or.us>; Randall Rene - Comcast (Serviceability_portland@cable.comcast.com)
<Serviceability_portland@cable.comcast.com>; Robert Poskin
<Robert.Poskin@mcminnvilleoregon.gov>; Samuel Justice (SRJ@mc-power.com) <SRJ@mc-power.com>;
Scott Albert (scott.albert@ftr.com) <scott.albert@ftr.com>; Stuart Ramsing
<Stuart.Ramsing@mcminnvilleoregon.gov>; Susan Muir <Susan.Muir@mcminnvilleoregon.gov>

Cc: Jamie Fleckenstein <Jamie.Fleckenstein@mcminnvilleoregon.gov>

Subject: Planned Development Amendments (PDA 3-18/PDA 4-18) & Subdivision (S 3-18)

Good morning,

The attached material has been referred to you for your information, study, and official comments. Your recommendations and suggestions will be used to guide the McMinnville Planning Commission when reviewing this proposal. If you wish to have your comments on the attached material considered by the Commission, please email your response back to our office by **February 26, 2019**. The Planning Commission will hold a public hearing to consider these matters on **March 21, 2019** at 6:30 p.m., in the McMinnville Civic Hall Building at 200 NE Second Street, McMinnville, Oregon.

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/PDA_3-18_PDA_4-18_S_3-18_application_submittal.pdf

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak_Ridge_Meadows_Application_Narrative_and_Findings_-_2018.pdf

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak_Ridge_Meadows_Application_Exhibits_1-28-2018.pdf

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak_Ridge_Meadows_12-18-18-grading_plans.pdf

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If you have any questions regarding this application, or if you are having trouble viewing the attachment, please call our office at (503) 434-7311.

Thanks

Sarah Sullivan
Planning Analyst
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128
503-434-7311

From: [Meghan Harper](#)
To: [Sarah Sullivan](#)
Subject: Tax Lots R441701300 & R440700602- PDA 3-18, PDA 4-18, S 3-18
Date: Friday, February 08, 2019 2:10:01 PM

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.

Meghan K. Harper

Engineering & Operations Assistant

McMinnville Water and Light

855 NE Marsh Lane

PO Box 638

McMinnville, OR 97128

(503) 472-6919 x5

(503) 472-5211 fax

mkh@mc-power.com

From: [BROWN Jevra](#)
To: [Sarah Sullivan](#)
Cc: [TAYLOR Clara](#); [DEBLASI Michael](#)
Subject: RE: Planned Development Amendments (PDA 3-18/PDA 4-18) & Subdivision (S 3-18): 04S04W17 TL#1300
Date: Monday, February 11, 2019 4:41:14 PM
Attachments: [image003.png](#)

Hi Sarah,

Lauren is on a job rotation right now. All of the rest of these type of notices statewide are delivered to me, so feel free to send yours to me also. I check to see if they need a wetland land use notice, hopefully you will have already done that and when I check our database I will find that you've already submitted one. In this case I did not find a WLUN but found some old related files. Sounds like this request is to remove the 4th phase from the old plan, and there will be a new plan being submitted. Please provide a WLUN for the new plan.

I also pass these to my coworker in our property program in case there are comments from that program. Thanks for coordinating,

Jevra Brown, Aquatic Resource Planner

Department of State Lands

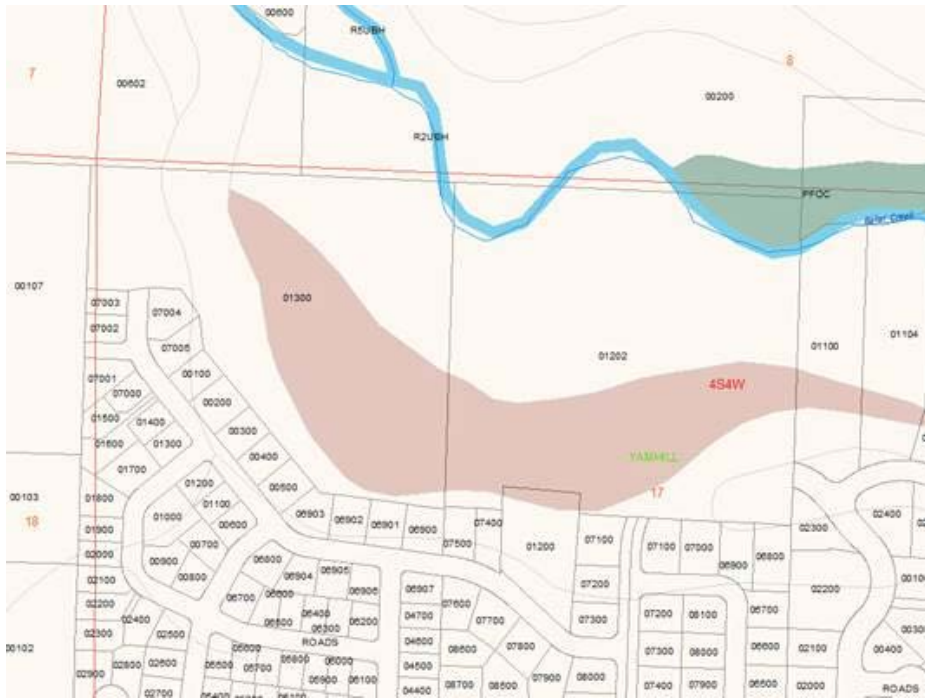
Office 503-986-5297 (M, T, W); cell: 503-580-3172 (Th, F); fax 503-378-4844

jevra.brown@dsl.state.or.us

<http://www.oregon.gov/DSL/pages/index.aspx>

Messages to and from this e-mail address may be available to the public under Oregon Public Record Law.

Site #: S0029653		Has Wetlands: Yes	
Site Name: Oak Ridge Subdivision		ESH? <input checked="" type="radio"/> Yes <input type="radio"/> No	
Description: 32 acre development w/ 2.5 acres of palustrine emergent wetlands, Baker Cr. skirts NE c		Wild & Scenic? <input type="radio"/> Yes <input checked="" type="radio"/> No	
Address/Location: Baker Cr. Rd.		State Scenic? <input type="radio"/> Yes <input checked="" type="radio"/> No	
Latitude: 45.227700 Longitude: -123.215500 Accuracy: Pick from Map		Coast Zone? No	
TRSQQ: 04S04W17BB Tax Lot: 1300		--- HUC ---	
From River Mile: To River Mile:		4th Field: 17090008	
Waterbody: Baker Cr. / Wetland		5th Field: 1709000806	
WaterbodyType(s):		Select ...	
Quad:		City: McMinnville	
Record History		County: Yamhill	
Created: 03/01/2000 by bjs		GeoSearch:	
Last Modified: 06/27/2011 by dbo		Go! Calculator ...	
Metes & Bounds Comments Activities Site Visits Mineral Registry Documents			
1 of 5			
Parent Table		Parent Name	
Application		APP0022091	
Application		APP0032996	
Enforcement		E0005943	
RGL Project		RGL0002459	
Violation		V0005044	



From: Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>
Sent: Thursday, February 7, 2019 1:24 PM
To: BROWN Jevra <jevra.brown@dsl.state.or.us>
Subject: FW: Planned Development Amendments (PDA 3-18/PDA 4-18) & Subdivision (S 3-18)

Please see below. I originally sent this to Lauren Brown.

Thanks,
 Sarah

Sarah Sullivan
 Planning Analyst
 City of McMinnville
 231 NE 5th Street
 McMinnville, OR 97128
 503-434-7311

From: Sarah Sullivan
Sent: Tuesday, February 05, 2019 9:13 AM
To: 'Lauren.Brown@state.or.us' <Lauren.Brown@state.or.us>; Andrew Schurter (<andrew.schurter@nwnatural.com> <andrew.schurter@nwnatural.com>; Carl Peters (<CPeters@recology.com> <CPeters@recology.com>; Dave Gehring (<David.Gehring@mcminnvilleoregon.gov> <David.Gehring@mcminnvilleoregon.gov>; David Koch (<David.Koch@mcminnvilleoregon.gov> <David.Koch@mcminnvilleoregon.gov>; David Renshaw (<David.Renshaw@mcminnvilleoregon.gov> <David.Renshaw@mcminnvilleoregon.gov>; Deborah McDermott (<Deborah.McDermott@mcminnvilleoregon.gov> <Deborah.McDermott@mcminnvilleoregon.gov>; Heather Richards (<Heather.Richards@mcminnvilleoregon.gov> <Heather.Richards@mcminnvilleoregon.gov>; Jeff Towery (<Jeff.Towery@mcminnvilleoregon.gov> <Jeff.Towery@mcminnvilleoregon.gov>; Ken Friday (<fridayk@co.yamhill.or.us> <fridayk@co.yamhill.or.us>; Matt Scales (<Matt.Scales@mcminnvilleoregon.gov> <Matt.Scales@mcminnvilleoregon.gov>; Meghan Womeldorf (<mkw@mc-power.com> <mkw@mc-power.com>; Mike Bisset (<Mike.Bisset@mcminnvilleoregon.gov> <Mike.Bisset@mcminnvilleoregon.gov>; Peter Keenan (<pkeen@msd.k12.or.us> <pkeen@msd.k12.or.us>; Peter Keenan (<pkeen@msd.k12.or.us> <pkeen@msd.k12.or.us>; Randall Rene - Comcast (<Serviceability_portland@cable.comcast.com> <Serviceability_portland@cable.comcast.com>; Robert Poskin (<Robert.Poskin@mcminnvilleoregon.gov> <Robert.Poskin@mcminnvilleoregon.gov>; Samuel Justice (<SRJ@mc-power.com> <SRJ@mc-power.com>; Scott Albert (<scott.albert@ftr.com> <scott.albert@ftr.com>;

Stuart Ramsing <Stuart.Ramsing@mcminnvilleoregon.gov>; Susan Muir <Susan.Muir@mcminnvilleoregon.gov>

Cc: Jamie Fleckenstein <Jamie.Fleckenstein@mcminnvilleoregon.gov>

Subject: Planned Development Amendments (PDA 3-18/PDA 4-18) & Subdivision (S 3-18)

Good morning,

The attached material has been referred to you for your information, study, and official comments. Your recommendations and suggestions will be used to guide the McMinnville Planning Commission when reviewing this proposal. If you wish to have your comments on the attached material considered by the Commission, please email your response back to our office by **February 26, 2019**. The Planning Commission will hold a public hearing to consider these matters on **March 21, 2019** at 6:30 p.m., in the McMinnville Civic Hall Building at 200 NE Second Street, McMinnville, Oregon.

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/PDA_3-18_PDA_4-18_S_3-18_application_submittal.pdf

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak_Ridge_Meadows_Application_Narrative_and_Findings_-_2018.pdf

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak_Ridge_Meadows_Application_Exhibits_1-28-2018.pdf

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Oak_Ridge_Meadows_12-18-18-grading_plans.pdf

Your prompt reply will help to facilitate the processing of this application and will insure consideration of your recommendations.

If you have any questions regarding this application, or if you are having trouble viewing the attachment, please call our office at (503) 434-7311.

Thanks

Sarah Sullivan
Planning Analyst
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128
503-434-7311



City of McMinnville
Parks and Recreation Department
600 NE Evans
McMinnville, OR 97128
(503) 434-7310

www.mcminnvilleoregon.gov

DATE: February 27, 2019
TO: Jamie Fleckenstein, Planner
FROM: Susan Muir, Parks and Rec Director
SUBJECT: PDA 3-18/PDA 4-18 & S 3-18

The comments below are in response to the request for comments for the Planned Development Amendment application to amend the existing Oak Ridge Planned Development.

The McMinnville Comprehensive Plan includes the following provisions:

159.00 The City of McMinnville's Parks, Recreation, and Open Space Master Plan shall serve to identify future needs of the community, available resources, funding alternatives, and priority projects. (Ord. 4796, October 14, 2003)

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.

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)

Comment: Per the McMinnville Comprehensive Plan Policy #163.05 the City should locate greenways and trails in the floodplain to connect community and other park types to each other. The proposed dedication of a trail that connects Tice Park to a potential future park and/or the BPA trail appears to satisfy this criterion.

164.00 The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.

Comment: Per the McMinnville Comprehensive Plan Policy #164.00, the City shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces,

and/or parks. The proposed floodplain land to be dedicated to the city for a natural trail and greenway system along Baker Creek appears to satisfy this criterion.

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.

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.

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

Comment: Per the McMinnville Comprehensive Plan Policy #166.00 and #168.00, the city should recognize and retain distinctive natural features and areas in future urban developments. Baker Creek and its associated riparian environment is a natural feature in the proposed Oak Ridge Meadows Subdivision and the proposed dedication of this land to the city for a trail appears to satisfy this criterion.

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)

Comment: Per the McMinnville Comprehensive Plan Policy #170.05, the City should use the standards in the McMinnville Parks, Recreation, and Open Space Master Plan, which are as follows:

The McMinnville 1999 Parks Master Plan contains the following relevant recommendations:

- Develop special use parks to protect and highlight unique natural areas and to respond to the particular recreation needs of McMinnville residents;
- Protect natural areas and stream corridors by acquiring greenways along creeks and the Yamhill river;
- Provide public access to natural areas and trail-related recreation by developing trails through greenways and in natural areas. (p. 38)

Comment: Table 10 of the Parks Master Plan outlines underserved areas in our City related to parks, this property can be found in planning area 3 and specifically recommends acquiring a greenway "along Baker Creek connecting Tice/BPA Easement" as a first tier priority for the action plan. The Master Plan Map shows a multi-purposed trail along Baker Creek in this general area which is reflected in the development proposal, therefore this element of the Parks Master Plan appears to be met by the application as proposed.

Thank you for the opportunity to comment. Please let me know if you have any further questions or need anything additional from the Parks and Recreation Department.

From: Sarah Sullivan
To: [Andrew Schurter \(andrew.schurter@nwnatural.com\)](mailto:andrew.schurter@nwnatural.com); [Carl Peters \(CPeters@recology.com\)](mailto:CPeters@recology.com); [Crystal Rhodes \(crr@mc-power.com\)](mailto:Crystal.Rhodes@mc-power.com); [Dave Gehring](mailto:Dave.Gehring); [David Koch](mailto:David.Koch); [David Renshaw](mailto:David.Renshaw); [Deborah McDermott](mailto:Deborah.McDermott); [Heather Richards](mailto:Heather.Richards); [Jeff Towery](mailto:Jeff.Towery); [Ken Friday](mailto:Ken.Friday); [Matt Scales](mailto:Matt.Scales); [Meghan Womeldorf \(mkw@mc-power.com\)](mailto:Meghan.Womeldorf@mc-power.com); [Mike Bisset](mailto:Mike.Bisset); [Peter Keenan \(pkeen@msd.k12.or.us\)](mailto:Peter.Keenan@msd.k12.or.us); [Randall Rene](mailto:Randall.Rene) - Comcast (Serviceability portland@cable.comcast.com); [Samuel Justice \(SRJ@mc-power.com\)](mailto:Samuel.Justice@mc-power.com); [Scott Albert \(scott.albert@ftr.com\)](mailto:Scott.Albert@ftr.com); [Stuart Ramsing](mailto:Stuart.Ramsing); [Susan Muir](mailto:Susan.Muir); ["Lauren.Brown@state.or.us"](mailto:Lauren.Brown@state.or.us); ["michael.deblasi@state.or.us"](mailto:michael.deblasi@state.or.us)
Cc: [Jamie Fleckenstein](mailto:Jamie.Fleckenstein)
Subject: Planned Development Amendments (PDA 3-18/4-18) Subdivision (S 3-18) Revisions
Date: Friday, March 29, 2019 9:14:00 AM

Good morning,

The attached **revised** material has been referred to you for your information, study, and official comments. Your recommendations and suggestions will be used to guide the McMinnville Planning Commission when reviewing this proposal. If you wish to have your comments on the attached material considered by the Commission, please email your response back to our office by **April 10, 2019**. The Planning Commission will hold a public hearing to consider these matters on **April 18, 2019** at 6:30 p.m., in the McMinnville Civic Hall Building at 200 NE Second Street, McMinnville, Oregon.

[http://gis.ci.mcminnville.or.us/gisdata/pub/docs/PDA 3-18_PDA 4-18 S 3-18_application submittal.pdf](http://gis.ci.mcminnville.or.us/gisdata/pub/docs/PDA%203-18_PDA%204-18_S%203-18_application_submittal.pdf)

[http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Amended Oak Ridge Meadows Application Narrative and Findings_03-28-19.pdf](http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Amended%20Oak%20Ridge%20Meadows%20Application%20Narrative%20and%20Findings_03-28-19.pdf)

[http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Amended Oak Ridge Meadows Application Exhibits 1-48_03-28-19.pdf](http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Amended%20Oak%20Ridge%20Meadows%20Application%20Exhibits%201-48_03-28-19.pdf)

Your prompt reply will help to facilitate the processing of this application and will insure consideration of your recommendations.

If you have any questions regarding this application, or if you are having trouble viewing the attachment, please call our office at (503) 434-7311.

Sarah Sullivan
Planning Analyst
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128
503-434-7311

From: [Mike Bisset](#)
To: [Sarah Sullivan](#)
Cc: [David Renshaw](#); [Rich Spofford](#); [Jamie Fleckenstein](#)
Subject: RE: Planned Development Amendments (PDA 3-18/4-18) Subdivision (S 3-18) Revisions
Date: Friday, April 05, 2019 3:07:52 PM

Good afternoon – Regarding PDA 3-18/4-18 & S3-18, I offer the following comments from Public Works re: the proposed park elements associated with the applications:

Hi Mike, and thank you for the opportunity to review this proposal. Our comments are below:

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.

David Renshaw
Public Works Superintendent
City of McMinnville
503.434.7316 office
503.434.6514 fax

Additionally, I offer the following suggestions conditions of approval re: the subdivision:

- 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.
- Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- That all streets within the 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.

- 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.
- 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.
- 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."
- 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.
- On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns.
- 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.
- The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
- 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.
- 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.

Let me know if you have any questions.

Mike Bisset, Director

City of McMinnville Community Development

231 NE Fifth Street | McMinnville, OR 97128

Office: 503.434.7312

<http://www.mcminnvilleoregon.gov>

From: Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>

Sent: Friday, March 29, 2019 9:15 AM

To: Andrew Schurter (andrew.schurter@nwnatural.com) <andrew.schurter@nwnatural.com>; Carl Peters (CPeters@recology.com) <CPeters@recology.com>; Crystal Rhodes (crr@mc-power.com) <crr@mc-power.com>; Dave Gehring <David.Gehring@mcminnvilleoregon.gov>; David Koch <David.Koch@mcminnvilleoregon.gov>; David Renshaw <David.Renshaw@mcminnvilleoregon.gov>; Deborah McDermott <Deborah.McDermott@mcminnvilleoregon.gov>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Jeff Towery <Jeff.Towery@mcminnvilleoregon.gov>; Ken Friday <fridayk@co.yamhill.or.us>; Matt Scales <Matt.Scales@mcminnvilleoregon.gov>; Meghan Womeldorf (mkw@mc-power.com) <mkw@mc-power.com>; Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>; Peter Keenan (pkeen@msd.k12.or.us) <pkeen@msd.k12.or.us>; Randall Rene - Comcast (Serviceability_portland@cable.comcast.com) <Serviceability_portland@cable.comcast.com>; Samuel Justice (SRJ@mc-power.com) <SRJ@mc-power.com>; Scott Albert (scott.albert@ftr.com) <scott.albert@ftr.com>; Stuart Ramsing <Stuart.Ramsing@mcminnvilleoregon.gov>; Susan Muir <Susan.Muir@mcminnvilleoregon.gov>; Lauren.Brown@state.or.us; michael.deblasi@state.or.us

Cc: Jamie Fleckenstein <Jamie.Fleckenstein@mcminnvilleoregon.gov>

Subject: Planned Development Amendments (PDA 3-18/4-18) Subdivision (S 3-18) Revisions

Good morning,

The attached **revised** material has been referred to you for your information, study, and official comments. Your recommendations and suggestions will be used to guide the McMinnville Planning Commission when reviewing this proposal. If you wish to have your comments on the attached material considered by the Commission, please email your response back to our office by **April 10, 2019**. The Planning Commission will hold a public hearing to consider these matters on **April 18, 2019** at 6:30 p.m., in the McMinnville Civic Hall Building at 200 NE Second Street, McMinnville, Oregon.

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/PDA 3-18_PDA 4-18_S 3-18_application submittal.pdf

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Amended Oak Ridge Meadows Application Narrative and Findings_03-28-19.pdf

http://gis.ci.mcminnville.or.us/gisdata/pub/docs/Amended Oak Ridge Meadows Application Exhibits 1-48_03-28-19.pdf

Your prompt reply will help to facilitate the processing of this application and will insure consideration of your recommendations.

If you have any questions regarding this application, or if you are having trouble viewing the attachment, please call our office at (503) 434-7311.

Sarah Sullivan
Planning Analyst
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128
503-434-7311

April 10, 2019
McMinnville Planning Commission Meeting April 18, 2019
Premier Development Land Use Application – 35.47 acres
Submitted by Steve and Catherine Olsen
2650 NW Pinot Noir Dr., McMinnville OR 97128

We submit for public comment our concerns about certain aspects of Premier Development's Land Use application. These concerns are:

1. Wetlands and floodplain development on 11.47 acres in unplatted 4th phase
2. Traffic
 - a. Development impact to Baker Creek Road
 - b. Development impact to Oak Ridge and Compton Crest neighborhoods
3. Great Neighborhoods
4. State and Federal permits and FEMA maps

Because of these concerns we ask the Planning Commission to deny the proposal.

The concerns noted above are not created out of thin air, but are rooted in the City's Comprehensive Plan. As noted in the Public Hearing Notice, to be approved, the application must comply with the review criteria; most significantly, the criteria that applied to amendments to planned developments.

Specifically, MMC 17.74.070B requires any amendment to a Planned Development to be "not inconsistent" with the City's Comprehensive Plan. We have reviewed the City's Comprehensive Plan and, as explained below, there is no choice but to conclude that the proposal is inconsistent with the Comprehensive Plan. What follows are excerpts of the Comprehensive Plan, with explanations of the inconsistencies.

I. WETLANDS: To preserve the quality of the air, water and land resources within the planning area

The City 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.

...proposed residential development, distinctive or unique natural featuresshall be preserved wherever feasible. The City of McMinnville shall insure adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems....or to natural drainage ways. The City of McMinnville shall recognize open space and natural areas....Distinctive natural features and areas shall be retained wherever possible in future urban developments

COMMENTS:

- o Development on this wetland area, which historically floods, will have an downstream impact to the Crestbrook subdivision
- o Development of these wetlands will have an impact on existing bird and wildlife
- o Premier Developments' proposal of 6' of fill for lots 1-7 would prevent natural drainage and act as a dyke and funnel for water in the wetlands
- o Recently, in December 2018, we received approximately 2" of rain in a 12 hour period that flooded the wetlands area
- o February 10, 2004 the McMinnville City Council denied the fill and development of tax lot 1200 (Section 17, T. 4 S., R. 4W, W.M) located directly east of Premier Homes' proposed wetland development [Ref: Resolution No. 2004-2, dated February 10, 2004]
- o February 2004 the Yamhill Planning Commission supported the City of McMinnville's decision

INCONSISTENCY: By allowing the fill for lots 1-7, this proposal is inconsistent with the preservation of air, water and land resources within the City. It does not preserve the natural features of the area, interferes with natural drainage

ways, and destroys the open space and natural area on the site. Accordingly, the proposal is inconsistent with the City's Comprehensive Plan.

PROPOSAL: This inconsistency can be addressed by limiting housing lots to regions where roads and buildings do not add to wetland degradation

II. TRAFFIC: To encourage development of a transportation system that provides for the coordinated movement of people and freight in a safe and efficient manner

The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.....shall encourage development of roads that include the following design factors:

- Emphasis placed on existing and future needs of the area.....and expected traffic volumes are important factors.
- Connectivity of local residential streets shall be encouraged....emergency access....will be graded and finished with compacted toand extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road
- Livability: Transportation facilities in the McMinnville planning shall be....designed and constructed to mitigate.....neighborhood disruption

COMMENTS:

- This current proposal does not add any direct access roads to Baker Creek Rd. It is relying on using the current streets of Oak Ridge and Merlot
- Compton Crest has 44 lots and Oak Ridge has 88 lots. The addition of 108 lots by Premier Development will increase traffic through these two existing neighborhoods by 80%
- In 2016 the Compton Crest and Oak Ridge neighborhoods were resurfaced; heavy construction equipment and additional traffic from contractors could degrade the roads
- These two neighborhoods have a number of children who play outside on the sidewalks; the increase in traffic could pose a child safety issue. A number of bikers, walkers, dog walkers and joggers use these two neighborhoods and increased traffic from the construction of 108 homes presents a safety issue

INCONSISTENCY: By failing to provide direct access to Baker Creek Road, the proposal is inconsistent with the development of a safe and efficient transportation system. The transportation system proposed in this development does not provide safe and easy access to each parcel, it does not follow the design factors and lacks connectivity, and it fosters neighborhood disruption. Accordingly, the proposal is inconsistent with the City's Comprehensive Plan.

PROPOSAL: The inconsistencies identified above can be addressed by changing the "emergency access" of the Shadden Dr. extension to a permanent road that provides separate access to Oak Ridge Meadows; this would minimize congestion in the Oak Ridge and Compton Crest neighborhoods and provide better direct access to Baker Creek Rd. The current Oregon fire code regulation D107.1 states "Development of one- or two-family dwellings where the number of *dwelling* units exceeds 30 shall be provided with two separate and *approved* fire access roads and shall meet the requirements of Section D104.3"

III. McMinnville Matters - Great Neighborhood Principles:

The website <https://www.mcminnvillematters.com/great-neighborhood-principles> has several ideas about McMinnville's neighborhoods, how we want our community to be defined and the questions they pose to accomplish that.

Trailblazing a Place for Open Spaces: All of these benefits and opportunities that the Westside Greenway provides help to improve the quality of life in my neighborhood. There is so much research into the health and social benefits of open space and green space, and a good compilation of some of that research is provided by the University of Washington's College of the Environment. They provide a website titled "Green Cities: Good Health" that compiles research on the active lifestyle, mental health, and social benefits that access to open and recreational spaces can provide. **It asks: Do you think it is important for every Great Neighborhood to have access to open and recreational spaces?**

What's Your Neighborhood Style: Neighborhood names or themes can help in defining a neighborhood. We have some local examples of neighborhood names that tie back to the historic owners of the land, such as Chegwyn Village. We also have some others that may not be as well known – Newby's First Addition (a subdivision of property completed by William T. Newby – an early settler of McMinnville) or McMinnville College Addition (the name of the local college before it was changed to Linfield College in 1922). The Oak Ridge neighborhood includes a theme, with each street named after a wine grape variety – Pinot Noir Drive, Riesling Way, Zinfandel Court, Merlot and Chardonnay – a link to the wine industry in McMinnville. **It asks: Do you think that specialized design features make a neighborhood great? Do you think that these things help to create a sense of character in a neighborhood?**

Connected Streets, Connected Neighbors: A common concept in city planning is that interconnected streets to promote inclusion and increase the likelihood of social interaction between neighbors. An interconnected street network, also often referred to as a grid street network, also increases safety and accessibility.

Green Is the New Black: ...there are a number of other, more subtle, green building practices that can be employed in individual building design, or even in larger development projects. Trees, when placed properly, can keep a home cool by blocking sunlight in the summer and letting more light in during the winter when leaves fall. Landscaping materials can be selected that are drought-resistant, reducing the need for water usage. Home sites can be designed and oriented in certain directions to harness passive solar energy. Retaining existing structures can be more environmentally friendly by reusing and conserving resources and materials.

One component of environmental design that is becoming more popular is the use of storm water bioswales adjacent to streets to manage and treat storm water run-off in a neighborhood. You may be asking what a storm water bioswale is, and if so, [here is a quick video](#) that explains how they work (you have probably seen one before without realizing it!) Storm water bioswales were included in the reconstruction of Alpine Avenue, and you will also see bioswales along the newly reconstructed Hill Road, near the intersection of Hill Road and Baker Creek Road, when that street project is complete. Another new residential subdivision along Cumulus Avenue is also installing bioswales in the streets to treat stormwater run-off. **It asks: Do you think that it is important that these types of environmental design or "green" construction techniques be used in our neighborhoods?**

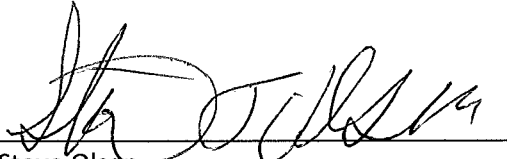
IV. State and Federal Permits and FEMA Floodplain maps

Baker Creek is a designated salmon stream. Federal and State agencies permits should be approved and issued before any development of the 11.47 acres of wetlands.


- Oregon Department of State Lands
- Department of Environment Quality
- Army Corp of Engineers

The City should update their Federal Emergency Management Administration floodplain maps before any construction in the 11.47 wetland acreage can be approved by the Planning Commission.

Thank you,



Steve Olsen



Catherine Olsen

April 9, 2019
Hand Delivered

Rodney and Judy Pedersen
2664 NW Pinot Noir Drive
McMinnville, OR 97128

Planning Department
231 NE Fifth St.
McMinnville, OR 97128

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APR 10 2019

COMMUNITY DEVELOPMENT
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Re.: Review of 2 Major Amendments to Planned Development
Overlay Ordinances and 108 Lot Subdivision Request
Oak Ridge Meadows
Docket Number PDA 3-18/PDA 4-18/S 3-18
(Planned Development Amendments and Subdivision)

We would like to raise several issues related to the above referenced docket number. We are particularly concerned about the ridge and low level areas.

Issue 1 – Building on a Flood Plain, Wetland area

This wetland, flood plain and low land area is repeatedly flooded with up to 3 or more feet of Baker Creek overflow water. Flooding occurs with moderate rains. Please explain to us where this water is going to go downstream. Our neighbors have already experienced flooding. Is the incidence of flooding going to be more downstream if this land is developed?

Issue 2 – Building behind and below our residence will require excavation, retaining walls, fill dirt and compaction.

The original developer (Mr. Zumwalt) already recognized our hillside as a slippage area. Plastic mesh netting was installed and buried during construction of our residence and lot. What impact would excavation and other construction activities have on our lot and the others on the ridge?

Issue 3 – Access Road

We have heard that Pinot Noir Drive will be used as the main construction/haul access road to the new development. There are many families with small children who live on this road and routinely play in the street. There should be an access road directly out to Baker Creek Road from the construction area west of the current end of Pinot Noir Drive. It seems reasonable that the two developers, Zumwalt and Stafford, would work together on this issue.

In addition, currently Pinot Noir Drive narrows considerably at its end. A construction vehicle cannot pass through with cars parked on both sides of the street.

Issue 4 – Trees

There are several large Heritage Valley oak trees located in the project area. One is west of the end of Pinot Noir Drive and another is located behind our residence at 2664 NW Pinot Noir Drive. I am guessing these trees are at least several hundred years old and are some of the last large oaks in our area. They are good, healthy trees and will live for a long time after we are gone. They provide habitat for numerous types of birds, squirrels and other wildlife. Please see that they are not harmed.

Issue 5 – Misinformation

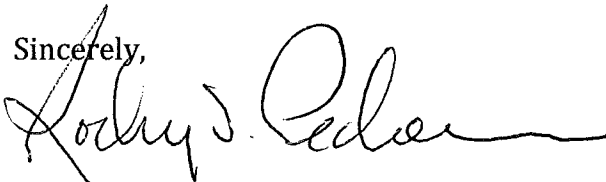
When we were doing our due diligence while considering this home at 2664 NW Pinot Noir Drive, we were told by Ron Pomeroy, at the time an employee of the Planning Department, that no building will ever occur in this valley area. Since then we have heard that other people who purchased homes on the ridge were told the same thing. What happened to change that?

Issue 6 – Respect

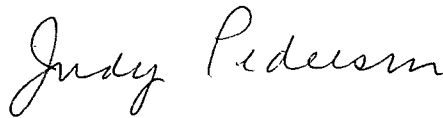
The property owners living on the Pinot Noir ridge live in expensive, modern homes that they paid hundreds of thousands of dollars for. We have paid our considerably high tax dollars for these properties and hope to continue to do so for many years to come. We bought here for a way of life not found in other parts of our city. We would appreciate your respect for this fact.

Thank you for your time and consideration of our comments.

Sincerely,



Rodney Pedersen
2664 NW Pinot Noir Drive
McMinnville, OR 97128



Judy Pedersen

Request to **deny** Premier's request to remove 11.47 acres from the Oak Ridge Planned Development then add them to the Oak Ridge Meadows Planned Development, then change the now combined two to a Sub Division (i.e. fewer rules and regs).

My name is Sandi Colvin and I'm a resident of the Oak Ridge planned development HOA. Premier also built out our development and created the very CC&Rs and Bylaws they're trying to circumnavigate now by removing the so called 4th phase (to my knowledge, there was no 4th phase in their initial plans for Oak Ridge) from the HOA. The lots they are now showing as their 4th phase, were never platted, therefore, never intended or existed on their original plans. That they turned it into a 4th phase is nothing more than semantics and a way to get around the HOA and rules and regs they themselves created.

The CC&Rs and Bylaws (again written by Premier) specifically give the right to the architectural committee of the Oak Ridge Planned Development to refuse to allow fill or any structures that block the view of the common areas. Should Premier leave their "4th phase" within the HOA, they will not be able to build in the wetlands and they know it.

ARTICLE IV ARCHITECTURAL REVIEW COMMITTEE

4.2 Committee Discretion. The Architectural Review Committee may, at its sole discretion withhold consent to any proposed work if the Committee finds the proposed work would be inappropriate for the particular Lot or incompatible with the design standards that the Committee intends for Oak Ridge. ***Consideration such as siting, shape, size, color, design, height, solar access, impairment of the view from other Lots, or other effect on the enjoyment of other lots or the Common Area, disturbance of existing terrain and vegetation and any other factors*** which the Committee reasonably believes to be relevant, may be taken into account by the Committee in determining whether or not to consent to any proposed work.

The act of building anything in the wetlands goes against their own policies in the Bylaws of the Oak Ridge HOA:

2.23 Oak Ridge Wetlands, Swale and Detention Pond. No Owner shall litter, contaminate, pollute or cause or permit any foreign substance to enter these areas.

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The Great Neighborhood plans call for green and natural spaces. The wetland is our green space – we have no other green spaces or common areas for our neighborhood. Removing the 11.47 acres after the development has been finished defeats the entire purpose of including green spaces in any other developments. Will developers be allowed to come back after the completion of a planned development or subdivision and then build on the green spaces too?

The city's own Goals and Policies state that:

Chapter 17.51

Planned Development Overlay

71.01 – 1. It will be the obligation of the City Planning Director and the City Engineer to determine whether or not the density of each proposed development can exceed six units per acre. School property, floodplain, **and parklands will not be included in the density calculations.**

71.06 – 3. Areas with mapped development limitations such as steep slopes, floodplains, stream corridors, **natural drainageways and wetlands;**

71.08 – 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)

Planned Development Policies:

74.00 Distinctive **natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.**

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.

8-.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.**

By changing the designation of Planned Development to Subdivision, Premier would have more room to go directly against the goals and policies their planned developments would have been originally held to.

Mike Colvin

INCREASED STORM DRAIN INFLOWS TO BAKER CREEK = INCREASED RISK OF FLOODING CRESTBROOK

THE INCREASED VOLUME OF STORM DRAINAGE DIRECTED TO THE BAKER CREEK DRAINAGE WAY IN THE LAST TEN YEARS HAS INCREASED THE FLOODING RISK IN THE LOWER CRESTBROOK NEIGHBORHOOD. ALLOWING PREMIER TO FILL, DIKE, AND NARROW THE WETLANDS A QUARTER MILE UPSTREAM OF CRESTBROOK – WILL RAISE THAT FLOODING RISK MUCH HIGHER.

I am not privy to any flow information needed to quantify this claim. All I have are FEMA maps and actual pictures that show that in 2015, it probably took 3.0 – 3.5 inches of rain to flood the 500 year floodplain next to the lower Crestbrook neighborhood (and 30% of the wetlands just upstream). – BUT-- in December of 2018 after the driest summer/fall on record – those same areas flooded after only 1.75 inches of precipitation. Everyone living above the wetlands was stupefied. Those two areas had never come close to flooding with that amount of rain in the past. – And then darned if it didn't flood darn near as badly in February of 2019 after right at 1.75 inches again!!

So, it is obvious that since the wetlands and 500 year floodplain are now flooding with far less precipitation, THAT THIS MUST BE CAUSED BECAUSE -- MUCH MORE STORM DRAINAGE BEING DIRECTED TO THE BAKER CREEK DRAINAGE WAY FROM a) MORE SOURCES. And; b) A MUCH BROADER GEOGRAPHIC AREA.

The maps and exhibits included on the following pages show the big picture of just how big (and narrow) the Baker Creek drainage way is – The FEMA map also identifies the 100 and 500 year floodplain – and the wetland area Premier is proposing to fill and dike. The map is obviously outdated because – both the wetlands and the 500 year floodplain have now flooded 3 times in the last 5 years – with avg rainfall.

THE ADDITIONAL INFLOWS RESPONSIBLE ARE PROBABLY COMING FROM SEVERAL SOURCES. BUT THE 3-4 PROJECTS THAT HAVE TAKEN PLACE SINCE 2010 THAT WE SUSPECT HAVE INCREASED THE STORM INFLOWS TO BAKER CREEK ARE:

1. The Hill Road Project in 2015-2018? – Hill Road was totally reengineered and rebuilt with a totally new storm drain system. We don't know how far towards Fox Ridge the drainage was directed towards Baker Creek. But we suspect that road drainage system from at least Wallace now goes to the Baker Creek drainage way.
2. West Wind development – was the storm drainage in this development routed to Baker Creek?
3. The 125 acre Baker Creek east and west? – This was always swampy in the winter. And now has an elaborate storm drain system with a couple of ponds. Where does all the drainage from those roads and roofs go?
4. Probably the largest contributor is that in 2018, over 600 acres of DRAIN TILE was installed under three filbert orchards just upstream of Hill road. So instead of those fields acting like sponges as in the past, the rain must pass to the drain tile pretty quickly – AND ALL OF THOSE FIELDS DRAIN TO BAKER CREEK.
5. And, Premier and Stafford are applying to develop another 100 acres of roads and houses in the next few years. We are assuming their storm drainage will be directed to Baker Creek.

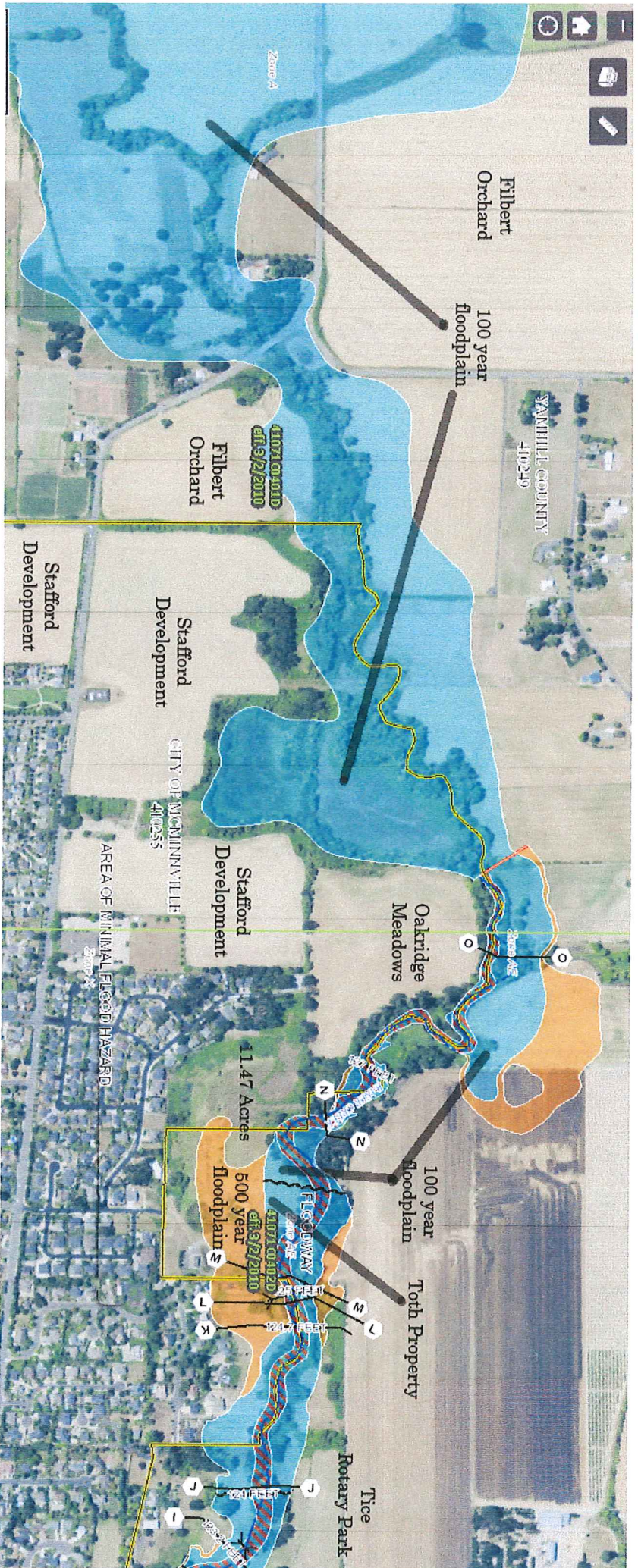
SO AGAIN, ALL WE ARE SEEING IS THE RESULTS SHOWN IN THE PICTURES ON THE FOLLOWING PAGES. PLEASE NOTE THE ONES THAT SHOW THE LOWER CRESTBROOK NEIGHBORHOOD IN THE BACKGROUND. OUR QUESTION IS – ARE 15 MORE HOUSES MORE IMPORTANT THAN RAISING THE RISK (AND LIABILITY) OF FLOODING CRESTBROOK. PLEASE DO AN UPDATED FEMA STUDY BEFORE APPROVING ANY FILLING, DIKING, NARROWING OF THE BAKER CREEK WETLANDS AND DRAINAGE WAY.

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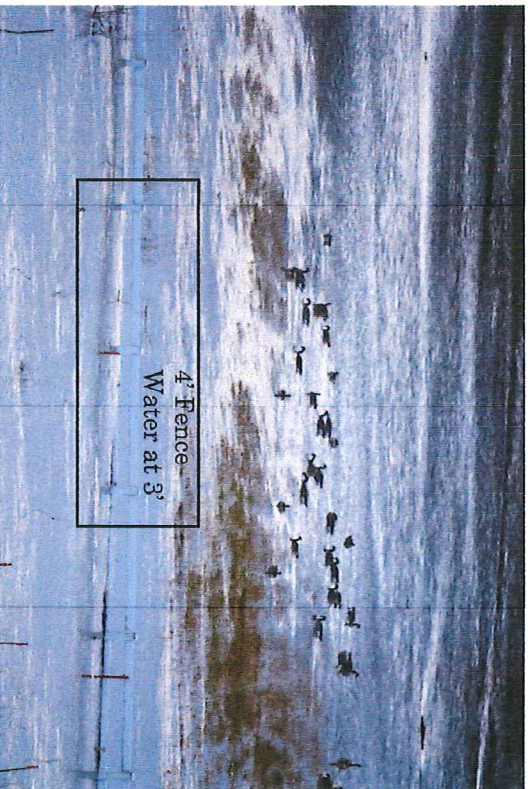
FEMA Map Showing lots of water in this drainage



- notice that both the Baker Creek bridge and part of Baker Creek Road are in the 500 year floodplain



- * Crestbrook in background
- * far side of fence is 500 year floodplain
- * area from fence to camera is only rated wetlands
- * Both areas have flooded euqilly 3 times in 5 years



Approximate
location of
midigated
area.



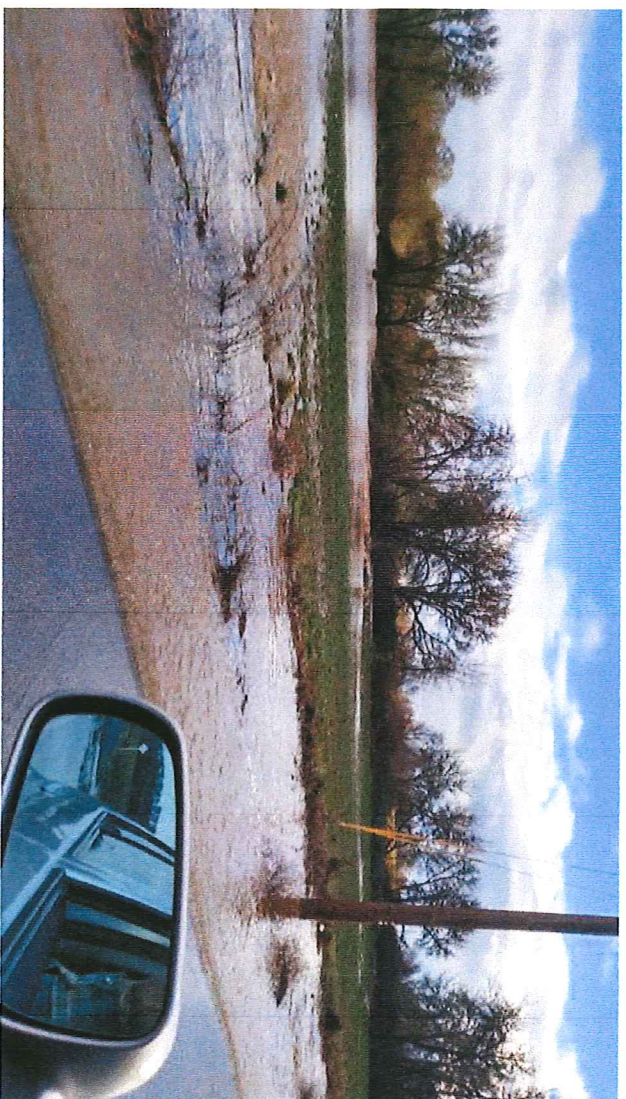
- *Who determined wetlands or floodplain? They are both the same depth.
- *Wetlands have flooded 3 times in 5 years. Needs re-classifying.



- *This angle shows how close flood aers come to Crestbrook
- *Water well up on Toth's goal posts



Photo from Lower Cretbrook



2015 Flooding on Stafford Property from Baker Creek Road

- * Refer to FEMA upstream picture - there is a lot of water that comes down from upstream.
- * Also, this shows another 100 acres (Staffords and Premiers) where storm drainage will be directed to the wetlands.

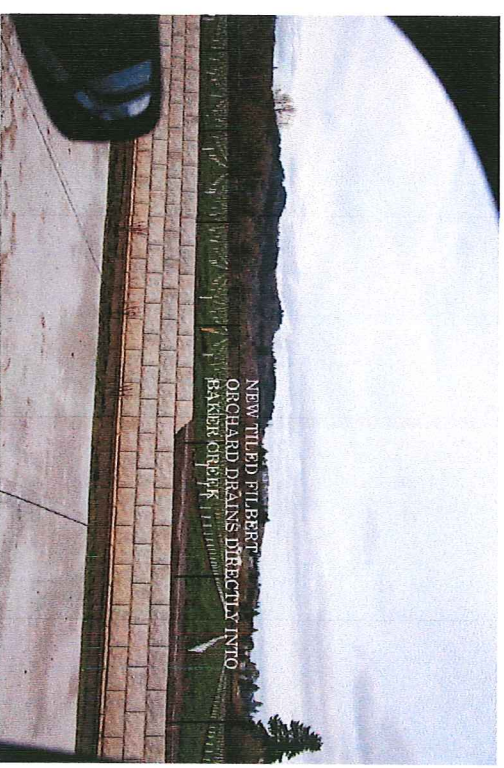


2015 Flooding at Baker Creek Rd. & Hill Rd.

*With Hill Road project and Baker Creek East/West developments, was this storm water directed to the Baker Creek Drainage Way?

* To avoid flooding in Crestbrook, 100% of the wetlands needs to be preserved.

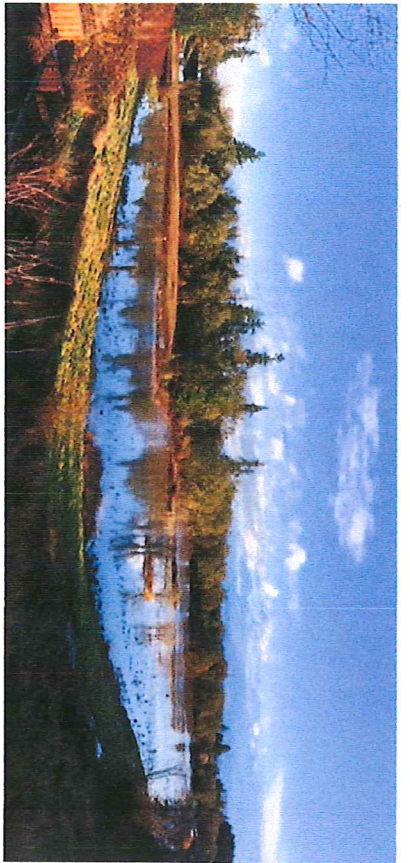
*If filling/diking wetlands is allowed, and 100 more acres developed (Oak Ridge Meadows & Stafford's Northside property, Crestbrook could flood with less than 2" of rain.



New Filbert Orchards in 100 year floodplain.

*All new filbert orchards (over 600 acres) around Hill Road N & S are tiled and draining directly into Baker Creek.

*What once took a heavy rainfall to produce flooding in the wetlands, now takes one decent rain storm. Pretty common in Oregon year round.



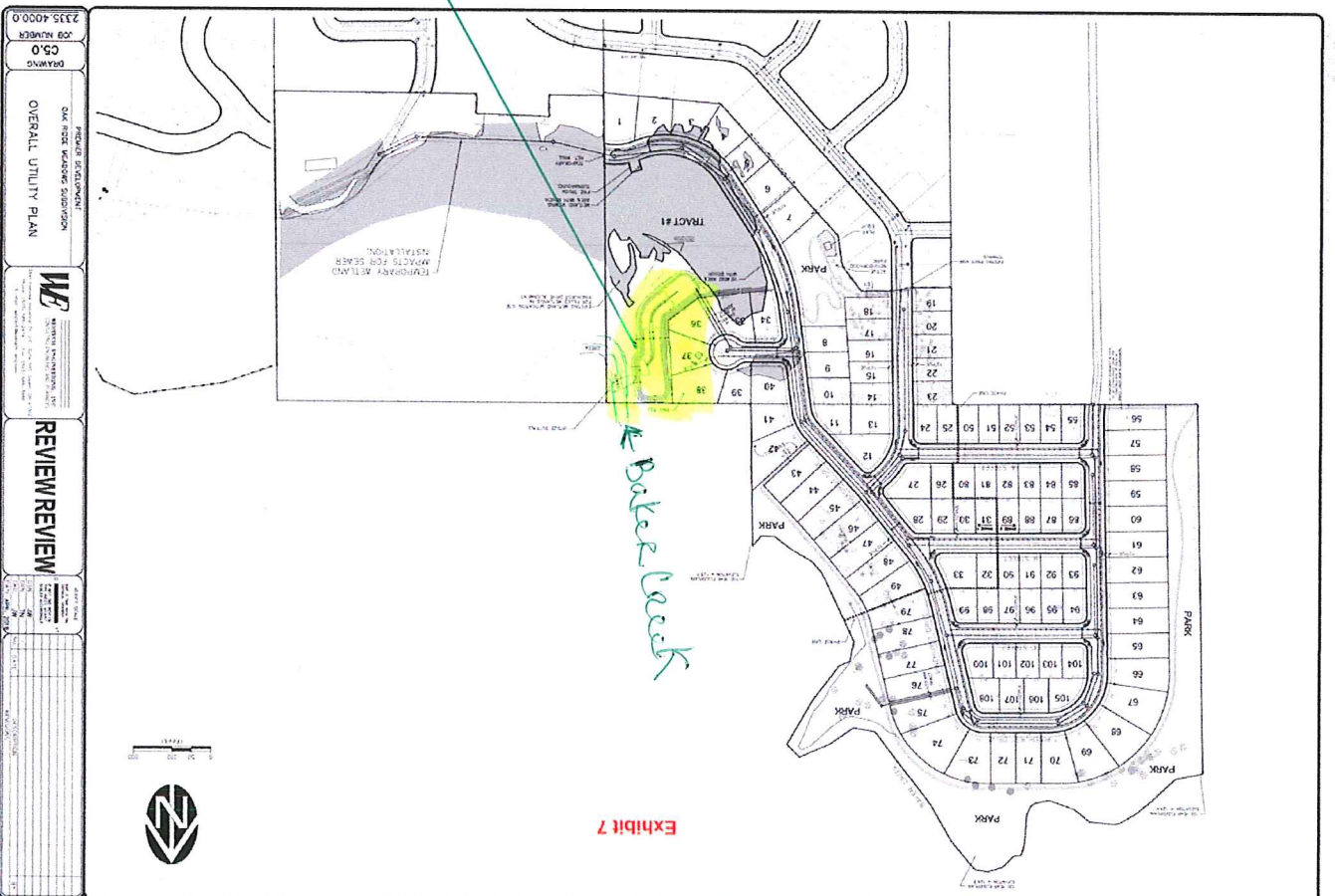
December 2018

* Different angle that doesn't show lower Crestbrook as well but almost as high as December 2015 flood.

* Again, wetlands and 500 year floodplain flooded at the same level

* Water at left of picture is approximately where Premier is proposing a dam/intake(?) structure. Exhibit 7. It looks like its purpose is to divert flood waters 50 yard eastward, so they could build a cul-de-sac and six more houses. BUT this will just result in decreasing size of wetlands so risk of flooding Crestbrook increases even more.

Engineered dam/intake(?) to divert more floodwater down stream and make 5-6 more lots possible.
WHAT ABOUT Crestbrook?



ACCESS TO OAK RIDGE MEADOWS
A MUCH BETTER ALTERNATIVE BECAME AVAILABLE IN 2018

Our group understands that Pinehurst street was approved as the primary access street to Oak Ridge Meadows in 2005. But, we ask the Commissioners to please look at Premier's Exhibit 26 map. – The only reason Pinehurst was approved was because it was the ONLY option in 2005 (even though Pinehurst is ½ mile east of Oak Ridge Meadows, it was the closest "thru" street to the east. And there were no "thru" streets to the west).

BUT SEVERAL FACTORS HAVE CHANGED SINCE 2005 THAT HAVE ELIMINATED PINEHURST AS AN ACCESS STREET FOR AT LEAST THE NEXT 4-5 YEARS.

- Premier gave up an option to buy the 15 acres (in 2008?) that connected their property to Pinehurst street.
- Less and Kathleen Toth bought those 15 acres in approximately 2008.
- Our Exhibit #1 on the following page is a letter from Les Toth stating that he is not willing to sell this property – or to give Premier roadway access to Pinehurst.
- Les Toth's letter mentions that part of this property is floodplain. The picture on our Exhibit #2 clearly shows that part of any future road extension to Pinehurst would have to pass through floodplain property. Doesn't McMinnville have rules against building roads or houses on floodplain property?

THE "ACCESS" FACTOR WE MENTIONED THAT CHANGED FOR THE BETTER IS THAT SHADDEN STREET WAS CONNECTED TO COTTONWOOD STREET IN 2018 – AND BECAME AN AVAILABLE "THRU" STREET ON THE SOUTH SIDE OF BAKER CREEK ROAD. SHADDEN STREET IS DIRECTLY SOUTH OF OAK RIDGE MEADOWS. THE FACTORS THAT MAKE IT A BETTER ACCESS CHOICE ARE:

- Premier's Exhibit #26 map shows that the intersection of Baker Creek Road and Shadden (on the south side of BCR) is only 200-300 yards due south of the proposed Oak Ridge Meadows Development. That is much shorter than any options to the east of Oak Ridge Meadows (Pinehurst would have required a ¾ mile commute just to reach Baker Creek road).
- Shadden is the first thru street west of Michelbook golf course. AND it is almost equal distance between Hill Road and Michelbook Lane – so it will become a major N/S connector street in the future.
- None of the access streets Premier is now proposing (all to the east) are thru streets (Pinot, Oak Ridge, or Merlot).

SINCE SHADDEN STREET WILL BECOME THE OBVIOUS "PRIMARY ACCESS STREET" FOR THE FUTURE RESIDENTS OF OAK RIDGE MEADOWS IN 1-2 YEARS – WE THINK THERE ARE SEVERAL ADVANTAGES OF THE CITY DECLARING SHADDEN THE PRIMARY ACCESS STREET NOW.

- Shadden will provide future residents a much shorter, flatter, and more convenient route to Baker Creek road.
- Even though the application goes to great lengths to make readers "think" that Shadden won't become a permanent access street. It is obvious that Shadden will be extended across Baker Creek road in the near future.
- The map on our exhibit #3 – clearly shows that Shadden street will clearly become a primary access street for Stafford's new northside development in a very short time (the map picture was taken at Stafford's neighborhood meeting, then matched up with Premier's exhibit 26 map). Their application is only 60-90 days behind Premier's).

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- Notice that Premier's maps simply change the roads name to Pinehurst as soon as it touches Premier property. It appears that this was done to confuse readers by claiming that the section of Pinehurst in the wetlands will meet several goals/policies of the Comprehensive Plan. But in truth, it is really the upper N/W section (that is really an extension of Shadden) that meets those goals/policies. And the lower section doesn't meet a single one!!
- If Commissioners will reread Premier's application, you will see that the lower section of Pinehurst doesn't meet a single goal/policy for either streets or bike paths. (#78.00; 117.00; 119.00; 132.32; 132.41 etc).

POTENTIAL ROADBLOCKS TO NAMING SHADDEN STREET THE PRIMARY ACCESS STREET TO OAK RIDGE MEADOWS? – We have no idea of the legal issues to the city. BUT, we figure that if Premier can propose three less qualified and less efficient roads as access (Pinehurst, Oak Ridge, and Merlot), then the city should be able to make them name the best – and only qualified street as the primary access street.

- The Pinehurst name (for a street that doesn't connect to Pinehurst) would confuse all fire, police and emergency vehicle. Naming the street Shadden fits the city emergency system much better.

SHORT TERM ACCOMODATIONS THAT MAY BE NEEDED UNTIL SHADDEN STREET BECOMES A PERMANENT CITY STREET. IS STAFFORD PLANNING TO IMPROVE SHADDEN STREET THIS YEAR OR NEXT YEAR? WE DON'T KNOW.

- 1) If they make Shadden phase 3, so a permanent street isn't available for a year or two – it is fine with us if pinot noir remain the only access road for Oak Ridge Meadows residents during that period. That option is better for ORM residents than a phony low road that connects back up to Pinot anyway. (all 7 developments between Pinehurst and Doral have only one access road. Oak Ridge Meadows residents could do this short term).
- 2) During development and construction phase, Why can't Premier use the so called emergency road for trucks and heavy equipment?
 - A. If this gravel road is robust enough for heavy fire trucks, it should be strong enough to handle dump trucks and heavy equipment used in development and paving too.
 - B. Commercial equipment drivers would much prefer the shorter, straighter approach to the building site.
 - C. The picture in our Exhibit #4 shows that the narrowness of Pinot at its western end would make pinot an unsafe challenge for truck/trailer drivers anyway.

IN CONCLUSION, SHADDEN STREET IS THE OBVIOUS BEST CHOICE OF A "PRIMARY ACCESS STREET FOR THE FUTURE OAK RIDGE MEADOWS RESIDENTS. ONCE THAT FACT IS ACCEPTED, IT SEEMS TO US THAT PREMIER'S ATTEMPT TO JUSTIFY A "LOWER PINEHURST" (that never connects to Pinehurst) IS SIMPLY AN ATTEMPT BY PREMIER TO GAIN ACCESS TO GAIN ACCESS TO 15 MORE BUILDING LOTS (6-7 in the cul-de-sac where the road enters the wetlands and the 7 lots eastward to where the road dead ends at Toth's property). – THAT SIMPLIFIES THE PLANNING COMMISSIONS DECISION DOWN TO, "IS IT WORTH THE ENVIRONMENTAL/HABITAT DAMAGE, AND THE POTENTIAL LIABILITY FROM FLOODING IN THE LOWER CRESTBROOK NEIGHBORHOOD – TO GAIN 15 ADDITIONAL HOUSING LOTS?

OUR GROUP OBVIOUSLY THINKS THAT THE FUTURE RESIDENTS OF OAK RIDGE MEADOWS, OUR THREE NEIGHBORHOODS, AND THE RESIDENTS OF MCMINNVILLE WHO FAVOR A REALLY NICE FUTURE NATURE PARK/WALKING TRAIL IN THIS AREA WOULD ALL BENEFIT FROM ELIMINATING THE FILL, DIKING, AND ROAD. WE HAVE NO OTHER OBJECTIONS TO THE APPROX 95 HOMES PREMIER IS PROPOSING TO BUILD ON THE HIGHER PROPERTY N.W. OF THE MORMON CHURCH THAT LIES DIRECTLY NORTH OF SHADDEN STREET (so doesn't require filling, diking, or a damn dam).

2700 NW Pinehurst Dr.
McMinnville, OR 97128
(503) 472-2302



March 20, 2019

To Whom it May Concern:

I have owned the property adjacent to the development where Premier Homes is planning to build a sub-division. My 15 acres is made up of flood plain and wetland areas. My property floods numerous times during the year when Baker Creek rises over the banks.

I have had multiple questions from concerned residents concerning rumors that Pinehurst Dr is going to extend through my property. I have not given an easement for a road to go across my property, nor do I intend to do so. I also have no interest in selling my property or any part of it.

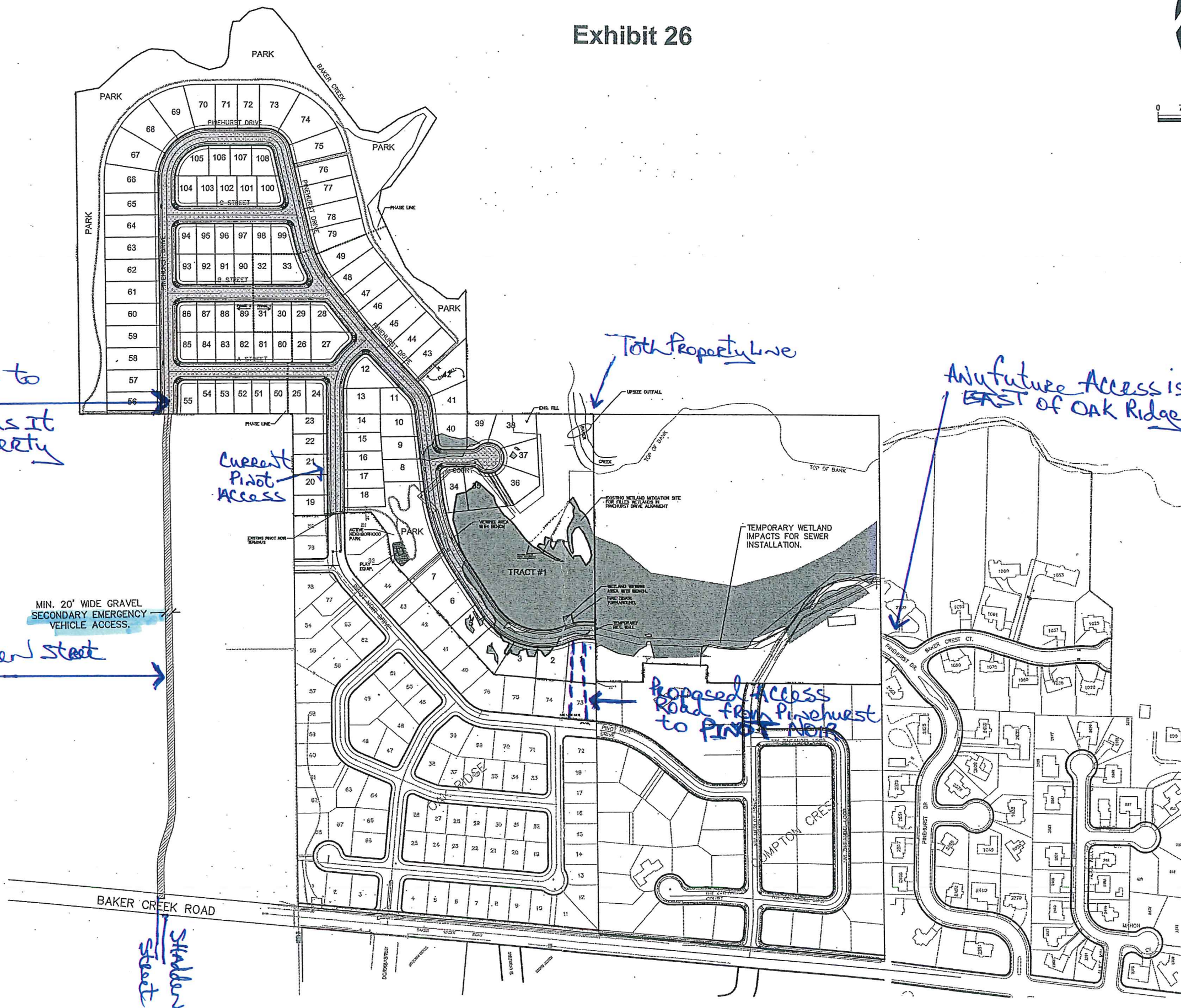
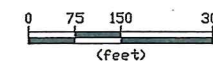
If you have any questions please see my contact information above.

Sincerely,

Les Toth

.....

Exhibit 26



Premiere Renames Road to
Pinelhurst as soon as it
reaches their property

NEAR future Shadden Street
EXTENSION
by STAFFORD

Current
Pinot-
Access

Total Property Line

Any future Access is $\frac{1}{2}$ mile
EAST of Oak Ridge Meadows

Proposed Access
Road from Pinchwest
to Pinch West

MIN. 20' WIDE GRAVEL
SECONDARY EMERGENCY
VEHICLE ACCESS.

Staden
Street

PREMIER DEVELOPMENT
OAK RIDGE MEADOWS SUBDIVISION
EMERGENCY VEHICLE
ACCESS PLAN

DRAWING
C7.0
JOB NUMBER

REVIEW REVIEW

WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

4841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 595-2474 Fax: (503) 595-3986
E-mail: westtech@westtech-eng.com

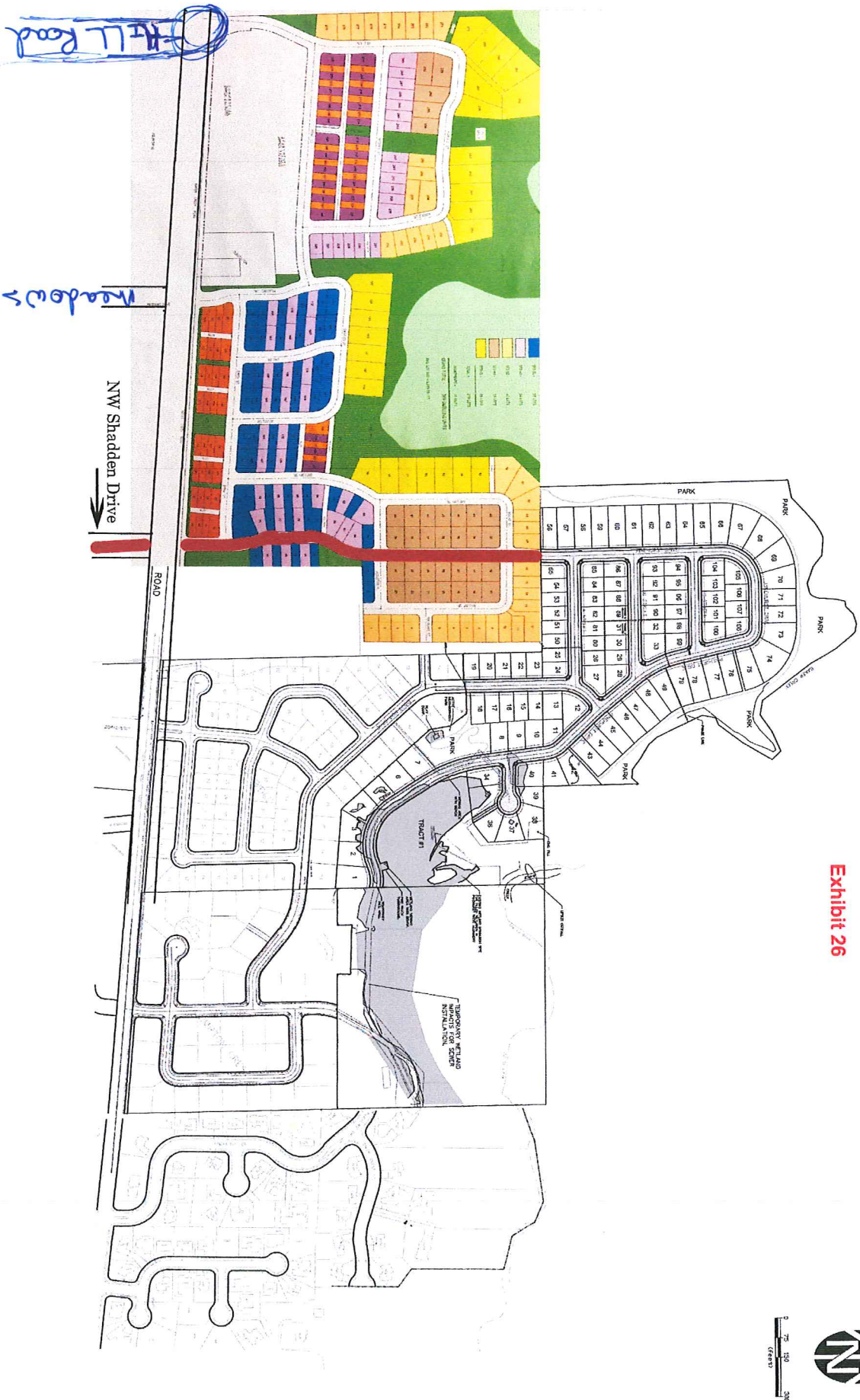
VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING

IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

DSN. JW
DRN. TN
CKD. JW
DATE: APR 2011

NO.	DATE	DESCRIPTION
1		

- STAFFORD development map in color
- former map in black + white
- SHADEN STREET in Red



THIS MAP SHOWS THAT SHADEN WILL BECOME THE MOST USED ACCESS FOR OAK RIDGE MEADOWS



Pinot Noir Drive from cross street of Blake narrows to 21 feet at the proposed entrance to the Oakridge Meadows build out. Pinot Noir at it's widest is 27', not nearly enough room for legal parking plus large trucks around corners.

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COMMUNITY DEVELOPMENT
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To: City of McMinnville Planning Commission
From: Friends of Baker Creek, 501 3C
Regarding: Premier Development LLC's Planned Development Application
Docket Number: PDA 3-18/PDA 4-18/S 3-18



Request:

- ❖ Approval to leave the unplatted fourth phase of the Oak Ridge Subdivision in the boundary of the Oak Ridge Planned Development Overlay District
- ❖ Approval of the designation of the unplatted fourth phase as a nature preserve instead of a private neighborhood park.
- ❖ Approval of our suggested improvements to the traffic problems in Premier's plan.
- ❖ Approval of our request to have the FEMA maps re-drawn prior to any development.
- ❖ Approval of our request to allow development to proceed in areas except the 11.47 acres once issues of traffic and safety, and all applicable permits have been met.
- ❖ Approval of our request that all applicable permits – specifically, Oregon DSL, DEQ, Army Corps of Engineers, Oregon Department of Fish & Wildlife – and any others required by the development beside an Essential Salmon Habitat stream (Specifically Baker Creek).

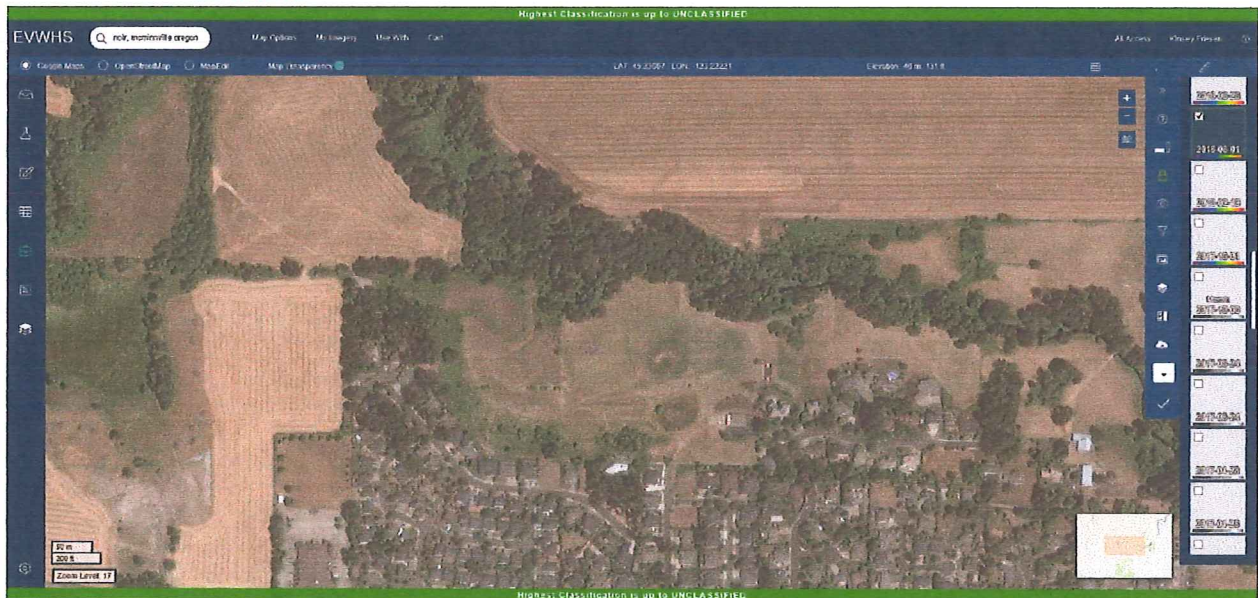
We, the Friends of Baker Creek, are excited to come before you and be a part of the process the City of Mac has written into our City Goals X1 and X2. We think together we can develop a plan that benefits the citizens of Mac, the Great Neighborhoods already in place and the one to be developed, and Premier Development. To do so we will address the problems we see in four areas:

■

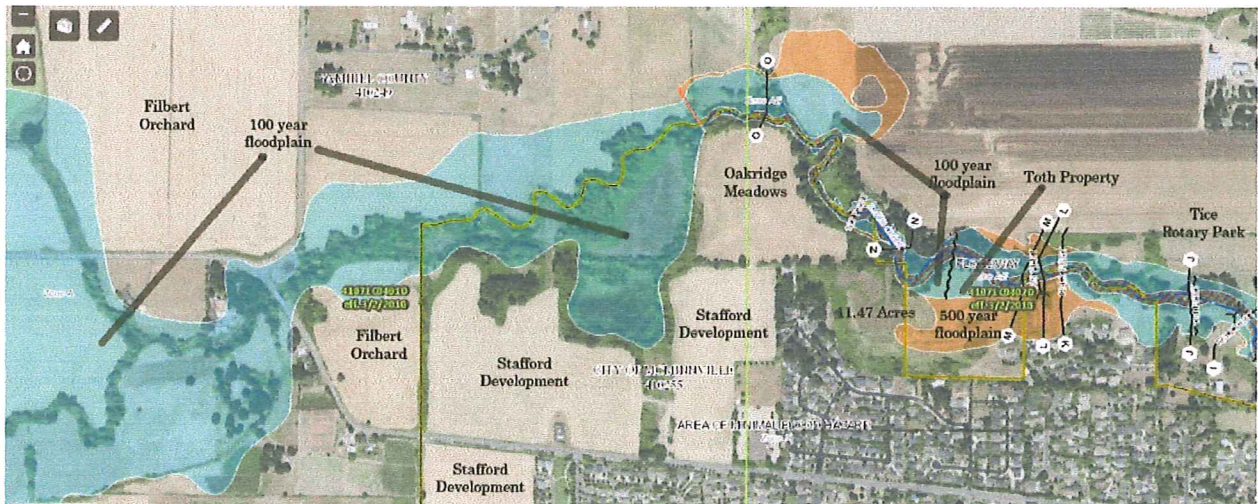
- The wetlands – the 11.47 acres in the unplatted fourth phase.
- Traffic issues
- Two proposed parks – 1) the Greenway, and 2) a 0.85 acre private active neighborhood park
- FEMA maps and permits

Let's begin with The Wetlands:

Exhibit 1

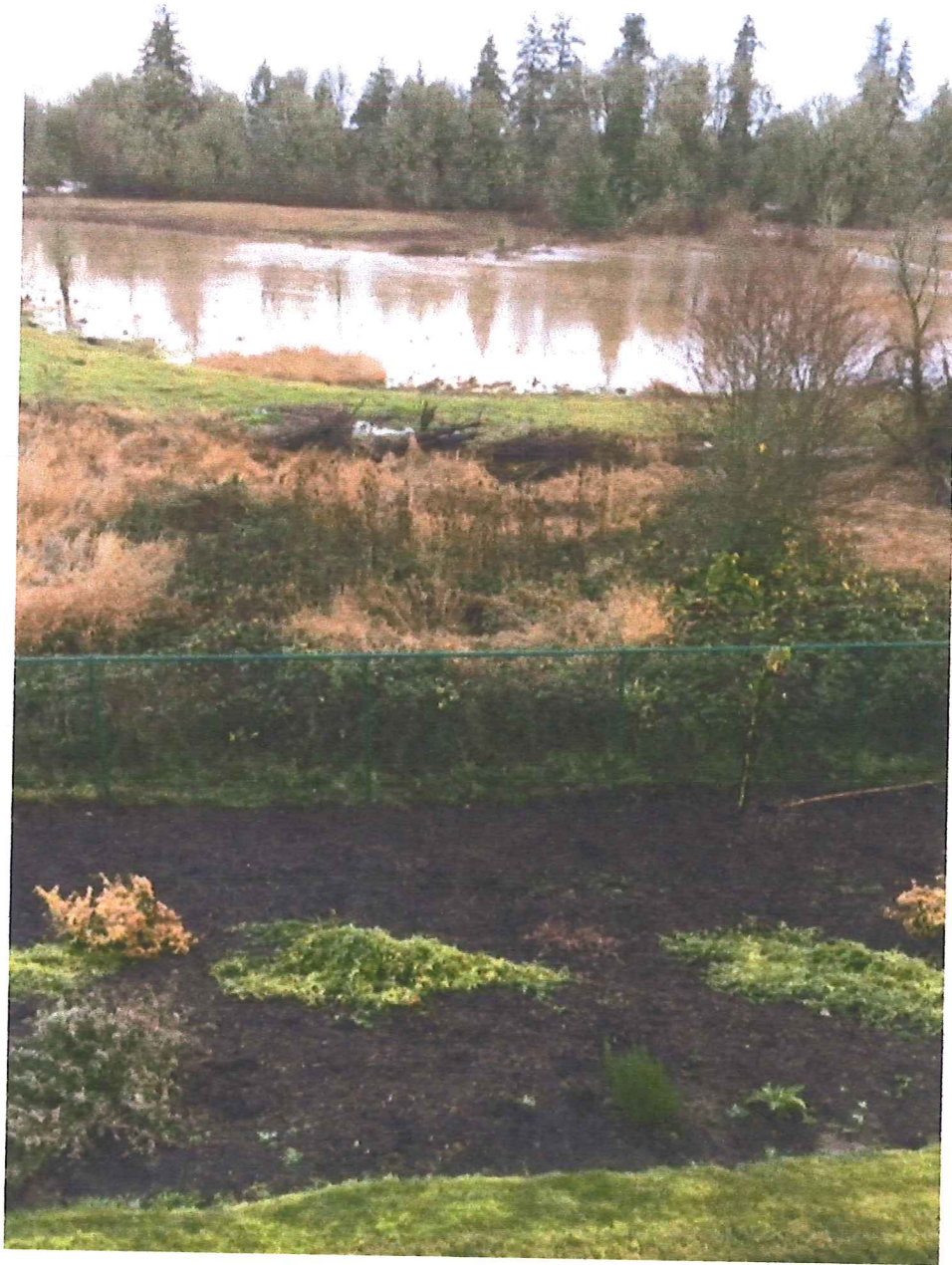


FEMA map of 100 year and 500 year floodplain Exhibit 2



Maps submitted by Premier are based on old data. Yes, it is what is available, but since the denied application to place fill in the adjacent floodplain in January 2004, it has been on record that the FEMA maps appear to be inaccurate. (See attached Yamhill County Planning Commission Minutes, Thursday, January 8 2004, page 4, highlighted, **FOB Exhibit 3**) According to that same hearing and denial of Premier's request, the "*currently effective flood study for Baker Creek is dated March 30, 1983.*" (**FOB Exhibit 4**, PB Ports & Marine Inc. page 1, highlighted) In 1983 Baker Creek Road was in Yamhill County. A lot of development has happened since 1983, on *both* sides of Baker Creek. To continue to develop lands along Baker Creek without using relevant up-to-date data is in violation of City Goal II 1:9.00.

Currently Stafford Homes is placing new homes along Hill Road. The addition of drain tile in the hazelnut orchard at the corner of Hill and Baker Creek, also along Baker Creek, has changed the flood plain. Baker Creek has flooded into these wetlands three times since 2015, exceeding both the 100 year and 500 year FEMA projections. And these weren't even heavy storms. It has flooded twice in the past five months after as little as two inches of rain. This flooding is no longer simple inundation as in past years. The creek now carries a current which deposits debris in the heart of the wetlands. (current is visible in the picture. For more flooding photos, please visit our website at <https://friendsofbakercreek.com/>



It is easy to narrow our focus to one development. In this case that would be a disastrous choice. This property is not like most other developments considered by the Planning Commission. It borders with Yamhill County on two sides. A floodplain flows *into* the wetlands. And at the other end of the floodplain, two HOA's downstream, homes *in* the city, lie along the floodplain. Every bit of fill has a direct impact far beyond the maps submitted. If fill placed in the wetlands to build roads and homes is permitted against the evidence presented here, flooding of homes within the city boundaries will most likely occur. We don't really want to do that do we?

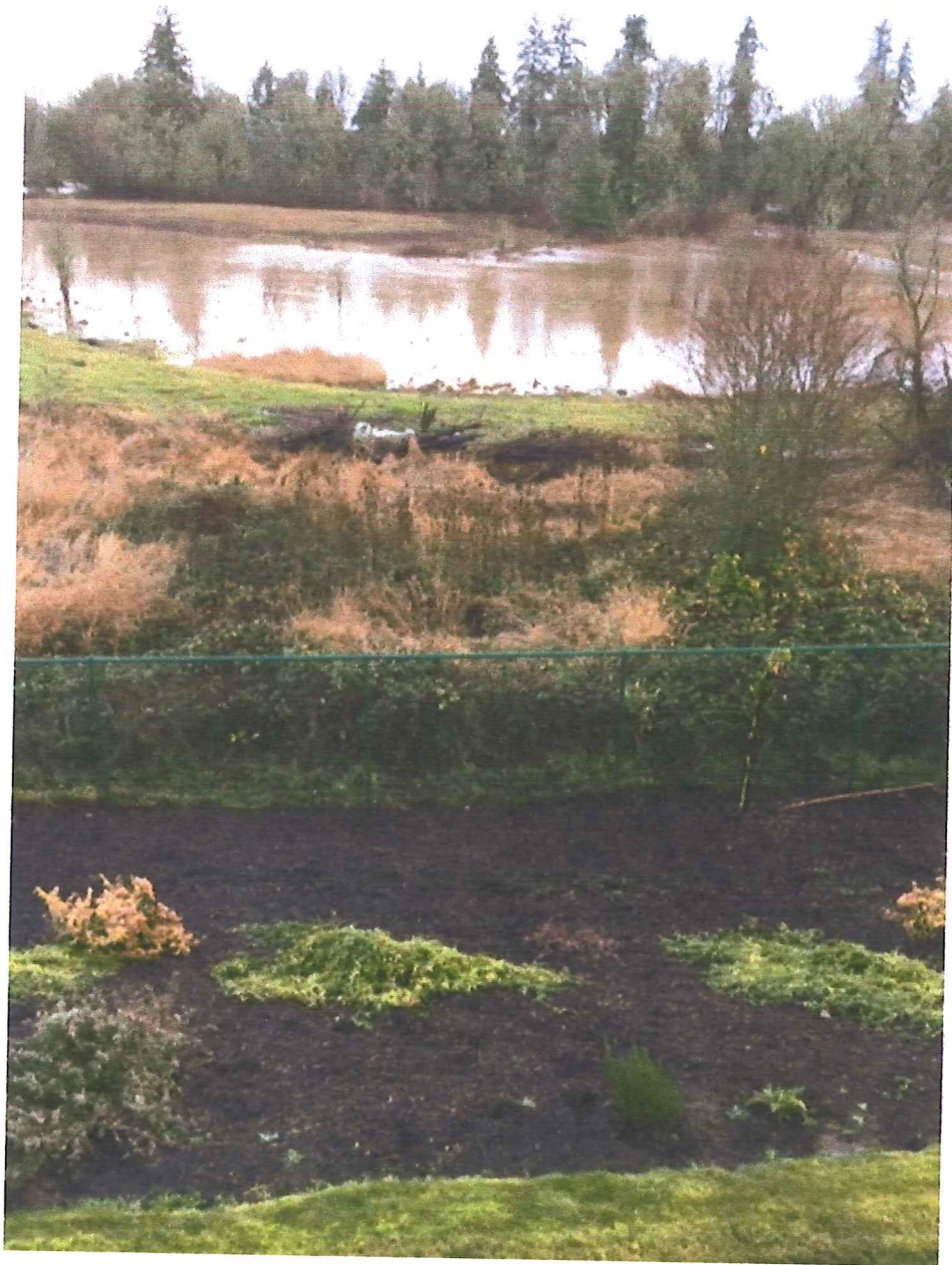
Mitigation and Blue flags. Mitigation is mentioned several times in the application. Pacific Habitat Services has begun its report. Blue flags denoting wetlands have sprung up all over areas far outside what is noted on the maps. Most notably these flags about *current* property lines (Lots 74-76 and 40-42) exactly where Lots 1-7 would be built. (Exhibit 6 of Premier's application). These wetland grasses stayed green all summer during our 100 + degree heat. Nobody was irrigating the wetlands. They stayed green because the wetlands is, well, wet. Naturally wet. That wetness doesn't just go away because we pile tons of dirt on top of it.

Another area of Premier's application mentions that the wetlands has re-established itself. This area is on the proposed Pinehurst cul-de-sac, and lots 34 and 40. (Exhibit 6 of Premier's application). Keep in mind this has happened on top of tons of fill. That is the nature of this land. This begs the question of upkeep. How much will human attempts at denying nature what she wants to do cause repairs and maintenance issues for city and homeowner alike? Is it good policy to build on such marginal lands? We don't think so.

Premier also states that mitigation has been completed. Mike DeBlasi from Oregon Depart of State Lands has walked the planned development. He states that mitigation, while completed, has failed. We spoke with the staff from Pacific Habitat Services. They also said that mitigation has failed. Until we have reports from these people we can't interpret their comments. The Pacific Habitat study needs to be completed and turned in before any decision is made on these vulnerable lands. We really need to table this part of the application until further studies have been completed.

Premier's Proposal to develop the wetlands relies on establishment of Pinehurst as a necessary part of the access to Lots 1-11 and Lots 34-45. We object on several points:

- In the neighborhood meeting we were told that several feet of fill would be required to raise the proposed road above the wetlands. Again I refer to **FOB Exhibit 4**, page 2, highlighted, where the concern is that *any* fill should not raise the flood elevations above a minimum *one* foot rise standard. To do so will put homes in the Crestbrook subdivision at risk and the city at risk from resulting lawsuits. This 11.47 acres of the application isn't so necessary to take these kinds of risks.



- Throughout Premier's application reference is made to Pinehurst. The street is essential to serve the potential homes and carry the sewage to a pump station on Les Toth's Property [FOB Exhibit 5] Pinehurst is even identified on Les Toth's land as "*a future local street.*" Please note the attached letter from Les Toth in opposition of *any* plans to extend Pinehurst across his property. [FOB Exhibit 6] Les Toth was in opposition to the 2004 Premier application to place fill on land adjacent to the current application. His property and that of several others *within the city limits* will be directly affected by any fill placed on the wetlands.
- The proposed greeway park abruptly ends at Lots 43 (Exhibit 6 of Premier's application). It is the City's intention to extend the greenway to Tice park. If Premier is allowed to

build in a wetlands, walkers have to turn inland and use sidewalks instead of following Baker Creek as the rest of the park is intended to do. When they come to the end of Pinehurst at the barricade at the border of Toth's property, walkers have no way to get back to Baker Creek without crossing private property or retracing their steps. We don't think this works well with the City plans. If the 11.47 acres remain a natural preserve per City Code, then the trail can easily be extended along the Baker Creek to the fence at Toth's property, allowing public access to both the creek and the wetlands without great disturbance of either.

- Lots 40-42 are also the current location of a pond. This is the point of access for Baker Creek when it floods. It travels alongside Lots 36-39 (Exhibit 6 of Premier's application), then, still demonstrating current capable of carrying debris, floods into the wetlands, where it is joined by floodwaters from the floodplain to the east, Les Toth's property. Current plans for a detention pond at the periphery of Lots 36-38 are at the wrong end of this water flow. Putting fill, engineered rip-rap, roads and sewer systems across a wetlands does not preserve it. By the time this development is complete there will be nothing to see on the wetlands.
- Further problems with traffic and the proposed private 0.85 acre park, and habitat destruction are covered in following areas.

Relevant City Goals, Policy, and Code:

Goal II 1:9.00 *"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."*

Planned Development Policies

*74.00 "Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in **all** development designs."*

Residential Design Policies

80.00 "In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved whenever feasible."

Parks & Recreation

163.05 "The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100 year floodplain...provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord 4840, January 11, 2006)

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."

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."

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

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."

City Code, Chapter V "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."

Finally, because this property cannot responsibly be viewed with a narrow lens, both The Friends of Yamhill County and the Board of the Yamhill Soil & Water Conservation District have offered us letters expressing their opposition to building in the wetlands. The letters weren't available at the 4/10/19 deadline to submit materials to the Planning Commission due to their respective Board meetings. We hope to be able to present them at the 4/18/19 meeting. The Great Neighborhood concept extends beyond Compton Crest, Crestbrook, and Oak Ridge.

It is time to fulfill the City's obligation to maintain current FEMA maps by requesting a new FEMA analysis.

Until we have an updated, relevant picture of where the 100 year and 500 year floodplain actually are, plus where the wetlands and floodplain current boundaries are, we suggest that Premier submit an application to the Oregon Watershed Enhancement Board Small Grant Program, part of the Greater Yamhill Watershed Council, enthusiastically endorsed by Lannette Noble, Parks Maintenance, City of McMinnville, Public Works. (FOB Exhibit 9)

Until the questions raised here are satisfied, we request the Planning Commission to deny Premier's application to move the unplatted fourth phase of the Oak Ridge Subdivision in the boundary of the Oak Ridge Planned Development Overlay District.

We request the Planning Commission to instruct Premier to complete the Pacific Habitat Services wetland analysis and submit their report to both the City and to DSL.

We also ask that the Planning Commission move to make the unbuildable wetlands into a nature preserve.

We also ask The City to request the State to remove these 11.47 acres from the Urban Growth Boundary.

For more information please visit our website at <https://friendsofbakercreek.com/>

EXHIBITS

1. Google green topo map Exhibit 1,
2. FEMA map Exhibit 2
3. Yamhill County Planning Commission Minutes, Thursday, January 8 2004, Exhibit 3
4. Exhibit 4, PB Ports & Marine Inc.
5. sewage to a pump station on Les Toth's Property [Exhibit 5 from Premier's application]
6. attached letter from Les Toth in opposition of any plans to extend Pinehurst across his property. [Exhibit 6]
7. letters of opposition. – to be submitted at the 4/18/19 meeting
8. Lannette Noble, Parks Maintenance, City of McMinnville, Public Works. (Exhibit 9)



Next up: **Traffic**

City Code, Chapter V *"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."*

Just a few areas to tweak: access issues, nomenclature, and crosswalks. Let's do the easy stuff first.

City Code 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."*

Baker Creek Road and the planned developments to the north are the current boundary of the city limits. Proposed developments by both Stafford and Premier will place a large population of residents with no safe access to trails and streets across Baker Creek, leading to the city proper. We're not asking for stop lights. Please just give us cross walks that light up when a pedestrian wants to cross the street. Traffic is fast and not safe for pedestrian crossing at the current levels without adding more homes on one side with no safe access to the other side. One issue down.

Because of the problems of building in a wetlands detailed so carefully above, we ask that the street shown on Exhibit 6 of Premier's application be named Shadden instead of Pinehurst. If Les Toth is successful in his intent to block all access across his land, then calling Pinehurst a "Future Local Street" in Exhibit 4 of the same application is not accurate. Two down, one to go.

Access. This is a big issue. City Code 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)"*

Let's start with some pictures. (Insert Steve 1 and Steve 2)



This is the reality we have to work with. Steve is not the width of a truck or a car. Even an electric car. Pinot Noir as is will simply **not** accommodate the coming and going of dump trucks, heavy equipment, and emergency personnel. These two vehicles are legally parked within a reasonable distance from the curb. In past months when Premier wanted to haul fill and dump it on this site, neighbors had to be asked to not park on the street until dumping was done. If this bottleneck were a temporary problem which would go away after construction it would be one thing, but this is what will exist after all the dump trucks, and cement trucks and building material trucks go away and are replaced by neighbors trying to commute in the morning and return in the evening.

Page 66 of the proposal: *"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 Dr, NW Oak Ridge Dr, and Merlot Drive."* What sounds like three separate streets on paper is actually two streets that feed into only one – poor, narrow, Pinot Noir.

Fire code requires (Uniform Fire Code, Section 901.3) that there be two separate access roads at either end of a planned development. The proposal seeks to comply by calling the extension of Shadden from Baker Creek to the development area one of those streets. The problem is that emergency traffic is faced with not one but two locked gates – one at the entrance from Baker Creek Road and one at the entrance to the subdivision. Now emergency crews will have to either stop and get out and unlock not one, but two gates, or they can come down Pinot Noir only to find it blocked by two legally parked vehicles.

City Code, Police and Fire Protection:

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

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."*

The applicant seeks to Amend Ordinance 4822 reducing access from two roads to providing only one paved street and one gravel street with two locked gates at either end. This just doesn't make good policy. Have both the police and fire departments agreed to this proposal? I don't see that anywhere in this proposal.

One other attempt at a temporary solution to this problem is the temporary access road shown on Exhibit 4 between Lots 73 and 122 connecting Pinot Noir to the dead-end, under-dispute Pinehurst in the middle of the wetlands. This plan also endangers an isolated oak tree, we'll talk about later. Let's not do this one either. All these temporary plans hide the fact that there is only one street currently available, Pinot Noir.

In the years since Oak Ridge was developed, the City of McMinnville has wisely changed its policy of street width, which is now twenty-eight feet instead of the previous twenty-six feet. Now turn the map

upside down. Homes are built in this development and imagine a wildfire comes roaring in. Now the 28 foot escape route constricts to 26 feet at today's Pinot Noir, trapping fleeing families in a bottleneck.

One last requested variance adds to the safety hazard to the street design:

17.53.103 Blocks

A. 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."*

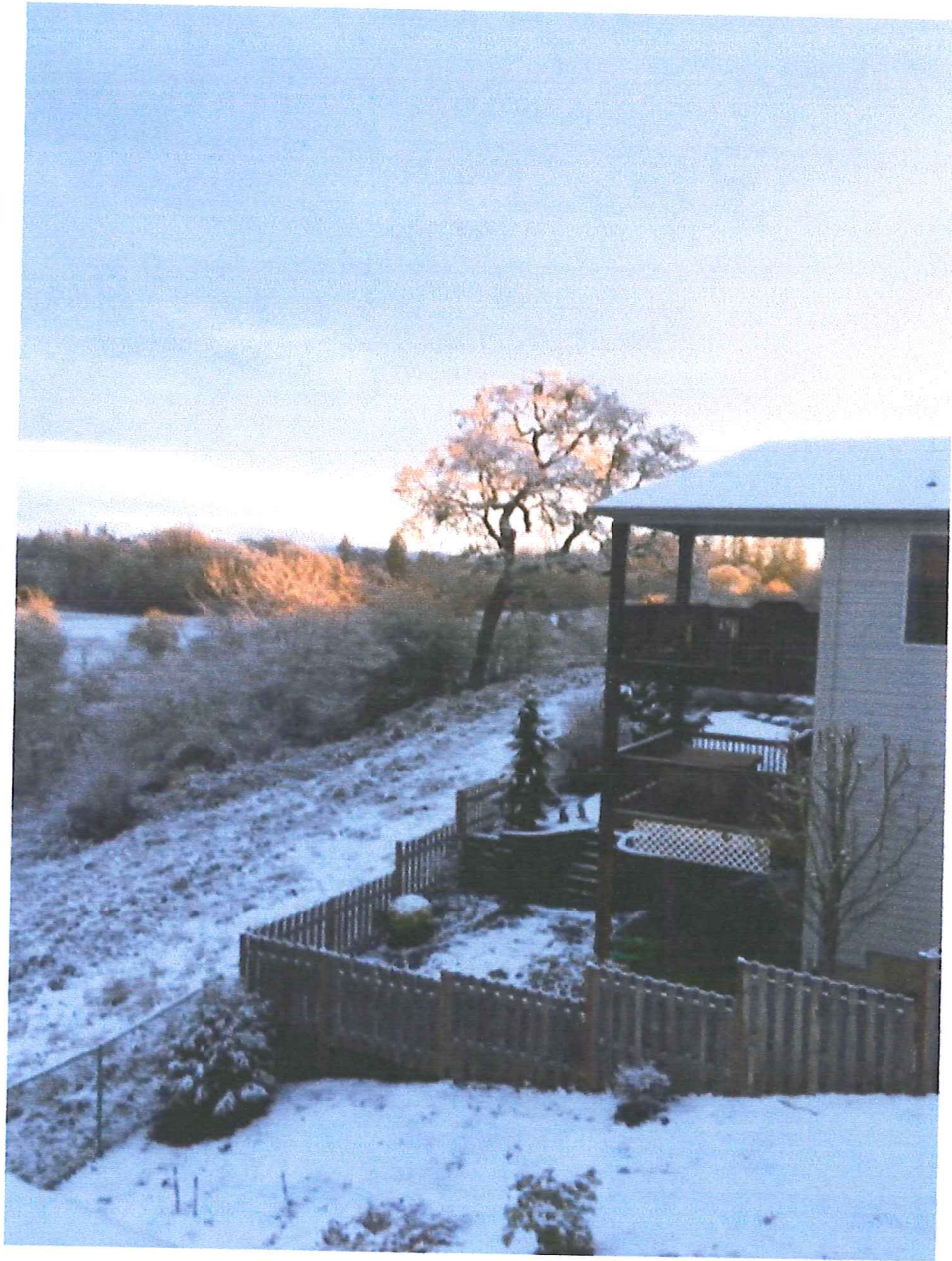
On page 53 to the proposal, a variance is requested for five streets. There are only five streets in this part of the planned development. That means 100% of the streets will be long and straight. Then they get to funnel down to the bottleneck of Pinot Noir.

And finally, the tree we discussed.

Residential Design Policies

80.00 *"In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved whenever feasible."*

The application mention actions necessary to preserve a tree which borders the Stafford and Premier Development and we wholeheartedly support such action. There is another tree of concern, located on Lot 1, Exhibit 6 of Premier's application. It also meets the criteria of DBH. We would like the Planning Commission to require that this tree also be preserved, especially until after the fate of the 11.47 acre wetlands is determined. The reason we mention the tree under traffic is that this tree would potentially be damaged by the temporary access road crossing Lots 73, 1, & 2 in Exhibit 4 of Premier's proposal.



These “amenities are **not** being provided in excess of what is normally required.” The traffic portion of this plan just isn’t safe for everyone involved. Back to the drawing board, please.

Two Proposed Parks



The Greenway proposed park.

Again, we applaud Premier's generous offer to cooperate with City plans to develop a greenway park which will benefit the citizens of the City.

The only problem we see is the same mentioned earlier under the Wetlands portion of our statement – the proposed Greenway ends at Lots 43 (Exhibit 6, Premier proposal). In this photo the pond which covers the land much of the winter is clearly visible. This is where Lots 40-42 (Exhibit 6, Premier proposal) would go. This also is where flood waters enter the wetlands. Floodwaters run against the berm proposed to hold the cul-de-sac of lots 34-40 and continue their push to come onto the wetland via Denial River mingling with floodwaters flowing west off Les Toth's land on the other side of the white fence. We believe the City's intention is for the connection to Rotary Park to follow Baker Creek, not wander across wetlands, thereby destroying the habitat. If there's going to be anything worth viewing, the Greenway Park has to have minimal impact on the land it seeks to observe.

One other note – HOA fees. This is a big public park, subject to flooding. The scope and intent of this planned development is to build affordable homes in a mixed development. We like the mix. We like the large lots bordering the greenway. The one hiccup is the HOA fees. We hope to have an estimate for you

at the time of our meeting. This being a public park, it will have issues of trash pick-up plus weather, storm issues, and insurance liability. This is a big burden for an HOA to carry until 2032. We like the park, but feel asking a non-existent HOA to carry such a burden could derail the City's plan for affordable housing. Just sayin'.

Park number two is the 0.85 acre private park to be paid for by Phase 1 HOA fees.



This park has several problems.

Slope. At the beginning of Premier's application slopes of 20-40% are mentioned. This proposed park contains just such a slope, so when we think of 0.85 acres, most of it is downhill covered by

blackberries. Under the blackberries is a spring. Removing the blackberries and covering the slope with a bark path over a spring isn't reasonable.

Access. Several times in the application Premier states that access to the greenway park will be from Pinot Noir along Lot 18 and from Pinehurst along Lot 8 (Exhibit 6 Premier Proposal) A *private* neighborhood park with public access from the only two entrances is bound for trouble.

Page 53 of Premier's application "*a 10 foot wide pedestrian access path is proposed to be provided connecting NW Pinot Noir to NW Pinehurst through the approximately 0.85 acre private neighborhood park.*"

This park belongs in the 11.47 wetlands as part of the nature preserve. The blackberries serve as cover for coveys of California quail, rabbits, blackbirds, bluejays, etc. They help anchor the hillside. To try and manage this natural area as a groomed park invites nothing but headache. Cost and legal issues will plague the future HOA.

Please leave this park with the 11.47 acres as a natural preserve.

Permits and FEMA Maps

Citizen involvement:

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.*"

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 evaluated decisions and keep citizens informed.*"

Findings: "*...the City of McMinnville has adopted a Neighborhood Meeting program that requires applicants of most types of land use application to hold at least one public Neighborhood Meeting prior to submittal of a land use application:*"

Part of the reason we find ourselves here is that while the Neighborhood Meeting was held, per code, citizens came away frustrated and angry because they felt the concerns raised weren't addressed. So a Big Thank You to all who have allowed us to raise our concerns and have them fairly heard, evaluated and acted upon.

What concerns us most is that the necessary State and Federal permits have not been applied for the last time we checked with Kinsey Friesen at Army Corps and Mike DeBlasi at DSL.

In a City of McMinnville Memorandum, **[FOB Exhibit 10]** from then Planning Director Doug Montgomery the City opinion was, "*Based upon this direction provided by DSL, it would seem that Premier Development LLC would be advised to first obtain concurrence from that agency as to their efforts in*

minimizing impacts through a study of alternative designs....From my perspective, it seems premature for the County to take action on this request at this time, particularly given the DSL's stated position and the possibility that they might not approve subsequent actions necessary to permit this area's use for residential housing as intended by the applicant."

This opinion was in reference to the floodplain adjoining the wetlands currently under consideration. Les Toth's land. In speaking with Mike DeBlasi from DSL, he concurred that in the case of Premier's proposal, the applicant is wise to begin this process of development by first contacting the state before going to the expense of developing a plan and taking it to the city.

In the 2004 letter from the City to "Jeff & Lori", Premier Development, provision 18 states "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."(FOB Exhibit 11)

The application states that Premier proposes an estimated five year plan to completion "As soon as permitting is issued." Jumping though the hoops at the state and federal level can require years according to Mike DeBlasi. We find this estimation of completion overly optimistic.

In Premier's attempt to develop the floodplain, now Les Toth's land, in 2004, the applicant was told "The City has written a memo objecting to the request, in part because they feel it is premature." (Staff Report Yamhill County Department of Planning and Development January 8, 2004, City of McMinnville Objections, highlighted, pages 6-7) FOB Exhibit 12

We feel the same is true this time.

Until such time as the appropriate state and federal permits have been actually attained *and* submitted to the City, and until the fate of the 11.47 acre wetlands has been updated by a current FEMA study, we ask the Planning Commission to not approve any of the development plans on the 11.47 acre Phase of this development.

Thank you for the time and attention you have given to our voice of concern.

EXHIBITS

City of McMinnville Memorandum, FOB Exhibit 11

Staff Report Yamhill County Department of Planning and Development January 8, 2004, City of McMinnville Objections) FOB Exhibit 12

RECEIVED

APR 10 2019

YAMHILL COUNTY PLANNING COMMISSION MINUTES

Thursday, January 8, 2004 · 7:00 p.m.
Yamhill County Courthouse, Room 32
535 E 5th St.
McMinnville, Oregon 97128

FOB
Exhibit 3

COMMUNITY DEVELOPMENT
CENTER

Roll Call: Gary Johnson, Robert Smiley, Sid Friedman, Marjorie Ehry, Daryl Garrettson, Brad Myers
(7:07) Absent: Alan Halstead, Bernie Diefenderfer, Dean Brown. Staff: Ken Friday.

Review of the **minutes** from the December 4, 2003 Planning Commission Hearing. Gary Johnson moved to approve the minutes as submitted. Seconded by Robert Smiley. Approved unanimously (1 abstention - Sid Friedman).

Vice-Chair Daryl Garrettson explained the procedure for tonight's hearing.

QUASI-JUDICIAL PUBLIC HEARING:

DOCKET NO.: FP-08-03
REQUEST: A flood plain development permit to allow fill dirt on approximately 3.2 acres in order to elevate the property out of the 100-year flood plain of Baker Creek.
APPLICANT: Premier Development LLC
TAX LOT: 4417-1202
LOCATION: Northwest of the northern end of Pinehurst Drive, McMinnville
ZONE: EF-80 Exclusive Farm Use and Floodplain Overlay
CRITERIA: Sections 402 and 901 of the Yamhill County Zoning Ordinance. Comprehensive Plan Section I.C. Goal 1 Policies j and k apply.

Abstentions, Objections of Jurisdiction, or Ex Parte Contact: Robert Smiley stated that he had been a McMinnville Planning Commissioner and he understood the difference between the County's and City's ordinances. He felt that this would not interfere with his ability to make a fair and unbiased decision.

Ken Friday read the "**Raise it or waive it**" statement into the record.

Staff Report: Ken Friday gave a brief review of the staff report. He noted that there was an error on the notice listing Roman numeral I instead of Roman numeral II under the Goals and Policies. This will be corrected on all future notices.

Proponents Case:

Norm Hill, 1114 12th St., Salem, OR: He explained the criteria for this application. (Brad Myers -7:07) The heart of this application is whether we are going to raise the base flood elevation by more than 1 foot. Our fill will not affect riparian concerns. **Questions:** Sid Friedman: Why does your client want to place fill in the flood plain? Norm: The ultimate goal would be for residential development.

Dan Kizer, Westech Engineering, 3841 Fairview Industrial Drive SE, St. 100, Salem, OR: Dan indicated on a map the area designated as fill in relationship to the floodway, floodway frindge, one hundred year floodplain and wetlands. **Questions:** Gary Johnson: When you move the mitigation, will there ever be

encroachment into the area? Dan: There will be a mitigation easement. Daryl Garrettson: What is the current vegetation in the fill area? Dan: Grass. Daryl: Approximately how high will the fill be? Dan: It would vary between 0 and 3-5 feet. Daryl: Is there a gradual incline from the 100 year line to the creek or is there a cliff? Dan: It varies across the property. Daryl: How much do you have to raise it to get it out of the floodplain? Dan: 0-1 foot. Discussion continued on the proposed fill.

Cynthia Lowe: Parsons Brinckerhoff, 400 SW 6th Ave., Suite 802, Portland, OR: The addressed criteria is a common condition of the FEMA National Flood Insurance Program. She explained "floodway" and "flood fringe." She has reviewed the cross sections on Baker Creek. We anticipate an 8" rise which is lower than the 1 foot requirement. Sid Friedman: You testified that FEMA is comfortable with the placement of fill in the portion of the floodplain that is outside the "floodway" and that it will not result in a rise of the base elevation a foot or more. Is that position specific on this section of Baker Creek or is it a general position of FEMA? Cynthia: It is in the Code of Federal Regulations and goes back to the definition of a "floodway" Sid: Are you testifying that FEMA allows placement of fill in the floodplain irrespective of its location as long as it's not in the floodway and that such fill will not result in an increase in elevation of the base flood of greater than 1 foot. Cynthia: As long as the fill is in the floodplain fringe and not in the floodway that is correct. Discussion continued regarding the floodway and the cross sections used in this study.

Norm Hill: We used the study that we are required to use, that is the available data and is appropriate for us to use.

Opponents:

Tom Tankersley: 701 NE Evans St., McMinnville: Mr. Tankersley represents the residents of Crestbrook neighborhood which is located just east of the proposed project. The applicant has been very candid about their proposed use of the property. The City of McMinnville has a long standing policy against fill or development in floodplains. They have uniformly resisted development in the floodplain. The City does not want to count the area in floodplain as areas of future development in their upcoming UGB amendment process. This property is zoned EF-80. If they want to fill for farm use, that would be fine. But that is not their intention. This fill is intended for a use that is prohibited in this zone. This fill is not for beneficial use for this zone. There is no evidence that this will not adversely effect the neighbors. This does not protect the riparian vegetation. Fill for a subdivision is an urban use and the MUAMC requires annexation first. The MUAMC agreement in effect must be used to coordinate development in the Urban Growth Boundary. The applicant has failed to show that the development conforms with the zone and has failed to show a beneficial use. The FEMA rule is a minimum rule and the City of McMinnville has chosen to do more. Questions: Daryl: Is there any evidence that filling this land makes it unsuitable for agriculture use? Tom: That is not our responsibility. The applicant should need to prove that it is for agriculture use.

Tim Roberts: 1069 NW Baker Crest Ct., McMinnville, OR 97128 (Daryl noted that Dr. Roberts is his dentist but it shouldn't affect his ability to make a fair decision.) In the past 10 years, the water has passed the 100 years floodplain 7 times and the 500 year floodplain once. Tim distributed photos taken during the 1996 flood indicating the extent of the flooding on the property. He also presented a video taken at that same time. He would encourage the Commission to deny the application. Questions: Daryl: Did the

wetlands create a second channel during flooding? Tim: Yes and there was quite a current. A second channel was formed one other time during a flood.

Les Toth, 2700 NW Pinehurst Drive, McMinnville, OR: When I built my house, I was told by the City of McMinnville that I could not change the contours of the property or build in the flood plain. We were also told that our view or the animals would never go away because no one could build in the flood plain. Questions: Norm Hill: Is your property in the City of McMinnville? Les: Yes.

Ron Stevenson, 1081 NW Baker Crest Ct., McMinnville, OR: The area has flooded the last 7 of 10 years. You shouldn't fill a known floodplain that could adversely affect neighboring property.

Randy Hartzell, 1093 NW Baker Creek Ct. McMinnville, OR: Mr. Hartzell submitted photos of property prior to development of the subdivision. He doesn't want a precedence set for future development. Questions: Sid: How tall is the fence? Randy: The fence is about 4 feet. It runs from the river to Pinehurst Dr. Norm Hill: Is there water in the creek during the summer? Randy: Yes.

Sidney Huwaldt, 2685 NW Pinehurst Dr., McMinnville: He built the fence and indicated on the map where the fence is located. Questions: Sid: Could you indicate on the map where the flooding occurred in 1996? Sidney: Almost the entire area between Pinehurst and Elks Park

Public Agency: Division of State Lands, County Sanitarian, County Public Works, City of McMinnville, and McMinnville Rural Fire Department.

Rebuttal: Norm Hill: The question tonight is will the proposed fill raise the flood level more than 1 foot. Yes, this area will flood. This is why we would like to fill it. You have to use the adopted FEMA maps and the testimony of a specialist. The future development of this property does not come into play in this application. Cynthia Lowe reiterated the cross-section and the determining factors. Robert Smiley: How many miles of waterway are monitored by FEMA? Cynthia: Thousands. Robert: What percentage of error is recognized? Cynthia: A few inches. Sid: The submitted material includes a map of the area to be filled superimposed on a subdivision map. How many lots are proposed in this subdivision in both phases in and outside the City of McMinnville? Norm: There is no proposed subdivision shown on this map. We have not put in an application for anything other than the floodplain fill. Marjorie Ehry: When was this property purchased by Premier Development? September of 2003.

Staff Recommendation: Our office has concerns regarding this application. We are concerned about the precedence it sets. And in no small way we are concerned about the comments submitted from the city and neighbors. However, the applicant is correct that this application is governed by our floodplain ordinance. The engineer, Cynthia Lowe, gave a very good explanation of the floodway and flood fringe. Her understanding of the floodway/floodplain is the same as ours. By definition a floodway is: *The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed in order to discharge the base flood without cumulatively increasing the upstream water surface elevation more than one foot.* They have submitted evidence that placement of fill on both sides of the floodway would not raise the base flood elevation more than one foot. Because of this, we recommend approval with the conditions listed in the staff report and an addition of condition #4 which states: Fill material shall only consist of natural materials.

Question of Staff: Gary Johnson: Do we regulate the placement of fill in the EF-80 zone? Ken: No.

Deliberation:

Marjorie Ehry: She is opposed to application.

Sid Friedman: Does not feel the application meets the criteria in our code. Regarding Zoning Ordinance Section 907.07(F)(2), this fill does not have a beneficial purpose. The ultimate proposed use of the fill is not the fill itself but the proposed urban level subdivision. We can not accept that when code means development it means the fill itself, not the intended use of the fill. Other criteria not met would include 901.06(D). All applicable permits have not been obtained. Staff is using a condition to meet this requirement. Sid would like to include additional conditions to the conclusions for denial including reference to Section 907.07(F)(2).

Daryl Garrettson: The water has to go somewhere. We are told to follow the code that FEMA has approved. Calculations tell us that the fill will not raise the base flood more than an inch. **It appears that the FEMA map is inaccurate.** If we follow the code, this is not a permitted use in this zone. The applicant has failed to carry the burden of proof.

Robert Smiley: FEMA has a gigantic task of regulating waterways and must develop a model to give a general standard. **Sometimes, general standards do not become a reality.** The fill is not a beneficial use for the current zoning. I am not in favor of this application.

Brad Myers: He would vote to deny, he agrees with the other Commissioners.

Gary Johnson: He agrees with the other Commissioners.

MOTION: Sid Friedman moved for denial of Docket FP-08-03 based on the Conclusions for Denial with the additional that the application fails to comply with Sections 907.07(F)(2), Sec. 901.06(A), and Sec. 901.06(D) of the Yamhill County Zoning Ordinance. Robert Smiley second the motion. Approved unanimously.

DOCKET NO.:	PAZ-02-03
REQUEST:	Approval of a Comprehensive Plan map amendment from Agriculture Forestry Large Holding to Agriculture Forestry Small Holding; a zone change from EF-20 Exclusive Farm Use to AF-10 Agriculture Forestry Small Holding; and an Exception to Goal 3.
APPLICANT:	Matthew and Renee Powell
TAX LOT:	3301-100, 101 and 102
LOCATION:	Approximately ½ of a mile south of the intersection of Bald Peak Road and Chehalem Drive, on the north side of Chehalem Drive.
CRITERIA:	Sections 402, 501 and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. OAR 660-04, Exception Process. OAR 660-12-0060 Transportation Planning Rule.

Abstentions, Objections of Jurisdiction, Ex Parte Contact: none



1/8/04 Planning Comm. Hearing
FP-08-03 - Submitted by:
Norman Hill

PB Ports & Marine, Inc.

A Parsons Brinckerhoff
Company

400 SW Sixth Avenue
Suite 802
Portland, OR 97204
503-274-8772
Fax: 503-274-1412

FOB Exhibit 4

January 7, 2004

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APR 10 2019

COMMUNITY DEVELOPMENT
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Yamhill County Planning Commission
C/o Mr. Ken Friday, Planning Department
401 NE Evans Street
McMinnville, OR 97128

Subject: Docket No. FP-08-03, Regarding a Floodplain Development Permit for Baker Creek by Premier Development LLC, Yamhill County Planning Commission Public Hearing, January 8, 2004

In response to the Staff Report by the Yamhill County Department of Planning and Development, I have reviewed the available floodplain information for Baker Creek and prepared a response to the concerns regarding the proposed development's impact on the 100-year flood elevations relative to the one foot rise standard.

Baker Creek Flood Insurance Study

The Federal Emergency Management Agency (FEMA) developed the National Flood Insurance Program (NFIP) for floodplain management and flood insurance purposes in the early 1970s. To implement the NFIP, FEMA prepares Flood Insurance Studies (FIS) for waterways across the United States, which provides communities with flood elevations and floodplain boundaries.

The NFIP has adopted the 100-year flood as the national standard for floodplain management. Yamhill County follows FEMA guidelines for controlling development in the floodplain, and the county has adopted ordinances which FEMA designed to reduce future flood losses. Yamhill County's floodplain management ordinances are contained within Section 901.00 – Floodplain Overlay District (FP) of the county's zoning ordinances.

The currently effective flood study for Baker Creek is contained in the FEMA FIS for Yamhill County, Oregon (Unincorporated Areas), dated March 30, 1983. The Floodway Flood Boundary and Floodway Map (Floodway Map) containing Baker Creek is Panel 302 of Yamhill County, Oregon (Unincorporated Areas), dated September 30, 1983, number 410249 0302. The proposed development is located south of Baker Creek between Sections L and M on the Floodway Map.

The Baker Creek FIS was based on hydraulic computer modeling prepared by the U.S. Army Corps of Engineers (USACE), Portland District in 1979. The FIS hydraulic computer model of Baker Creek was developed using HEC-2, a step-backwater computer model developed by the U.S. Army Corps of Engineers Hydraulic Engineering Center and adopted by FEMA. The FIS HEC-2 model represents the best available data on flood elevations for Baker Creek in the vicinity of the proposed development.



The FIS HEC-2 model provides estimates of the flood elevations along Baker Creek for the selected flood events, which includes the 100-year flood. For clarification, the 100-year flood is also termed the one percent flood as the 100-year flood has a one percent chance of being equaled or exceeded in any year. The model-predicted 100-year flood elevations vary across the site, ranging from 121.8 feet National Geodetic Vertical Datum 1929 (NGVD) at Section L to 123.3 feet NGVD at Section M.

Other flood events modeled in the Baker Creek FIS include the 10-, 50-, and 500-year floods, which have a ten, two and 0.2 percent chance, respectively, of occurring during any year. In addition, a floodway has been delineated for Baker Creek, which will be addressed in further detail later in this transmittal.

Floodway and Floodway Fringe

Recognizing the appeal of developing along waterways, FEMA developed the concept of a floodway as a floodplain management tool for communities. The floodway concept involves dividing the 100-year floodplain into two components: a floodway and a floodway fringe. The floodway represents the main channel of the waterway and any overbank area needed to convey the 100-year flood without causing an unacceptable increase to the 100-year flood elevations. The minimum Federal standard limits the allowable flood elevation increase to 1.0 foot above the 100-year flood elevation at any location along the waterway. Yamhill County incorporates the 1.0 foot acceptable increase in 100-year flood elevations in Section 901.06C of the county's zoning ordinances. As the floodway represents the waterway area that transports flow, Yamhill County and other communities participating in the NFIP prohibit dwellings within the floodway. In addition, the county places stringent restrictions on fill and other obstructions within the floodway through the enforcement of Section 901.09 of the county's zoning ordinances.

The floodway fringe represents the balance of the 100-year floodplain that does not lie within the floodway. The NFIP does allow fill to be placed within the floodway fringe, recognizing that the fill's impacts on flood elevations is managed through the floodway concept. Based on the definition of the floodway, the floodway fringe could be completely filled on both sides of a waterway and not increase the 100-year flood elevations by more than 1.0 foot at any location.

While the maximum allowable floodway rise is 1.0 foot, the FIS HEC-2 model output produces a floodway rise of 0.7 feet, or 8.4 inches, between Sections L and M along Baker Creek. As such, if all of the floodway fringe on both sides of Baker Creek received fill, the resulting floodway rise anticipated would be 8.4 inches. The model-predicted floodway velocities range from 3.9 feet per second (fps) at the downstream Section L to 2.4 fps at the upstream Section M. In addition, the floodway width is 80 feet between Sections L and M.

The proposed development is only proposing to fill sections of the floodway fringe south of Baker Creek between Sections L and M, and no fill is proposed for the north side of Baker Creek or the floodway. Since the proposed development would not fill all of the floodway fringe area, the anticipated floodway rise would be less than 8.4 inches. As such, the conditions of Yamhill County zoning ordinance Section 901.06C are fulfilled.

Downstream Impacts to Flood Elevations

Homeowners located downstream of the proposed development have raised concerns regarding the potential impact to flood elevations at their residences from the proposed fill. While the proposed fill has not been



Yamhill County Planning Department

- 3 -

January 7, 2004

incorporated into the FIS HEC-2 model, experience with HEC-2 indicates that proposed fills and structures impact the HEC-2 model flood elevations at the site of the proposed modification and extending upstream. The HEC-2 output would not indicate increases in flood elevations downstream of proposed fills or structures. Consequently, the HEC-2 output would likely indicate that properties along Baker Creek across from the proposed fill and upstream may experience an increase in 100-year flood elevations due to the proposed fill, but no impact to downstream flood elevations would be predicted by HEC-2.

Conclusions

As the proposed development involves the placement of fill within the floodway fringe only and not the floodway, the floodway rise associated with the proposed development should be less than 8.4 inches. In addition, the hydraulic model output would not indicate an increase in flood elevations at downstream properties due to the proposed fill.

Cynthia Lowe

Cynthia Lowe, P.E.

PB Ports & Marine

Parsons Brinckerhoff Quade & Douglas, Inc.

Cc: Premier Development LLC
Westech Engineering
Norman Hill

EXPIRES 31 DECEMBER 2018

Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 472-7904
Fax: 472-0367

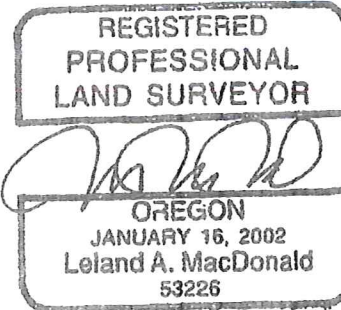


EXHIBIT "A"

7 May 2018

Description of Real Property for: Les & Kathleen Toth & The City of McMinnville: Easement description

An easement located in Section 17, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being a portion of that tract of land described by Deed from Compton Family Limited Partnership to Compton Crest, LLC and recorded in Instrument No. 200408905, Yamhill County Deed and Mortgage Records, and being a portion of Parcel 1 of Yamhill County Partition Plat 2000-37, being 20 feet in width, lying 10 feet each side of the centerline thereof, said centerline being more particularly described as follows:

Commencing at an iron rod marking the northeast corner of Lot 26 of Compton Crest subdivision, said point being on the east line of said Parcel 1; thence North 00°07'08" West 315.00 feet along said east line to a point on the centerline of an existing sanitary sewer easement, said easement being 20 feet in width, lying 10 feet each side of centerline, recorded in Instrument No. 200503254, Deed Records of Yamhill County, Oregon; thence South 89°49'57" West 15.00 feet along said centerline to a point; thence South 64°36'04" West 243.01 feet to an angle point in said centerline and the POINT OF BEGINNING; thence South 58°21'07" West 172.52 feet to a point on an existing sanitary sewer easement, said easement being 20 feet in width, lying 10 feet each side of centerline, recorded in Partition Plat 2000-37, Survey Records of Yamhill County, Oregon, as shown on a map attached, hereto and made a part thereof, the sidelines of said easement to extend and shorten with the west margin of said Instrument No. 200503254 and with the North and South margin of said easement per Partition Plat 2000-37.

End of Description

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From: Les & Kathleen Toth
To: The City of McMinnville

Location: Section 17 T. 4 S., R. 4 W., WM.,
City of McMinnville
Yamhill County, OR

Tax Lot: 4417 - 1202

Date: 4 May 2018

Scale: 1" = 60'

Exhibit "B" Easement Map

Sanitary Centerline Table	
LINE	BEARING
L1	N 30°08'31" E 97.45'
L2	N 22°49'35" E 141.89'
L3	S 64°36'04" W 243.01'
L4	S 89°49'57" W 15.00'
L5	S 87°08'06" E 128.10'
L6	N 51°43'58" E 322.64'
L7	N 87°24'22" W 327.16'
L8	S 58°21'07" W 172.52'

Existing sanitary sewer
easement per PT-2000-37

By : Leland MacDonald & Assoc., LLC
Formerly dba Matt Dunckel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone : 503-472-7904
Fax: 503-472-0367
Email: lee@macdonaldsurveying.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Expires 31 December 2018

Tax Lot: 4417 - 1202

Toth

Parcel 2

Instrument No. 201703759

'00'51'E W 80'40.00 N
Tax Lot: 4417 - 1202
Toth
Parcel 1
Instrument No. 201703759

Legend

● = Monument Found, 5/8" iron rod
with yellow plastic cap marked
"Matt Dunckel & Assoc." set in
the Compton Crest Subdivision.

--- = Easement

Northeast corner of Lot 26 of
Compton Crest Subdivision

361.05' to centerline easement

N 88°51'28" W 514.75'

Merlot
Drive

153.70'

Tax Lot:
4417 - 1200
Compton
Parcel 2
PT-2000-37

S 87°24'22" E
166.70'

S 02°22'58" W
54.99'

S 02°22'58" W
50.83'

Lot 28

Lot 27

Lot 26

Compton Crest Subdivision

#8639

2700 NW Pinehurst Dr.
McMinnville, OR 97128
(503) 472-2302



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COMMUNITY DEVELOPMENT
CENTER

March 20, 2019

To Whom it May Concern:

I have owned the property adjacent to the development where Premier Homes is planning to build a sub-division. My 15 acres is made up of flood plain and wetland areas. My property floods numerous times during the year when Baker Creek rises over the banks.

I have had multiple questions from concerned residents concerning rumors that Pinehurst Dr is going to extend through my property. I have not given an easement for a road to go across my property, nor do I intend to do so. I also have no interest in selling my property or any part of it.

If you have any questions please see my contact information above.

Sincerely,

Les Toth

.....

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APR 10 2019

COMMUNITY DEVELOPMENT
CENTER

January 29, 2018

Oregon Watershed Enhancement Board
Mid-Willamette West Small Grant Team
Attn: Marc Bell, Team Contact
580 Main St Suite A
Dallas, OR 97338

Dear Mid-Willamette West OWEB Small Grant Team,

The City of McMinnville Parks Maintenance Department would like to offer our enthusiastic support for the Greater Yamhill Watershed Council's (GYWC) application for the Ash Meadows Park Riparian Enhancement project through the Oregon Watershed Enhancement Board (OWEB) Small Grant Program.

This proposal will enable the City of McMinnville and the adjoining neighborhood to improve the health of Cozine Creek by controlling invasive weeds and planting a variety of native trees, shrubs, wildflowers, and groundcovers. Parks Maintenance has limited resources available to make improvements to our more than 90+ acres of Cozine Creek floodplain properties and easements, and relies on partnerships with homeowners, volunteers, and local conservation organizations such as the GYWC and Yamhill Soil & Water Conservation District (YSWCD) to make such projects a reality. Parks Maintenance and the homeowners adjacent to the Ash Meadows Park have already begun to remove blackberry bushes and other weeds in the Park, and to install a number of native plants. We are grateful for the opportunity to continue and expand upon these successes by requesting grant funding necessary to finish controlling invasive weeds and to install a variety of native plants that benefit water quality, wildlife, and pollinators.

We are in strong support of the GYWC's efforts to bring together the City of McMinnville and neighboring landowners to improve the health of Cozine Creek watershed and our reach along Ash Meadows Park. In support of this OWEB Small Grant proposal, we are happy to provide up to 10 hours of in-kind technical assistance (valued at \$35/hr and \$350 total) to provide general support for project design and implementation.

Thank you for your consideration.



Lannette Noble
Parks Maintenance
City of McMinnville, Public Works
1900 Riverside Drive
McMinnville, OR 97128

Lannette.Noble@mcminnvilleoregon.gov
(503) 434-7316

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FOB. exhibit 10



DATE: December 8, 2003
TO: Michael Brandt, Yamhill County Planning Director
FROM: Doug Montgomery, McMinnville Planning Director
SUBJECT: DOCKET NO. FP-08-03

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DEC 08 2003

YAMHILL COUNTY PLANNING

Regarding the above referenced land use application, the McMinnville Planning Department offers the following comments for your consideration:

1. The application appears premature.

The applicant states in their submitted material that: "There is no use proposed for the subject property at this time, other than to fill an area of property within the floodplain." It begs the question that, if there is no use proposed at this time, why should fill material be allowed within the floodplain?

Also within the applicant's submitted material is a letter from the Oregon Division of State Lands (DSL), dated December 13, 1999, which states:

"In evaluating a permit application [for working within a delineated wetland], our agency will first consider whether there is an analysis of alternatives that avoid or minimize wetland or waterway impacts. Please advise you client that state law establishes a preference for avoidance of wetland impacts."

Based upon this direction provided by DSL, it would seem that Premier Development LLC would be advised to first obtain concurrence from that agency as to their efforts in minimizing impacts through a study of alternative designs. Yamhill County should also defer recommending approval of this request until and unless such approvals are granted by the State. From my perspective, it seems premature for the County to take action on this request at this time, particularly given the DSL's stated position and the possibility that they might not approve subsequent actions necessary to permit this area's use for residential housing, as intended by the applicant.

2. Present zone does not permit intended use.

It is my understanding that Yamhill County's zoning ordinance requires that a floodplain development permit be obtained before the start of any construction or development within the FP Overlay District (Section 901.05 Floodplain Development Permit Application).¹ To gain approval of this permit, the applicant must demonstrate, in part, that the proposed development conforms with the use provisions, standards, and limitations of the underlying zoning district and other overlay district (Section 901.06, Floodplain Development Permit Criteria).¹

As detailed in the applicant's submitted material, the use intended to be proposed for this property is single-family residential housing. This is a use not permitted by the property's current zoning of EF-80.

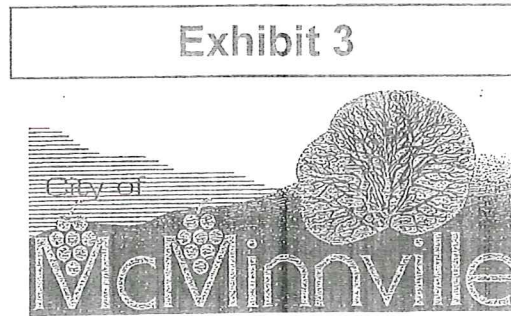
Thank you for the opportunity to comment on this land use application. If you should have any questions regarding the City's recommendation, or wish to discuss this further, please call me at (503) 434-7311.

¹ The Yamhill County Zoning Ordinance defines the term "construction" as follows:

"The placement of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition, or removal of an existing structure has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be construction, provided that work shall be carried on diligently. Installation of a septic tank/drainfield shall be considered construction. [Added 8/23/89; Ord. 492]"

This same ordinance defines the term "use" as follows:

"The purpose for which land or a building or structure is used, designed, arranged or intended, or for which it is occupied or maintained."



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APR 10 2019

COMMUNITY DEVELOPMENT
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230 NE Second Street• McMinnville, Oregon 97128 www.ci.mcminnville.or.us

April 18, 2005

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

RE: ZC 12-04/S14-04

Dear Jeff & Lori:

This is to advise you that, at a meeting of the McMinnville City Council on Tuesday, April 12, 2005, they took action to approve the attached ordinance and findings relative to your application for approval of a zone change from a County EF-80 (Exclusive Farm Use - 80 acre minimum) zone to a City R-2 PD (Single-Family Residential, Planned Development) zone on approximately 23 acres of land. The subject property is located north of Pinot Nair Drive and the Oak Ridge residential development and is more specifically described as a portion of Tax Lot 600, Section 7 and Tax Lot 200, Section 8, T. 4 S., R. 4 W., W.M.

As you may be aware, the Council took separate action on March 8, 2005, to approve your tentative subdivision plan for the same property. The conditions of approval for this subdivision are as follows:

1. That the subdivision approval does not take effect until and unless the companion zone change request is approved by the City Council.
2. 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.
3. 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.
4. 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.

Community Development Department
Planning Department (503) 434-7311 FAX (503) 472-4104

5. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and grading permit for lot fill and grading from the City Building Division.
6. That restrictive covenants shall be prepared for the development. At a minimum, the covenants shall address planting and maintenance of trees within the curbside planting strip, and requirements for tree removal, consistent with the planned development approved for this subdivision. The proposed covenants must meet with the approval of the Planning Director.
7. That the applicant plant street trees within curbside planting strips along all proposed streets 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. 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 addition, street trees shall not be planted within 30 feet of street intersections. 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 that does not meet this standard.

Each year the applicant shall install street trees, from November 1 to March 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. All required trees shall be installed by the applicant prior to final platting, or security equal to 120 percent of the cost of installing the required street trees shall be posted with the City. The amount and form of such security shall be as required by the Planning Director.

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 that may die due to neglect or vandalism, for two years from the date of planting.

8. 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.
9. That prior to the submittal of the final plat, the names of all proposed streets shall be reviewed and approved by the Planning Director.
10. 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.
11. 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.

12. 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.
13. That all streets within the subdivision shall be improved with a 26-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.
14. That the applicant extend water service to the subject site in accordance with McMinnville Water and Light requirements. Easements as may be required for the extension of water shall also be provided.
15. That approved, working fire hydrants must be installed prior to the issuance of building permits for the subject site.
16. That if the property owner wishes a one-year extension of the Commission approval of this tentative plan under the provisions of Section 16 of Ordinance No. 3702, 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.
17. That a plan for the provision of secondary emergency access to the subject site shall be submitted to the McMinnville Fire Department for review and approval. At a minimum the required secondary emergency access must be constructed to include a 12-foot-wide paved travel lane with 20 feet of vertical clearance. All improvements required by this approved plan shall be constructed by the applicant prior to the filing of a final plat for the proposed subdivision.
18. 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.
19. 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."
20. That the submitted tentative plan shall be revised to include a public street extending south from "A" Street to serve future development of adjacent land. The street shall be centered approximately 225 feet east of the easterly right-of-way line of Pinehurst Drive so as to allow the future platting of lots some 100 feet in depth within the adjacent property to the south. In addition, the proposed cul-de-sac street ("C" Court) shall be redesigned as a through street connecting "B" Street and "A" Street. Adjustment of the submitted tentative plan is authorized as may be necessary to accommodate the provision of these streets.

21. That direct access to Lots 1-20, and 81-84 from Pinehurst Drive shall be prohibited. Access shall be provided by private joint access easements adjacent to and recorded on each lot. Such easements are required to be a minimum of 15 feet in width and otherwise dimensioned as proposed by the applicant (see Driveway and Easement Detail of the submitted Oak Ridge Meadows tentative plan).
22. 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.
23. That plat and construction phasing as described on the tentative plan is approved.
24. That the applicant provide to the Planning Department a mapped inventory of all trees greater than nine inches DBH (diameter at breast height) located within those areas of the subject site which may be impacted by the construction of streets, utilities, and future residences. This inventory shall be provided prior to construction of the proposed Oak Ridge Meadows subdivision.
25. That park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

Please be advised that if no appeal is submitted to the Land Use Board of Appeals (LUBA) by May 9, 2005, the decision of the City Council as regards the subdivision and the zone change will become final.

If you have any questions or comments about this, please call me at (503) 434-7311.

Sincerely,

Doug Montgomery, AICP
Planning Director

DRM:pja
Encl.

c: Norm Hill, Webb, Martinis & Hill, 1114 - 11th St. SE, Salem, OR 97302
Dan Kizer, WesTech Engineering, 3841 Fairview Industrial Dr. SE, Ste. 100, Salem 97302
Jerry Hart, Craig, Brand, Lake & Hart, 330 N. Evans St., McMinnville
John Baskett, OKS Associates, 1400 SW Fifth Ave., Ste. 500, Portland 97201
Andrew Mortensen, The Transpo Group, 309 NE 3rd St., Ste. #5, McMinnville
Jeff Parr, 2718 NW Pinot Nair Drive, McMinnville

Jerry Stellflug, 2684 NW Pinot Noir Drive, McMinnville
Dudley Frost, 506 Altivo Avenue, La Selva Beach, CA 95076
Jeff & Carol Mason, 2610 Riesling Way, McMinnville
Melba L. Smith, 2780 NW Pinot Noir Dr., McMinnville
Robert & Dolores Blechman, 2812 NW Pinot Noir Dr., McMinnville
Emily Stater Duerfeldt, 1545 NW Cabernet Ct., McMinnville
Bart Ellinger, 2660 Pinehurst Drive, McMinnville
Paul Lunsford, 2737 NW Pinot Noir Drive, McMinnville
John Paul, 2731 NW Pinot Noir Drive, McMinnville
Lisa McKinney, 2684 NW Pinot Noir Drive, McMinnville
Dale & Rosalie McKinney, 1220 NW Greenbriar Place, McMinnville
Randy Hartzell, 1093 NW Baker Crest Court, McMinnville
Raymond & Nina Clevidence, 1493 NW Riesling Way, McMinnville

STAFF REPORT
YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

HEARING DATE: January 8, 2004

DOCKET NO.: FP-08-03 *Tax Lot 4417-1202*

REQUEST: A flood plain development permit to allow fill dirt on approximately 3.2 acres in order to elevate the property out of the 100-year flood plain of Baker Creek.

APPLICANT: Premier Development, LLC

TAX LOT: 4417-1202

LOCATION: Northwest of the northern end of Pinehurst Drive, McMinnville

ZONE: EF-80, Exclusive Farm Use and Floodplain Overlay as indicated on FEMA map Panel 410249 0308C.

REVIEW CRITERIA: Sections 402 and 901 of the Yamhill County Zoning Ordinance. Comprehensive Plan Section II.C. Goal 1 Policies j and k apply.

COMMENTS:

Oregon Department of Fish and Wildlife - No response to date.

Division of State Lands (DSL) - As noted in the material provided for our review, regulated wetlands and waterways are present on the subject property. Impacts to these area will require an Oregon Removal/Fill permit from the Division of State Lands. A federal permit for wetland fill may also be required from the Army Corps of Engineers.

Yamhill County Sanitarian - We have reviewed the file and find no conflicts with our interests.

Yamhill County Public Works - We have reviewed the file and find no conflicts with our interests.

McMinnville RFD - Water supply for fire suppression purposes will be required as detailed in the Uniform Fire Code, Appendix III-A. Required fire hydrants, and/or alternate water source for rural areas, must be in working order prior to building construction as required in Uniform Fire Code, Section 901.3. Two separate access roads shall be provided into residential subdivisions in excess of 25 living units. (Single-family, apartment or combination of both). The access roads shall be constructed at opposite ends of the subdivision. Both access roads must be in working order prior to building construction and shall be constructed to City of McMinnville standards.

FEMA - No response to date.

City of McMinnville - See December 8, 2003 memorandum in opposition to the request from Doug Montgomery, McMinnville Planning Director.

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STAFF REPORT

Docket FP-08-03 (Premier Development LLC)

Page 3

FINDINGS:

A. Background Facts

1. *Lot Size:* 27.38 acres. Approximately 14.8 acres is in Yamhill County. The remaining acreage to the south is in the city limits of McMinnville. The request is to place fill dirt in an area of approximately 3.2 acres of land in the County.
2. *Access:* Pinehurst Drive
3. *On-Site Land Use:* The parcel is an open field with riparian vegetation along the northern boundary close to Baker Creek.
4. *Surrounding Land Use and Zoning:* Surrounding parcels to the north are designated EF-80 Exclusive Farm Use. Land to the south, east and west is within the McMinnville city limits. Land to the south and east are zoned R-1 Low Density Residential. Land to the west is zoned R-2 Medium Density Residential.
5. *Previous Actions:* None on file. The City of McMinnville has record of a partition that created the existing property boundaries approved in August of 1999.
6. *Floodplain Issues:* Flood Insurance Rate Map (FIRM) No. 410249-0302C shows that approximately 5.3 acres is within the 100-year floodplain. Approximately 2.8 acres is identified as being within the 500-year floodplain. The floodway boundary is identified as being 40-90 feet in width along Baker Creek. None of the proposed fill dirt is proposed to be placed in the floodway. The base flood elevation at the subject parcel is 122 feet above sea level.
7. *Explanation of Request:* The applicant is proposing to bring in fill dirt to raise the property out of the 100-year floodplain. Based on the map provided with the request it appears that future application would be made to bring the property into the city limits of McMinnville and subdivide it into residential home-sites. However, this request is relatively narrow in scope as it will only evaluate the placement of fill dirt within the floodplain.
8. *Note:* As indicated in the comments submitted by the neighboring property owners there are significant objections to this request. The overriding concern is that the placement of fill dirt would raise the base flood elevation or alter the floodplain onto areas where it has not previously flooded. The reason for the requirement of a floodplain permit application for any development within the floodplain is to make sure that the base flood elevation will not rise more than one foot at any point. The result is that much of this application is determined by

whether the development can be engineered to assure that the base flood elevation will not rise by more than one foot at any point.

9. The May 1979 Natural Resource Conservation Plan contains a Fish Habitat map which shows that the portion of Baker Creek north of the subject parcel is identified as Fish Habitat. The map states that this portion of the creek is anadromous fish migration route and resident trout spawning and rearing.

B. Ordinance Provisions and Analysis

1. The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA) which provides a benefit to Yamhill County. A brief description of the program is found in FEMA's Program Description information which states in part: *"Participation in the NFIP is based on an agreement between communities and the Federal Government. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction in floodplains, the Federal Government will make flood insurance available within the community as a financial protection against flood losses."* Therefore, proper enforcement of the floodplain ordinance is important so as not to jeopardize the flood insurance available to Yamhill County residents.
2. Floodplain vs. Floodway: The Yamhill County Zoning Ordinance contains the definition of each of these terms as follows:

FLOODPLAIN: The area adjoining a river, stream, or watercourse which may be subject to periodic inundation of floodwaters.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed in order to discharge the base flood without cumulatively increasing the upstream water surface elevation more than one foot.

The difference in these two terms is important. The floodplain is the area which may have periodic flooding. The floodway is where flood waters come rushing through. Because the floodway transports floodwaters it must remain unobstructed. Any development within the floodway must be shown to have no increase in flood levels. The request is to place fill dirt in the floodplain. No fill dirt is proposed to be placed in the floodway.

3. Section 901.05 of the Yamhill County Zoning Ordinance (YCZO) states that a floodplain development permit shall be obtained before the start of any construction or development within the FP Overlay District.
4. Section 901.06 of the YCZO states that prior to issuance of a floodplain development permit, the applicant must demonstrate that:

STAFF REPORT

Docket FP-08-03 (Premier Development LLC)

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- (A) *The proposed development conforms with the use provisions, standards and limitations of the underlying zoning district and other overlay district.*
 - (B) *The proposed development, if located within the floodway, satisfies the provisions of Subsection 901.09.*
 - (C) *The proposed development will not increase the water surface elevation of the base flood more than one (1) foot at any point.*
 - (D) *All applicable permits have been obtained from Federal, State or Local governmental agencies, and all applicable National Flood Insurance Program requirements have been satisfied.*
 - (E) *The proposed development is consistent with policies j. and k. of the Comprehensive Plan, as amended by Ordinance 471.*
 - These policies are:
 - j. *It is the policy of Yamhill County to protect riparian vegetation from damage that may result from land use applications for development that is otherwise permitted outright or conditionally under county zoning regulations. To achieve this goal, Yamhill County will review land use application for development in riparian areas in an effort to mitigate or prevent damage to riparian vegetation that might result from the development. For purposes of this policy, "riparian areas" refers to areas within 100 feet measured horizontally from the ordinary high water line of streams identified as "Fish Habitat" in the comprehensive plan inventory (National Resource Conservation Plan, Yamhill County, Oregon, May 1979 - USDA - Soil Conservation Service, that are not regulated under the Forest Practices Act.*
 - k. *It is county policy that land use management practices and nonstructural solutions to problems of erosion and flooding are preferred to structural solutions. Water erosion control structures, including rip-rap and fill, should be reviewed by the appropriate state permitting authority to insure that they are necessary, are designed to incorporate vegetation where possible, and designed to minimize adverse impacts on water currents, erosion and accretion patterns.*
3. Regarding criterion (A) above, the placement of fill dirt is a permitted use in the EF-80 Exclusive Farm Use District.
4. Regarding criterion (B), as noted above and as indicated on the applicant's map, the project will not be in the floodway.

STAFF REPORT

Docket FP-08-03 (Premier Development LLC)

Page 6

5. The applicant stated that the proposed fill dirt will not increase the base flood elevation one foot at any point. The reason given is that if the floodplain is filled on both sides of the floodway, this produces only a one foot rise in the base flood elevation. While this may be correct, the County has always required calculations from a registered professional engineer stating that the proposal will not raise the base flood elevation more than one foot at any point. This will be recommended as a condition of approval to make the request comply with criterion (C). Get
PE.
6. Regarding criterion (D), the applicant must coordinate with the Division of State Lands and the Army Corp of Engineers for proper permitting regarding the placement of fill dirt within the wetland area. They have stated in their application that they are aware of these requirements and they do not yet have the required wetlands fill permits. They have requested that obtaining these be made a condition of approval. A condition requiring these permits to be obtained will be recommended.
7. Regarding criterion (E), *Comprehensive Plan policy (j)*, Baker Creek is significant fish habitat as shown on the 1979 Natural Resource Conservation Plan map. The placement of the fill appears to be just within the 100 foot distance of Baker Creek. However, the area to be filled is outside of the tree line that goes along Baker Creek. This application has been referred to the Oregon Department of Fish and Wildlife but to date they have not responded to the referral. When a floodplain permit is issued that will disturb a large area of soil, our office typically has the applicant work with representatives of the ODF&W to have the area replanted with grass or native vegetation to minimize erosion. This will be made a condition of approval on this request.
8. *Regarding Comprehensive Plan policy (k)*, the fill dirt is not intended as structural solution to erosion and flooding. No riprap or armoring of the bank is proposed so this policy does not apply.
9. Section 901.10 states that in areas where the base flood elevation has not been determined an application for a floodplain development permit shall be reviewed to ensure that the proposed development will be reasonably safe from flooding or resistant to flood damage. Since the flood elevation is a known factor, this subsection does not apply.

CITY OF McMinnville Objections:

The property is within the Urban Growth Boundary (UGB) of the City of McMinnville and therefore will someday be brought into the city limits. The City's code is more restrictive than the County's in relation to floodplain development. Apparently the City's code does not allow development within the flood hazard zone and would not allow the placement of the fill dirt within the floodplain. Therefore, the applicant is making the request for the placement of the fill while it is within the County's jurisdiction. Since the property is within the UGB, the request is referred to the City for their comments. The Urban Area Management Agreement describes how the jurisdictions are to cooperate on developments on the edge of the city. **The City has written a memo objecting to the request, in part because they feel it is**

STAFF REPORT

Docket FP-08-03 (Premier Development LLC)

Page 7

premature. Traditionally, the County has given the City's comments considerable weight since the property is planned to eventually go into their jurisdiction.

CONCLUSIONS FOR APPROVAL:

1. The request is for a floodplain development permit to allow the placement of fill dirt on 3.2 acres of property in the 100-year floodplain of Baker Creek.
2. With conditions, the request is consistent with the requirements of Section 901 of the YCZO.

CONCLUSIONS FOR DENIAL:

1. The applicant has not yet demonstrated that the placement of the fill will not increase the water surface elevation of a base flood by more than one foot at any point.
2. The property is within the Urban Growth Boundary of the City of McMinnville and therefore will someday be brought into the city limits. The City has voiced objections to this application. The City's objections should be given considerable weight since the property is planned to eventually go into their jurisdiction.

STAFF RECOMMENDATION:

A recommendation will be given at the hearing. At a minimum the Planning Commission should make any approval subject to the following conditions:

1. Prior to issuance of any development permits, the applicant shall submit a letter or calculations from a registered professional engineer stating that the proposal will not increase the surface water elevation of the base flood more than one foot at any point.
2. The applicant shall obtain the necessary permits from the Division of State Lands, U.S. Army Corp of Engineers and the Department of Environmental Quality prior to the placement of fill dirt. Copies of said permits, or evidence that these permits are not required, shall be submitted to the Planning Director prior to the placement of fill dirt.
3. Removal of existing riparian vegetation within 100 feet of the normal high water mark of the river shall be the minimum necessary to allow placement of the fill dirt. No trees within 50 feet of Baker Creek shall be removed. All disturbed areas shall be replanted with native vegetation upon completion of construction and all work will be consistent with Oregon Department of Fish and Wildlife policies for protection of the waterway habitat.

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128

(503) 434-7311 Office • (503) 474-4955 Fax

www.mcminnvilleoregon.gov**Office Use Only:**File No. POA 3-18Date Received 3-28-19 *Revised*

Fee _____

Receipt No. _____

Received by _____

Planned Development Amendment Application

Applicant Information

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other

Applicant Name Premier Development, LLCPhone (503) 472-7514Contact Name Lori Zumwalt

Phone _____

*(If different than above)*Address 1312 NE Hwy 99WCity, State, Zip McMinnville, OR 97128Contact Email loriz.premier@gmail.com

Property Owner Information

Property Owner Name _____

Phone _____

(If different than above)

Contact Name _____

Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

*(If metes and bounds description, indicate on separate sheet)*Property Address North of Baker Creek Road and the Oak Ridge Neighborhood and south of Baker CreekAssessor Map No. R4.4 - 17 - 01300 Total Site Area 11.47 acres

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Residential Zoning Designation R-2 PD

1. Show in detail how your request seeks to amend the existing planned development overlay. State the reason(s) for the request and the intended use(s) of the property: _____

This Planned Development Amendment application requests approval to amend the existing Oak Ridge Planned Development (Ordinance No. 4722) to remove the unplatted fourth phase of the Oak Ridge phased subdivision from the boundary of the Oak Ridge Planned Development.

This Planned Development Amendment application is a companion to another Planned Development Amendment application and a Subdivision application to allow single-family residential development of this site.

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Volume II): _____

See attached narrative, findings and exhibits

3. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely: _____

See attached narrative, findings and exhibits

4. Describe any changes in the neighborhood or surrounding area which might support or warrant the request: _____

See attached narrative, findings and exhibits

5. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use: _____

See attached narrative, findings and exhibits

6. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation? _____

See attached narrative, findings and exhibits

In addition to this completed application, the applicant must provide the following:

- ☐ A site plan (drawn to scale, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.).
- ☐ A copy of the current planned development overlay ordinance.
- ☐ A legal description of the subject site, preferably taken from the deed.
- ☐ Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Jon Zimmualt, Member
Applicant's Signature

10/23/18
Date

Jon Zimmualt, Member
Property Owner's Signature

10/23/18
Date



Planning Department

231 NE Fifth Street • McMinnville, OR 97128

(503) 434-7311 Office • (503) 474-4955 Fax

www.mcminnvilleoregon.gov

Office Use Only:

File No. PDA 4-18

Date Received 3-28-19 - Revised

Fee _____

Receipt No. _____

Received by _____

Planned Development Amendment Application

Applicant Information

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other _____

Applicant Name Premier Development, LLC

Phone (503) 472-7514

Contact Name Lori Zumwalt

(If different than above)

Phone _____

Address 1312 NE Hwy 99W

City, State, Zip McMinnville, OR 97128

Contact Email loriz.premier@gmail.com

Property Owner Information

Property Owner Name _____

(If different than above)

Phone _____

Contact Name _____

Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address North of Baker Creek Road and the Oak Ridge Neighborhood and south of Baker Creek

Assessor Map No. R4 4 - 07 - 00602 Total Site Area 24.00 acres

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Residential Zoning Designation R-2 PD

1. Show in detail how your request seeks to amend the existing planned development overlay. State the reason(s) for the request and the intended use(s) of the property: _____

This Planned Development Amendment application requests approval to
amend the existing Oak Ridge Meadows Planned Development (ORD 4822 to:
Add the unplatted 4th phase of the Oak Ridge PD to the boundary of ORD 4822;
Modify setbacks from those previously approved; Allow design modifications
to a portion of NW Pinehurst Dr.; Allow some lots to exceed the lot depth to
width standard; Allow some block lengths to exceed the recommended standard;
Allow for designation of a private Nature Park; and Allow for dedication of a
public open space greenway.

This Planned Development Amendment application is a companion to
another Planned Development Amendment application and a Subdivision
application to allow single-family residential development of this site.

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Volume II): _____

See attached narrative, findings and exhibits

3. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely: _____

See attached narrative, findings and exhibits

4. Describe any changes in the neighborhood or surrounding area which might support or warrant the request: _____

See attached narrative, findings and exhibits

5. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use: _____

See attached narrative, findings and exhibits

6. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation? _____

See attached narrative, findings and exhibits

In addition to this completed application, the applicant must provide the following:

- ☐ A site plan (drawn to scale, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.).
- ☐ A copy of the current planned development overlay ordinance.
- ☐ A legal description of the subject site, preferably taken from the deed.
- ☐ Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Jon Zumwalt, Member
Applicant's Signature

10/23/18
Date

Jon Zumwalt, Member
Property Owner's Signature

10/23/18
Date



Planning Department

231 NE Fifth Street • McMinnville, OR 97128

(503) 434-7311 Office • (503) 474-4955 Fax

www.mcminnvilleoregon.gov

Office Use Only:

File No. S 3-18

Date Received 3-28-19 *Revised*

Fee _____

Receipt No. _____

Received by _____

Tentative Subdivision Application

Applicant Information

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other _____

Applicant Name Premier Development, LLC Phone (503) 472-7514

Contact Name Lori Zumwalt
(If different than above)

Phone _____

Address 1312 NW Hwy 99W

City, State, Zip McMinnville, OR 97128

Contact Email loriz.premier@gmail.com

Property Owner Information

Property Owner Name _____ Phone _____
(If different than above)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address North of Baker Creek Road and the Oak Ridge Neighborhood and south of Baker Creek

Assessor Map No. R44 17 01300 - 07 - 00602 Total Site Area 35.47 Acres

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Residential Zoning Designation R-2 PD

Subdivision Information

1. What is this application for?
☐ Subdivision (10 (ten) or fewer lots)
☒ Subdivision (more than 10 (ten) lots)
2. Briefly describe the project: With approval of two companion PD Amendment applications, develop 106 single-family detached residences in a two-phase residential subdivision on lots ranging in size from 4,950 to 14,315 square feet and averaging 7,738 sq. ft. in size. Deisignation of a 0.85-acre Nature Park and public dedication of a 5.6 acre open space greenway along Baker Creek are also proposed
3. Name of proposed subdivision: Oak Ridge Meadows
4. Size of proposed subdivision in acres or square feet: 35.47 Acres
5. Number of lots: 106 Minimum lot size: 4,950 sq. ft.
6. Number and type of Residential Units: 106 single-family detached residences

7. Average lot size: 7,738 sq. ft. Gross density per acre of entire subdivision: 3.55 du/ac after Public park dedication
8. Total anticipated population: 265 (estimate of 2.5 persons per SFD residence)
9. Size of park(s)/open space in acres or square feet: 6.45 Acres
10. General description of the subject site and current land use: Vacant. Generally level with gradual to very steeply sloping perimeter areas. Low lying wetlands. Oaks are the predominant tree species and located mostly along slopes and one south-centrally located flatter area.

11. Describe existing uses and zoning of surrounding properties:

	<u>Zoning</u>	<u>Current Use</u>
North	<u>Yamhill Couty EF-80</u>	<u>Farming - located across Baker Creek</u>
South	<u>R-2 PD</u>	<u>Single Family Development</u>
East	<u>EF-80 and F-P</u>	<u>Vacant and Flood Plain</u>
West	<u>EF-80 and F-P</u>	<u>Vacant and Flood Plain</u>
12. Describe the topography of the subject site: Genererally level with gradual to very steeply sloping perimeter areas. Low lying wetlands. Oaks are the predominant tree species and located mostly along slopes and one south-centrally located flatter area.

13. Does the site contain any existing structures, wells, septic tanks? Explain None

14. How will the proposed subdivision be served by utilities? Note the location and size of all service lines (water, sanitary sewer, storm sewer, natural gas, electricity).
All utilities are available or can be made available to sufficiently serve the site. See attached.

15. What is the anticipated date construction will begin? Spring, 2019

16. What is the anticipated date of completion? Spring, 2023

17. If applicable, explain how the subdivision will be phased?
Two phases (generally oriented as east and west phases.) See attached for more detail.

18. Does your tentative subdivision plan delineate the general location of all previously recorded easements and encumbrances presently binding upon the subdivision site? (A current title report or subdivision guarantee for the site would disclose such easements or encumbrances).

Yes ☒

No ☐

N/A ☐

19. Does your tentative subdivision plan delineate necessary access and utility easements?

Yes ☒

No ☐

N/A ☐

In addition to this completed application, the applicant must provide the following:

☐ A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), tentative subdivision plan, and supplementary data. Tentative plans should be accompanied by improvement plans so that the general programs and objectives are clear to the reviewer. The information to be included in the tentative subdivision plan as listed in the information sheet and in Section 17.53.070 (Submission of Tentative Subdivision Plan) of the Zoning Ordinance. If of a larger size, provide five (5) copies in addition to **an electronic copy** with the submittal.

☐ Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

John Zimmelt, member
Applicant's Signature

10/23/18
Date

John Zimmelt, member
Property Owner's Signature

10/23/18
Date

- Land Use Applications -

- **Planned Development Amendment: Ord. 4722 (Oak Ridge)**
- **Planned Development Amendment: Ord. 4822 (Oak Ridge Meadows)**
- **Residential Subdivision**

Submitted to:	City of McMinnville, Planning Department 231 NE Fifth Street McMinnville, OR 97128
Applicant/Owner:	Premier Development, LLC 1312 NE Hwy, 99W McMinnville, OR 97128
Applicant's Consultants:	Navigation Land Use Consulting, LLC P.O. Box 1514 McMinnville, OR 97128 Contact: Ron Pomeroy, AICP Email: ron@navigationlanduse.com Phone: 503.687.3012 Westech Engineering, Inc. 3841 Fairview Industrial Drive SE, Suite 100 Salem, OR 97302 Contact: W. Josh Wells, P.E. Email: jwells@westech-eng.com Phone: 503.585.2474
Yamhill County Tax Map:	T. 4 S., R. 4 W., W.M., 17, Tax Lot 01300, and T. 4 S., R. 4 W., W.M., 07, Tax Lot 00602
Site Size:	35.47 acres
Zoning:	R-2 PD (Single-Family Residential, Planned Development)



I. Executive Summary

Navigation Land Use Consulting, LLC is pleased to submit this land use proposal for consideration on behalf of Premier Development, LLC for approval of two separate Planned Development Amendment applications in addition to an application for approval of a residential tentative subdivision plan. These application requests are briefly identified as follows:

- The first Planned Development Amendment application requests approval to amend the existing Oak Ridge Planned Development (Ordinance No. 4722) (Exhibit 1) to remove the unplatted fourth phase of the Oak Ridge phased subdivision from the boundary of the Oak Ridge Planned Development.
- The second Planned Development Amendment application requests approval to amend the existing Oak Ridge Meadows Planned Development (Ordinance 4822) (Exhibit 2) in a number of ways to: 1) Add the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned Development; 2) Allow for lot size averaging; 3) Allow for modified setbacks; 4) Allow for some lots with side lot lines oriented other than at right angles to the street upon which the lots face; 5) Allow for some lots to exceed the recommended lot depth to width ratio; 6) Allow some block lengths to exceed the recommended maximum block length standard; 7) Allow for the designation of an approximately 0.85-acre active private neighborhood park; and, 8) Allow for dedication of an approximately 5.6-acre public open-space greenway dedication along Baker Creek.
- 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. 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.

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) (Exhibit 48) 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 (Minor Amendments to an approved plan as allowed by a condition of approval of ORD No. 4722 and by Chapter 17.74.070 of the McMinnville zoning ordinance), 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 City Council's March 8, 2005 approval with conditions of S 14-04 was detailed in an April 18, 2005 letter from Planning Director Doug Montgomery to Premier Development, LLC (Exhibit 3).

Due to the severe market constrictions and economic volatility that occurred during the mid to late 2,000's (the "Great Recession") and that was experienced across the country as well as in



McMinnville, the applicant was not able to move forward with the development of these subdivision approvals as anticipated. Since that time, McMinnville has experienced a recovery in the housing market although at a somewhat lesser pace than that experienced by many other Oregon communities. However, with recent improvements in the local and regional economy, in addition to increasing demand in the local housing market, the applicant is now able, prepared and excited to bring this current development proposal forward for your consideration and approval to help provide a solution to some of our increasing local housing needs.

II. Site Description

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.

III. Requests – Planned Development Amendments

As stated above in the Executive Summary portion of this application, Premier Development, LLC is requesting approval of:

- A Planned Development Amendment to amend the Oak Ridge Planned Development (Ordinance No. 4722) to remove the unplatted fourth phase of the Oak Ridge phased subdivision (approximately 11.47 acres) from the boundary of the Oak Ridge Planned Development.
- A Planned Development Amendment approval to amend the existing Oak Ridge Meadows Planned Development (Ordinance 4822) in a number of ways to: 1) Add



the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned Development; 2) Allow for lot size averaging; 3) Allow for modified setbacks; 4) Allow for some lots with side lot lines oriented other than at right angles to the street upon which the lots face; 5) Allow for some lots to exceed the recommended lot depth to width ratio; 6) Allow some block lengths to exceed the recommended maximum block length standard; 7) Allow for the designation of an approximately 0.85-acre active private neighborhood park; and, 8) Allow for dedication of an approximately 5.6-acre public open-space greenway dedication along Baker Creek.

Additional relevant background information and context to these current Planned Development Amendment requests is necessary to adequately frame the current proposal. 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.

Additionally, McMinnville Zoning Ordinance Section 17.74.070 (Planned Development Amendment – Review Criteria) provides examples of changes to an adopted site plan that are determined to be a major modification and are to be reviewed according to Section 17.72.120 (Applications – Public Hearings) for reasons including, but not limited to “An increase in the amount of land within the subject site.” This request is for a reduction of the amount of land currently within the boundary of one Planned Development (Ordinance 4722) and the inclusion of that same land within the boundary of an adjacent



Planned Development (Ordinance 4822) and is therefore subject to the requirements of process as per 17.72.120 and the requirements of review as per 17.74.070.

IV. Request – Subdivision

Premier Development is also requesting approval of a 108 lot tentative two-phased single-family residential subdivision plan (see Exhibits 6 and 9) on approximately 35.47 acres of land that, if approved, would provide the opportunity for the construction of 108 single-family homes on lots ranging in size from approximately 4,950 to 14,315 square feet and averaging approximately 7,771 square feet in size. 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.

For general orientation to the main elements of the proposed tentative subdivision, the larger residential lots are identified as being generally located around the west, north and east perimeter of the site which has the benefit of preserving as much of the steeper elevations of the site as possible and allowing for building envelopes that allow preservation of much of the associated natural greenway and tree cover. Lots that are more centrally located within the site are proposed to be moderately sized (generally between approximately 4,950 and 8,825 square feet in size) and those that are proposed to be located toward the southern end of the site along the west side of NW Pinot Noir Drive are designed to approximate the sizes of the nearby existing developed lots to the south and also located along the west side of NW Pinot Noir Drive to purposefully help the proposed development blend cohesively with the current adjacent established neighborhood. Lots proposed to be located along the east side of this same length of NW Pinot Noir Drive are a bit larger than those found along the west side but not quite as large as the nearby existing developed lots to the south and located along the east side of NW Pinot Noir Drive. This transition from existing to proposed lot sizes along the east side of NW Pinot Noir Drive is mitigated by a proposed 15-foot wide public pedestrian access path leading eastward from NW Pinot Noir Drive to provide pedestrian access to the approximately 36,833 square foot (0.85-acre) active private neighborhood park connecting NW Pinot Noir Drive and NW Pinehurst Drive. The varied arrangement of proposed lot sizes within the two-phased subdivision plan complements the existing adjacent residential development pattern, preserves environmentally sensitive and scenic areas and will provide a range of lots sizes at varying price points within the residential market.

This plan also preserves a very similar vehicular circulation pattern to that previously tentatively approved for the area that was to become the Oak Ridge fourth phase and the Oak Ridge Meadows tentative residential subdivision plan by continuing the northerly extension of NW Pinot Noir Drive to serve an almost identical pattern of previously proposed interconnected local streets. One cul-de-sac street is currently proposed which is in the same general location as was supported in the previous Oak Ridge subdivision approval due to the presence of adjacent wetlands along the site's southeastern edge. Access necessary to allow for inspection and maintenance functions related to the sewer system in this area is also provided from this cul-de-sac and is proposed to be located within easements centered along the common property line of Lots 35 and 36 (Exhibit 7). NW Pinehurst Drive is proposed to continue southward beyond this cul-de-sac to serve proposed lots to be located along the west side of NW Pinehurst Drive; this was also approved as part of the previous Oak Ridge approval.

The dedication of a public greenway inclusive of a pedestrian pathway is being proposed to encircle the west, north and most of the eastern edges of the site. This greenway dedication is proposed to begin at the site's outer edge and extend inward toward the toe of the encircling slope effectively forming a ring around the majority of the outer edge of the site. This public greenway will vary in width based on the location of the site boundary and the location of the steeper portions of the slope. It is anticipated that



the width of this public greenway may extend to a width of some 300-feet at its widest. In conversations with the McMinnville Parks and Recreation Department it was determined that a bark chip path, similar to that located along the greenway river edge of Joe Dancer Park, would be the desired improvement to request of Premier Development to provide enabling pedestrian mobility through this public open space greenway. With the exception of the portion of the bark chip path proposed to be temporarily provided along the south edge of Lot 56 (which is further described in Findings below) the entirety of the bark chip path would be located in areas dedicated to the public. This dedication totals approximately 5.6 acres of public open space located adjacent to this neighborhood for the use and enjoyment of the general community.

This proposal also includes for the creation of the approximately 0.85 acre (approximately 36,833 square feet) active private neighborhood park mentioned above and proposed to be located in Phase One of this development. This park will afford neighborhood residents a convenient location from which to enjoy the scenic viewshed of the preserved wetlands to the east. Access through the active private neighborhood park would be provided by a curvilinear pedestrian pathway connecting NW Pinot Noir Drive to NW Pinehurst Drive. The active private neighborhood park will also provide a designated area on the upland portion from which to view the wetlands to the east; additional wetland viewing benches are also proposed along the eastern side of NW Pinehurst Drive adjacent to the wetlands. Premier Development also proposes to install suitable permanent child-appropriate playground equipment within this upland portion of the park to provide active recreational opportunities for children residing within the neighborhood. With the proposed arrangement of park spaces, pedestrians will be able 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, they will be able to then move east along the public access walkway leading from NW Pinehurst Drive and enjoy the walking trail which will wind its way through the entire greenway that will wrap the neighborhood all the way to subject site's southwestern-most corner; at this point the public pedestrian pathway will have the opportunity to be extended as a pedestrian feature as part of the future development of adjacent land to the south and west which is currently owned by Stafford Land Company. Additional public pedestrian accesses to this greenway path will be provided by way of park chip paths leading to the greenway from NW Pinehurst Drive to be located between lots 75 and 76 and along the south side of lot 56. Premier Development proposes that the forthcoming Homeowner's Association for this proposed Oak Ridge Meadows development will be responsible for full maintenance responsibilities of the entirety of the publicly dedicated greenway path and its associated 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 below.

It is anticipated that the Stafford Land Company intends to provide a continuation of this public greenway system along the northern edge of their adjacent forthcoming development proposal located generally west of the Oak Ridge Meadows site. As part of that proposal it is understood that a permanent public pedestrian access path to this greenway will be proposed to be provided by Stafford Land Company connecting a local public residential street located approximately 100 feet south of the temporary access path that Premier Development will be providing along the south side of lot 56. If and when this permanent pedestrian access path to the greenway is provided by Stafford Land Company, the temporary access path provided by Premier Development by way of an easement along the south side of lot 56 will be extinguished.

The materials contained in the narrative and conclusionary findings of fact for this proposal address the relevant criteria for approval of the two planned development amendment requests and the companion subdivision request. Individual applications for the two Planned



Development Amendment requests and the Subdivision request have been prepared and filed with the City to run concurrently.

V. Conclusionary Findings for Approval

1. Premier Development, LLC, is requesting approval of:
 - A Planned Development Amendment to amend the existing Oak Ridge Planned Development (Ordinance No. 4722) to remove the unplatted fourth phase of the Oak Ridge phased subdivision (approximately 11.47 acres) from the boundary of the Oak Ridge Planned Development.
 - The second Planned Development Amendment application requests approval to amend the existing Oak Ridge Meadows Planned Development (Ordinance 4822) in a number of ways to: 1) Add the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned Development; 2) Allow for lot size averaging; 3) Allow for modified setbacks; 4) Allow for some lots with side lot lines oriented other than at right angles to the street upon which the lots face; 5) Allow for some lots to exceed the recommended lot depth to width ratio; 6) Allow some block lengths to exceed the recommended maximum block length standard; 7) Allow for the designation of an approximately 0.85-acre active private neighborhood park; and, 8) Allow for dedication of an approximately 5.6-acre public open-space greenway dedication along Baker Creek.
 - 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. 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.

The subject site is approximately 35.47 acres in size and is located generally north of Baker Creek Road and the multi-phased Oak Ridge residential development, and south of Baker Creek and is more specifically described as R4417 01300 (approximately 11.47 acres in size) and R4407 00602 (approximately 24 acres in size).

2. The two parcels that comprise the subject site are currently zoned R-2 PD (Single-Family Residential, Planned Development) and designated as Residential on the McMinnville Comprehensive Plan Map.
3. Sanitary and storm sewer systems and municipal water and power can sufficiently serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected flows resulting from development of the property as proposed. Northwest Natural Gas, Comcast, McMinnville School District 40 and the McMinnville Police and Fire Departments can also sufficiently serve this site.
4. 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.

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.

Additional Design Considerations:

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

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. Close attention to maintenance costs to the public will, however, have to be monitored.

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.

Findings: 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.

5. The following Goals and Policies of Volume II of the McMinnville Comprehensive Plan (1981) are applicable to the request:

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

Policies:

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.

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.

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.

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.

Finding: 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.

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

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

Findings: 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.

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.

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.

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:



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)

71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)

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)

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)

Findings: 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

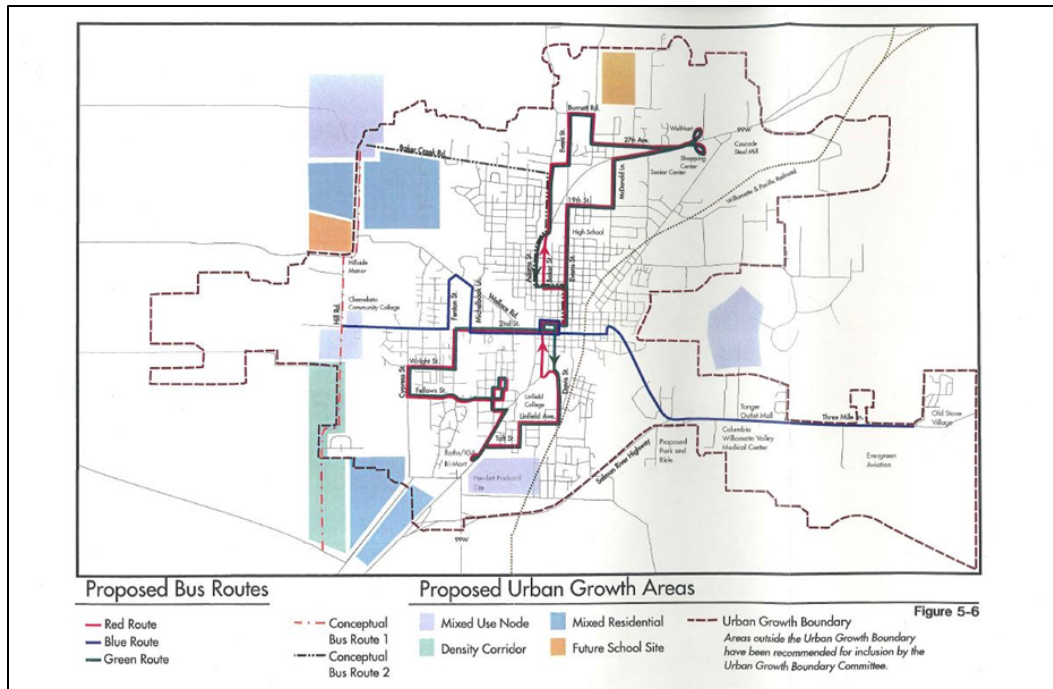


Residential on the McMinnville Comprehensive Plan Map and carries zoning designations R-2 PD set by the previous approvals of Ordinances 4722 and 4822. Approval of these proposed Planned Development Amendment requests and phased subdivision plan will result in this site retaining an R-2 PD zoning designation 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.

Planned Development Policies:

72.00 Planned unit 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.

73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.



74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

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 homeowner's association, assessment district, or escrow fund will be required to maintain the common area.

76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

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.

78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Findings: 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.



Residential Design Policies:

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.

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.

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.

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.

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.

Findings: 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.

Urban Policies:

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.



Finding: 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.

Lot Sales Policy:

99.10 The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the City Planning staff shall develop a formula to be applied to medium and large size subdivisions that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.

Finding: Policy 99.10 shall be satisfied in that, while the City has not yet formally developed and memorialized this formula, a condition of approval implementing this policy was employed in the 2017 final approval of the Baker Creek Development project (Condition of Approval 26 of S 3-16). That condition of approval required:

“That 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 twenty (120) days prior to building permit issuance for said lots.”

That condition of approval was based on associated findings that that the applicant would be required to provide information to the McMinnville Planning Director detailing the minimum number of lots they proposed to offer for individual sale. Premier Development suggests that this same condition of approval be made a condition of approval of this proposal as well. As previously conditioned as noted above, the information detailing the number of lots to be made available for individual sale to builders would be required to be provided to the Planning Director for review and approval prior to recording the final plat. The referenced lots would be made available for sale to the general public prior to building permit issuance for said lots. By Premier Development’s agreement and request that the City apply this same condition of approval to the current proposal, this Policy is satisfied.

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:

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

1. 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)
5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist

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

Finding: 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 low-lands 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.

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.

Findings: 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.

Parking:

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

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

Findings: Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be required for all single-family residences as specified by the McMinnville Zoning Ordinance. Such off-street parking (a minimum of two on-site 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.

Bike Paths

130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connect residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.

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.



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.

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.

Finding: 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.



Complete Street Design Standards										
Streetscape	Street Profile	Bike	Auto/Truck Amenities (lane widths) ¹	Arterial		Collector		Neighborhood Connector	Local Residential	Alley
				Major	Minor	Major	Minor			
				2-4 lanes (12 ft.)	2 lanes (11 ft.)	2 lanes (11 ft.)	2 lanes (10 ft.)			
				14 ft.	12 ft.	12 ft.	10 ft.			
Pedestrian Zone (with ADA requirements)	Traffic Management	Bike Facility ²	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 ³	28 ft.	28 ft.	28 ft.	28 ft.	28 ft.	28 ft.	28 ft.	Not Apply
		On-Street Parking	na	na	na	30 or 40 ft.	30 or 40 ft.	30 or 40 ft.	30 or 40 ft.	30 or 40 ft.
		Two Sides	na	na	na	na	na	na	na	na
Pedestrian Zone (with ADA requirements)	Traffic Management	Pedestrian Amenities ⁴	8 ft. Com	5 ft. Res	5 ft. Res	5 ft. Res	5 ft. Res	5 ft. Res	5 ft. Res	None
		Sidewalks (both sides)	8 ft. Com	5 ft. Res	5 ft. Res	5 ft. Res	5 ft. Res	5 ft. Res	5 ft. Res	5 ft. Res
		Planter Strips	8 ft. Com	5 ft. Res	5 ft. Res	5 ft. Res	5 ft. Res	5 ft. Res	5 ft. Res	5 ft. Res
		Preferred Adjacent Land Use - Intensity	High	Medium to High	Medium	Medium	Medium	Medium to Low	Low	Low
Pedestrian Zone (with ADA requirements)	Traffic Management	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	Not Typical
		Managed Speed ⁵	35 mph	30-35 mph	25-30 mph	25 mph	25 mph	15-25 mph	10 mph	10 mph
		Through-traffic Connectivity	Primary	Typical	Typical	Typical	Typical	Not Permissible	Not Permissible	Not Permissible
Pedestrian Zone (with ADA requirements)	Traffic Management	Access Control	Yes	Yes	Some	Some	No	No	No	
		Maximum Grade	6%	6%	10%	10%	12%	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.	50 ft.	20 ft.
			104 ft.	96 ft.	74 ft.	56 ft. (no bike lane) 66 ft. (bike lane)	50 ft.	50 ft.	50 ft.	20 ft.

General Design Notes:

1 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 undisturbed areas, lane widths shall be 12 feet.

2 As a minimum, minimum lane widths for safety concerns is 5 ft. for arterial and 4 ft. for collector streets, which is expected to occur only in locations where existing development along an established route or other severe physical constraints preclude construction of the preferred facility width.

3 Street design for each development shall provide for emergency and fire vehicle access.

4 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.

5 Speeds in the central business district may be 30-35 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired management 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.

6 None with on-street parking.

Street Design Standard Notes:

(a) Exclusive of side slope easement which may be required in locations for cuts and fills in rough terrain.

(b) 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.

(c) The right-of-way, street width, improvement standards, and maintenance radius of commercial/industrial/cul-de-sacs and streets shall be dependent upon the type of vehicle traffic to be served.

(d) Intersection and grade shall be designed to meet the minimum standards for a 30-foot design speed. The design speed for all streets shall be 30 feet per second. The design speed for all streets shall be 3

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 development 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 capital 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 easement 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 topography, 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 functional class of commercial/industrial cul-de-sacs and streets shall be dependent upon the type of vehicle traffic to be served.
- Intersection curb radii shall be no less than 25 feet. On-street parking shall not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb return. When such a local residential street intersects an arterial, parking along the local street shall not be permitted within 50 feet of the intersection measured from the terminus of the curb return. The developer shall be responsible for the provision and distribution of "No Parking" signs as approved by the City Engineering Department.
- Sidewalks and planting strips shall not be required along easements.
- For cul-de-sacs greater than 100 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.

Connectivity and Circulation:

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)

Finding: 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.

Supportive of General Land Use Plan Designations and Development Patterns -- Policies:

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.

Finding: 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.

Public Safety:

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)

Finding: 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.

Livability:

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)

Finding: 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.

Circulation -- Policies:

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)

132.41.05 Cul-de-sac streets – 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)

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)

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)

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)

Finding: 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.

Environmental Preservation:

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)

Finding: 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.

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. (Ord. 4922, February 23, 2010)

Finding: 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.

Pedestrian Programs

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)

Finding: 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.

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:

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.

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:

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.

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

Water System:

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.

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.

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:

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.

Finding: 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.

Police and Fire Protection:

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

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.

Findings: 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.

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.

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.

Finding: 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 open-space greenway park within this planned development area.

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)

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.

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.

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

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.

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)

Finding: 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.

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:



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.

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.

Findings: 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.

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

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

Finding: 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 about 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.

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.

Finding: 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.

Citizen Involvement:

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.

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.

Finding: 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.

6. The subject request complies with the applicable requirements of the McMinnville Zoning Ordinance (Findings of Fact No. 6) as follows:

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.

Finding: 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.

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 [..]

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

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).

Finding: 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.

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).

Finding: 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.”

17.15.050 Building height. In an R-2 zone, a building shall not exceed a height of thirty-five feet. (Ord 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: Premier Development is not proposing to construct any building within the subject site at a height that would exceed this height limitation of thirty-five feet. Additionally, this building height limitation will be reviewed and verified by the Planning Department for each individual dwelling unit building permit reviewed by the City. This standard has been satisfied.

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).

Finding: 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.

Planned Developments:

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.

Finding: 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.

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).

Finding: 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.

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 (as amended by Ordinance No. 4242, April 5, 1983);
 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.

Finding: 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.

Chapter 17.53 Land Division Standards

17.53.101 Streets

A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

Finding: The planned street layout provides for the northerly extension of NW Pinot Noir Drive to serve the subject site. The plan also provides for the future easterly continuation of NW Pinehurst Drive beyond the easterly edge of the site, and the southerly continuation of NW Pinehurst drive from the temporary terminus proposed to be located between Lots 55 and 56, both of which will provide future public access opportunities to other adjacent sites. The proposed streets are local streets to be permitted and constructed to City standards. Therefore, this criterion is met.

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or

Finding: Due to the rather peninsular shape of a large portion of the subject site, and the site being bounded, in part, by Baker Creek and wetlands, continuation opportunities for streets to adjacent properties are limited as was recognized in the City's prior approvals of development proposals memorialized by the City Council's adoption of Ordinances 4722 and 4822 and their attendant preliminary subdivision plans. Since Premier Development is proposing to dedicate approximately 5.6 acres of open greenway space to the public for preservation and pedestrian enjoyment, a westerly street extension from this site is infeasible. However, as described above in the Finding for 17.35.101(A)(1), feasible street stubs will be provided to adjacent properties east and south. Additionally, while the adjacent Oak Ridge subdivision phases to the south incorporate a curb-to-curb dimension of 26-feet, Premier Development will not be continuing this



design standard as the curb-to-curb street dimension requirement has since changed by City ordinance and is now required to be 28-feet in width at the curb-to-curb dimension. Premier Development proposes to comply with the current design standard which will result, not only in design compliance, but also in increased vehicle mobility and public safety which were main purposes in the revision of that street standard.

3. Maximize potential for unobstructed solar access to all lots or parcels. 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. The east-west orientation of streets shall be integrated into the design.

Finding: As shown on the tentative subdivision plans, the extension of NW Pinot Noir Drive and the creation of the majority of NW Pinehurst Drive that creates the outer street edge of the proposed development are generally configured in a north-south orientation. This is due to the configuration of the site, the placement of the current terminus of NW Pinot Noir Drive and the need to provide public street access to the extents of the site. All of the remaining streets and the northernmost portion of NW Pinehurst Drive are proposed with an east-west orientation and allow maximum opportunities for solar access to all adjacent lots. The Findings related to solar access provided in Finding of Fact 4 above are hereby with this reference are also incorporated into this Finding of Fact. Therefore, this criterion is met.

- B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table ["McMinnville Transportation System Plan, Exhibit 2-4 – Complete Streets Design Standards"]:

Finding: As shown on the tentative subdivision plans (e.g., Exhibits 6, 9 and 11) all proposed streets will meet all applicable right-of-way, street width and streetscape requirements inclusive of the requirements of Section 17.51.151 of the McMinnville Zoning Ordinance and McMinnville Transportation System Plan, Exhibit 2-4 – Complete Streets Design Standards. Therefore, this criterion is met.

- C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

Finding: As shown on the tentative subdivision plans, and otherwise described, street stubs are proposed to be provided to adjacent land to the south and east at both ends of NW Pinehurst Drive to be required as a condition of approval of



this proposal as per McMinnville requirements in order to provide opportunities for future public street connectivity. Therefore, this criterion is met.

- D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in “T” intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

Finding: All streets in this subdivision proposal are local streets and are shown on the tentative subdivision plans exhibiting rights-of-way and design features commensurate with local streets. While safe and efficient vehicular circulation is provided by this proposal, there are eight “T” intersections in the proposed street design:

- 1) The intersection of “A” Street and NW Pinehurst Drive located between Lots 55 and 85 that will be stubbed to the south;
- 2) The east and west ends of “B” Street at their intersections with NW Pinehurst Drive;
- 3) The east and west ends of “C” Street at their intersections with NW Pinehurst Drive;
- 4) The intersection of “A” Street and NW Pinot Noir Drive;
- 5) The intersection of NW Pinot Noir Drive and NW Pinehurst Drive; and,
- 6) The intersection of “A” Court and NW Pinehurst Drive.

None of these “T” intersections are of a design that exhibit alignments with streets oriented in the same, or approximately the same, direction. As can be observed on Exhibit 9 (Preliminary Subdivision Plat), all centerline street offsets of proposed “T” intersections exceed 125 feet. Therefore, this criterion is met.

- E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street.

Finding: As shown on Exhibit 6 for example, this proposal provides for the future continuation of NW Pinehurst Drive to adjacent lands both to the south and east. The subject site is currently also served by public street access from developed land to the south. Baker Creek and its greenway lie adjacent to the site to the north and does not warrant a street stub at the site’s northern edge. The proposed approximately 5.6-acre public greenway dedication to occur along the western edge of the site precludes a public street stub to the west; the land to the west has the opportunity to be served by approval of a forthcoming development proposal utilizing Premier Development’s southwesterly NW Pinehurst Drive street stub in addition to the creation of streets leading northward from Baker Creek Road as means of providing public street access to that future development site. Therefore, this criterion is met.



F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.

Finding: As shown on the tentative subdivision plans, there are five intersections that are proposed to be laid out approximating right angles:

- 1) The intersection of "A" Street and NW Pinehurst Drive located between Lots 55 and 85 that will be stubbed to the south;
- 2) The west end of "A" Street at its intersection with NW Pinehurst Drive;
- 3) The west end of "B" Street at its intersection with NW Pinehurst Drive;
- 4) The west end of "C" Street at its intersection with NW Pinehurst Drive; and,
- 5) The intersection of NW Pinot Noir Drive and NW Pinehurst Drive.

As can be observed on the submitted preliminary subdivision plans, the proposed street design complies with the requirements above and provides at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection. At intersections which contain an acute angle of less than 80 (eighty) degrees there is a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and the maintenance of a uniform width between the roadway and the right-of-way line (Exhibit 6). Therefore, this criteria is met.

G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.

Finding: This project abuts only one existing right-of-way which is the temporary northerly terminus of NW Pinot Noir Drive which was developed to meet current City right-of-way and design standards at the time of construction. Since that time, the City has amended the paved section requirement of local streets from 26-feet in width to 28-feet in width. NW Pinot Noir Drive will be extended northward as shown on the submitted preliminary subdivision plans and will initiate a transition to a paved section of 28-feet in width immediately north NW Pinot Noir Drive's current temporary terminus and will then continue further northward into the subject site to serve and provide access to other planned streets within the proposed neighborhood. No additional right-of-way from



adjacent existing streets is needed to support approval of this proposal. Therefore, this criterion is met.

- H. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

Finding: As shown on the submitted tentative subdivision plans, there are no half streets proposed as part of this development plan. Therefore, this criterion is met.

- I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.

Finding: As shown on the tentative subdivision plans, there is one cul-de-sac planned as part of this proposal; "A" Court located in Phase I. At approximately 200-feet in total length, "A" Court is proposed to serve no more than seven (7) dwelling units if all of those proposed lots (Lots 34-40) were provided direct vehicular access from "A" Court. Therefore, this criterion is satisfied.

- J. Eyebrows. Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication. (Amended 11/18/94 by Ordinance 4573.)

Finding: As shown on the tentative subdivision plans, no eyebrows are planned. Therefore, this criterion is satisfied.

- K. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged. (Amended 10/9/90 by Ordinance No. 4477.)



Finding: With the exceptions of NW Pinot Noir Drive and NW Pinehurst Drive, all other street names shown on the Tentative Subdivision Plan, are, at this time, conceptual in nature. The future naming of new streets will not propose names that will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Further, all proposed street names and all street numbers shall be as approved by the City. Therefore, this criterion is satisfied.

L. Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grad exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required.

1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

Finding: The proposed streets are local streets and are not planned to exceed a grade of 12 (twelve) percent. As depicted on the submitted tentative subdivision plans and as will be reviewed by the McMinnville Engineering Department and Planning Department, the centerline radii of curves is not less than 100 feet as required by this standard except in locations dictated by the unique shape of the site and, as such, are approvable by the Planning Commission. Additionally, as shown on the attached Exhibits (e.g., Exhibits 30, 31, and 33-45), the proposed street grades comply with these requirements. Therefore, this criterion is met.

Criteria not Applicable: The following subsections of Section 17.53.101 are not applicable to this request as these circumstances do not exist within or adjacent to this proposal:

- M. Streets adjacent to a railroad right-of-way
- N. Frontage roads/streets
- O. Alleys
- P. Private way/drive
- Q. Bikeways [along arterial or collector streets]
- R. Residential Collector Spacing
- U. Gates



- S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)

Finding: All proposed streets will meet all applicable right-of-way, street width and streetscape requirements inclusive of curbside planter strips. All public sidewalks are shown on the attached Exhibits to be proposed to be five-feet in width and are to be placed one-foot from the right-of-way line along both sides of all proposed streets within this development. Therefore, this criteria is satisfied.

- T. Park Strips. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

Finding: As shown on the tentative subdivision plans, all proposed streets will meet all applicable right-of-way, street width and streetscape requirements inclusive of a curbside planter strip along both sides of all proposed streets. Premier Development also proposes one physical element to be placed within the planter strip along the east side of NW Pinehurst Drive, south of "A" Court. Premier Development is proposing the permanent installation of a bench within this portion of the planter strip to afford convenient long-term viewing of the adjacent wetlands for neighborhood residents and the community at large. This is being offered as an enhancement of the opportunity to enjoy this wetland area in a convenient and comfortable manner. This criterion is met.

While not directly related to park strip improvement requirements, Premier Development is also proposing the installation of a second permanent wetland viewing bench to be located at the northwest corner of the proposed fire truck turnaround to be located near the easternmost extent of NW Pinehurst Drive (Exhibits 6 and 9); this fire truck turnaround is proposed to satisfy Fire Department requirements related to emergency vehicle access and maneuverability. This fire truck turnaround is depicted on numerous submitted Exhibits inclusive of Exhibits 6, 7, 9, and 47.

17.53.103 Blocks

- A. 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.
- B. 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.

Finding: 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.

C. Easements.

1. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.

Finding: Ten-foot wide public utility easements will be provided along all public rights of way and other locations as required to accommodate the installation of such utilities and maintenance opportunities as necessary as shown on Exhibit 6. Therefore, this criterion is met.

2. Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer’s office. Streets or parkways parallel to major water courses may be required.



Finding: As shown on Exhibits 6, 7 and 11, the proposed subdivision is not impacted by drainageways, channels or streams except at the lowest elevations in locations where development is not proposed except for the following, generally described:

- Engineered fill will exist as the northeastern corner of Lot 38 and will also occur on Lot 42.
- A ten-foot wide public storm easement is proposed to be created between Lots 75 and 76 from the public right-of-way to the public greenway to then transition to a rip-rap channel to be installed within the greenway.
- There are wetlands located along the southeast portion of the site that will be impacted by the proposed construction of portions of NW Pinehurst Drive and “A” Court and on some of the proposed residential lots adjacent to these locations. The proposed impacted wetland areas are shown on Exhibit 6 and other attached Exhibits.

Tract 1, located east of the southern portion of NW Pinehurst Drive, has upland area where there is an existing detention and water quality treatment area for Phase I. The majority of the remaining area in Tract 1 is identified as a wetland area that has been previously delineated and mitigated and is bound by protections in that plan (Exhibit 8).

Relative to the proposed location of a portion of NW Pinehurst Drive that was the subject of that mitigation plan, it has been found through recent analysis by the well-established environmental consulting team Pacific Habitat Services, Inc. that some part of the adjacent wetland area has since manifested again into some location(s) of the already mitigated roadway area over the ensuing fifteen years since that plan’s approval. Additionally, there are also found to be wetlands identified within a portion of proposed “A” Court and on some of the proposed residential lots adjacent to these locations. While the delineation of these wetlands has been completed and is reflected on numerous submitted Exhibits inclusive of Exhibits 6, 7, 8 and 9, a final report has not yet been issued by Pacific Habitat Services, Inc.

Premier Development, LLC requests that a Condition of Approval of this proposal require the submittal of the final report from Pacific Habitat Services, Inc. to the Division of State Lands (DSL) for review and approval. Additionally, that a wetland mitigation plan be approved by DSL. Therefore, this criterion is met.

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)

Finding: 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.

17.53.105 Lots

A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.

1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

Finding: As shown on the submitted tentative plans the proposed lots are generally rectangular in shape as much as can be achieved given the unique peninsula like shape and topography of the site in addition to the site's protected wetland area along its eastern edge. The proposed lot sizes and orientation are appropriate for the type of use contemplated and given the current request for modifications to two existing Planned Development approvals. Additionally, all proposed lots are buildable.

Due to the limiting physical factors mentioned, and the need to provide adequate public street access throughout the site, there are a number of lots with a depth dimension exceeding two times their width. At this point, it is important to note the precise wording of this subject portion of 17.50.105(A)(1) which is that "the depth of lot shall not *ordinarily* exceed two times the average width." [emphasis added] The word "ordinarily" is meaningful in this context and this word was placed in this standard for a reason and that is to provide relief to the desired dimensional lot ratio when atypical site considerations prevail. To look closely, the word "ordinarily" evokes a standard of something being rather common and routine. In fact, for something to be ordinary, it evokes the majority and not the exception.

The lots that uncommonly exceed the 2:1 depth to width ratio in this proposal are lots 15-18, lots 42-49, and lots 56-79 (36 lots, or some 34 percent of the proposed lots in this two-phased plan). Premier Development has tried to avoid exceeding this desired lot depth to width ratio but given the physical characteristics of this site not all lots were able to be made to conform to this dimensional preference. With 34 percent of the proposed lots exceeding the 2:1 ratio, and some 66 percent of the proposed lots conforming to this ratio, Premier



Development submits that it is clearly *not* ordinary that the proposed lots exceed this desired standard. In fact, 66 percent of the proposed lots, by far the majority, are dimensioned sufficiently to meet this desired dimensional lot ratio and the lots that do not meet the ratio have atypical physical characteristics that make it impractical to meet those requirements. .

In addition to the discussion above, it is instructive to recall that this subdivision application accompanies two additional applications requesting amendments to existing Planned Developments that are currently part of the zone and binding on the subject site (Ordinances 4722 and 4822). Additional findings relative to lot size and dimensions are found in the portion of this application addressing the Planned Development Amendment request to modify Ordinance 4822 at 17.74.070 (A) and (B). Therefore, this criterion is satisfied.

- B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.

Finding: As shown on the submitted subdivision plans each lot will abut a public street for a width of at least 25 (twenty-five) feet. There will be no direct access onto a major collector or arterial street as no such designated street is within or adjacent to the subject site. Therefore, this criterion is met.

- C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.

Finding: One such through lot is proposed and is identified as Lot 12 in Phase I of the subdivision. Lot 12 sits at the northernmost portion of the block bounded by NW Pinot Noir Drive on the west and NW Pinehurst Drive on the west. This lot is generally triangular in shape and is some 10,232 square feet in size. The circumstances that precipitated the design of this lot relate directly to site configuration, topography, the placement of the existing portion of NW Pinot Noir Drive and the goal of providing public street access to the buildable portions of the site. The design of this one through lot overcomes the site's challenges and provides a buildable lot with enough area to allow for flexible placement of a future residence. This lot should also not be seen as uncommon for the surrounding area as Lots 1 – 11 of the Oak Ridge Subdivision to the south are fronted by Baker Creek Road on the south and either Cabernet Court or Chardonnay Drive on the north and are all consequently defined, approved and platted as through lots. This criterion has been satisfied.

- D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.



Finding: As shown on the submitted tentative subdivision plans, the side lines of lots run at right angles to the street upon which the lots face as far as practicable. Given the unique shape of the site, accurately referenced before as being somewhat peninsularly shaped, in addition to the location of the site's protected wetland area along its eastern edge and the need to provide adequate public street access throughout the site for the creation of buildable lots, there are some lots that cannot fully meet this standard (particularly those lots located around the northern curves along NW Pinehurst Drive and lots being accessed from the "A" Court cul-de-sac). This standard allows for a consideration of physical factors in its application (".. as far as practicable ..") and Premier Development has worked toward achieving this standard as far as practicable given the unique shape of this site and other physical factors previously discussed. While a number of the proposed lots do not provide side lot lines running at right angles to the street as can be seen on the submitted preliminary subdivision plans, Premier Development contends that it has met this standard as far as can practicably be achieved. Therefore, this criterion is met.

- E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

Finding: There are no flag lots proposed as part of this residential development plan. Therefore, this criterion is met.

Improvements:

17.53.151 Specifications for Improvements. The City Engineer has submitted and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:

- A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;
- B. Drainage facilities;
- C. Sidewalks in pedestrian ways;
- D. Sewers and sewage disposal facilities.

17.53.153 Improvement Requirements. The following improvements shall be installed at the expense of the subdivider:

- A. Water supply system. All lots within a subdivision shall be served by the City water supply system.
- B. Electrical system. All lots within a subdivision shall be served by the City electrical system.
- C. Sewer system. All lots within a subdivision shall be served by the City sewer system.
- D. Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage



within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.

- E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.
- F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.
- G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.
- H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.

Finding: 17.53.151 (A)-(D) and 17.53.153 (A)-(H) are satisfied in that the City Council has adopted the specifications referenced above as being appropriate and applicable to and administered by the City of McMinnville. As shown on Exhibits 7, 25 and 29, all lots shall be served by City water, electrical, sanitary and storm sewer systems including planned storm outfalls toward the eastern side of the development site. All streets will be graded and improved to city standards. No private ways or drives are proposed within the subject site. Dedication and improvement of public streets shall occur as required by City standards inclusive of curbs and gutters, five-foot wide sidewalks and planter strips; should this subdivision request be approved, a street tree planting plan shall be required as a condition of its approval which will require submittal of a plan to be reviewed for approval by the Landscape Review Committee. Therefore, these criteria are satisfied.

17.72.095 Neighborhood Meetings

A. A neighborhood meeting shall be required for:

- 1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:
 - a. Comprehensive plan text amendment; or
 - b. Zoning ordinance text amendment; or
 - c. Appeal of a Planning Director's decision; or
 - d. Application with Director's decision for which a public hearing is requested.
- 2. Tentative Subdivisions (up to 10 lots)
- 3. Short Term Rental

Finding: As the proposed applications are not those listed in this Section, a neighborhood meeting is required and has been held as evidenced by the



materials provided in this application and supporting narrative. This requirement is met.

B. Schedule of Meeting.

1. The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.
2. Land use applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.

Finding: One neighborhood meeting was held prior to the submittal of this land use proposal for the subject site. The neighborhood meeting was held on Thursday, July 26, 2018, and this land use application has been received by the City within 180 days of July 26, 2018. This requirement is met.

C. Meeting Location and Time.

1. Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.
2. The meeting shall be held at a location that is open to the public and must be ADA accessible.
3. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.
4. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 p. and 8 p. or Saturdays between the hours of 10 a. and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes after the scheduled starting time for the neighborhood meeting, the applicant may leave.

Finding: The neighborhood meeting was held at 6:00 p.m. on Thursday, July 26, 2018 which is not a day recognized by the United States Federal Government as a national holiday. The neighborhood meeting was held in room 102 of the McMinnville Community Center which is located within the city limits of the City of McMinnville. Both the McMinnville Community Center and Room 102 of the McMinnville Community Center are ADA accessible. An 8 ½ x 11" sign was posted on the entry door of this building before the meeting announcing the meeting, stating that the meeting is open to the public and that interested persons are invited to attend (Exhibit 12). These criteria are met.

D. Mailed Notice.

1. The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the exterior boundary of the subject property. The notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110.
2. Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.



3. An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.
4. The mailed notice shall:
 - a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.
 - b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request)
 - c. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development.
 - d. Include a conceptual site plan.
5. The City of McMinnville shall be included as a recipient of the mailed notice of the neighborhood meeting.
6. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.

Findings: The neighborhood meeting notice was mailed to the City of McMinnville Planning Department and to property owners located within 300 feet of the exterior boundary of the subject property (as required by McMinnville Zoning Ordinance 17.72.120(F)) on July 5, 2018 which was not fewer than 20 calendar days nor more than 30 calendar days prior the July 26, 2018 date of the neighborhood meeting (Exhibit 13). The official list used to mail the neighborhood meeting notice (Exhibit 14) was obtained from the McMinnville Planning Department office and was then utilized to mail the neighborhood meeting notice within the 45-day window of validity of the official mailing list. The mailed neighborhood meeting notice contained the date, time and location of the neighborhood meeting and an invitation for people to converse with the applicant regarding the proposal. Also included in the notice was a brief description of the proposal including the proposed housing type, proposed type and number of lots (single-family residential), proposed range of lot sizes and the average lot size and a statement that the residences may be either single or two-story in design. The mailed neighborhood meeting notice also included a copy of a GeoAdvantage vicinity map from First American Title that clearly identified the location of the proposed development (Exhibit 15) in addition to the inclusion of a tentative subdivision plan showing the lot layout, phase line and open spaces (Exhibit 16). Therefore, these requirements are met.

E. Posted Notice.

1. The applicant shall also provide notice of the meeting by posting one 18 x 24" waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
2. The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.
3. It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.



4. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.

Finding: Three 18 x 24" waterproof signs notifying individuals of the July 26, 2018 neighborhood meeting were posted in easily viewable and readable locations. Specifically, those signs were posted at the northern terminus of NW Pinot Noir Drive, at the entrance to the Oak Ridge Subdivision, and on the vacant lot along NW Pinot Noir Drive just east of its intersection with NW Chardonnay Drive (Exhibit 17) not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting. Premier Development has made every effort to ensure that the sign remained posted until the neighborhood meeting. On two occasions however someone had moved the posted neighborhood meeting signs out to Baker Creek Road at the entrances of the Compton Crest and the Crestbrook subdivisions. As soon as this was known to Premier Development, the signs were replaced by Premier Development to their original locations. Outside of these two incidences, Premier Development is not aware of the signs being otherwise removed or relocated and remained in their intended locations until after the neighborhood meeting had concluded. These requirements are satisfied.

F. Meeting Agenda.

1. The overall format of the neighborhood meeting shall be at the discretion of the applicant.
2. At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:
 - a. An opportunity for attendees to view the conceptual site plan;
 - b. A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;
 - c. An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.

Finding: An agenda for the neighborhood meeting was prepared (Exhibit 18) and provided to attendees of the neighborhood meeting that included an opportunity for attendees to view the tentative subdivision plan. The agenda also indicated that Premier Development would be providing a description of the proposal including the major elements of the plan as well as an opportunity for attendees to speak at the meeting and ask questions of Premier Development and communicate any issues that they believe should be addressed. These requirements have been met.

- G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:
1. A copy of the meeting notice mailed to surrounding property owners;
 2. A copy of the mailing list used to send the meeting notices;
 3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;



4. One 8 ½ x 11” copy of the materials presented by the applicant at the neighborhood meeting; and
5. Notes of the meeting, which shall include:
 - a. Meeting date;
 - b. Meeting time and location;
 - c. The names and addresses of those attending;
 - d. A summary of oral and written comments received; and
 - e. A summary of any revisions made to the proposal based on comments received at the meeting. (Ord. 5047, §2, 2018, Ord. 5045 §2, 2017).

Finding: Evidence of compliance with all of these requirements is as listed and referenced above in addition to the following Exhibits representing materials that were presented by Premier Development at the Neighborhood Meeting: Large Subdivision Layout (Exhibit 19); Plat - Aerial (Exhibit 20); Overall Utility Plan (Exhibit 21); Subdivision Layout with Contours (Exhibit 22). Also provided are the names and contact information as shared by those attendance at the Neighborhood Meeting (Exhibit 23), and a summary of oral and written comments received at the Neighborhood Meeting including a summary of any of Premier Development’s revisions made to the proposal based on comments received at the meeting (Exhibit 24). These requirements are satisfied.

17.74.070 Planned Development Amendment – Review Criteria. An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided 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 standard regulation requirements.

Findings: 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.

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

Finding: 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.

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.

Finding: 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.

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

Finding: 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.

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.

Finding: 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 Finding 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.

17.74.070 (F) Proposed utility and drainage facilities are adequate for the population densities and types of development.

Finding: 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.

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.

Finding: 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.

VI. Conclusion and Approval Request

The evidence in the record is substantial and supports approval of these requests.

Premier Development, LLC respectfully requests that Ordinance 4722 be amended to remove the referenced 11.47 acres from the Planned Development area as proposed. The resulting Planned Development area continuing to be bound by Ordinance 4722 will be that area defined as containing the Oak Ridge, Oak Ridge First Addition and Oak Ridge Second Addition residential subdivisions.

Premier Development, LLC also requests that the existing Oak Ridge Meadows Planned Development (Ordinance 4822) be amended in a number of ways to: 1) Add the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned Development; 2) Allow for lot size averaging; 3) Allow for modified setbacks; 4) Allow for some lots with side lot lines oriented other than at right angles to the street upon which the lots face; 5) Allow for some lots to exceed the recommended lot depth to width ratio; 6) Allow some block lengths to exceed the recommended maximum block length standard; 7) Allow for the designation of an approximately 0.85-acre active private neighborhood park; and, 8) Allow for dedication of an approximately 5.6-acre public open-space greenway dedication along Baker Creek.

Premier Development, LLC also requests approval of the proposed 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 and the designation of an approximately 0.85-acre active private neighborhood park and an approximately 5.6-acre public open-space greenway dedication along Baker Creek.

In approving these application requests, should the City prefer, at its discretion, to repeal prior ordinance(s) relative to this site and, in their stead, adopt a new Planned Development ordinance with conditions of approval necessary to allow Premier Development to move forward with this development as proposed, Premier Development, LLC would also be supportive of that effort.



Exhibit 1

ORDINANCE NO. 4722

An Ordinance approving a comprehensive plan map amendment from Commercial to Residential, and zone changes from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone, a City R-1 (Single-Family Residential) zone, and a City C-3 PD (General Commercial Planned Development) zone to a City R-2 PD (Single-Family Residential – Planned Development) zone on approximately 30.2 acres of land located north of Baker Creek Road, east of the Church of Jesus Christ of Latter Day Saints, and south of Baker Creek.

RECITALS

The Planning Commission received an application (CPA 10-99 / ZC 19-99 / S 6-99) from Premier Home Builders, Inc. dated October 13, 1999, requesting a comprehensive plan map amendment from Commercial to Residential and zone changes from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone, a City R-1 (Single-Family Residential) zone, and a City C-3 PD (General Commercial Planned Development) zone to a City R-2 PD (Single-Family Residential – Planned Development) zone on approximately 30.2 acres of land located north of Baker Creek Road, east of the Church of Jesus Christ of Latter Day Saints, and south of Baker Creek Road and more specifically identified as Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M.

A public hearing was held November 18, 1999, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 13, 1999, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request, found that said changes conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and the findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the plan amendments and zone changes are consistent with the Comprehensive Plan; and

The Planning Commission approved said comprehensive plan map amendments and zone changes and has recommended said changes to the Council; and

Subsequently, the City Council called for a public hearing. In accordance with City ordinances, the public hearing was scheduled for January 25, 2000, at 7:30 p.m. in the McMinnville School District Board Room, and was continued for further discussion and decision on February 8, 2000. Notice of said hearing was given by written notice to affected property owners and to the general public by legal notice in the local newspaper; and

The McMinnville City Council conducted the scheduled hearing at the time and date specified above in accordance with the standards adopted in City of McMinnville Ordinance No. 3682. The testimony of the proponents and opponents was received and, in addition, the record generated by the McMinnville Planning Commission, supplemental staff reports, supplemental reports from other agencies and additional exhibits were duly incorporated into the record and were considered by the Council; and now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Premier Home Builders, Inc.

Section 2. That the Comprehensive Plan Map shall be amended from a Commercial designation to a Residential designation for the property described in Exhibit "A" which is attached hereto and incorporated herein by this reference.

Section 3. That the property described in Exhibit "A" is hereby rezoned from a C-3 PD zone to an R-2 PD zone and from a County EF-80 zone and a City R-1 zone to a City R-2 PD zone subject to the following conditions:

1. That the comprehensive plan map amendment and zone change approvals (for those portions located outside of the current city limits) not take effect until and unless the City Council and the electorate approve the annexation request.
2. That the Oak Ridge subdivision tentative plan (or such plan as 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.

3. That the average lot size within the Oak Ridge subdivision shall be a minimum of 7,000 square feet.
4. That building setbacks for Lots 3, 4, 5, 13, 14, 87, 88, and 89 shall be as follows:
Front – 20 feet; however, the front yard setback measured to the open side of a garage or carport shall not be less than eighteen (18) feet.
Rear – 15 feet
Side – 7.5 feet
Exterior Side – 20 feet

The Planning Director is authorized to permit reductions or increases to these standards as may be necessary to provide for the retention of trees greater than nine inches in diameter measured at breast height. In no case, however, may the rear yard setback be reduced less than 5 feet, or the side yard setback to 5 feet, or the exterior side yard setback to 15 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 lot.


5. That existing trees greater than 9 inches in diameter measured 4.5 feet above grade, other than those identified for removal in the submitted arborist's report, shall not be removed without written permission of the McMinnville Planning Director. Trees to be retained shall be protected during all phases of home construction. A plan for the protection of trees to remain on site, and in particular, for the five "exceptional" Oregon white oak trees identified by the applicant's arborist, must be submitted to the City prior to construction of the proposed subdivision. In addition, such a plan shall also accompany any building permit for a lot on which trees are located. The plan must meet with the approval of the City prior to release of construction permits or building permits within the subject site.

Passed by the Council this 8th day of February 2000, by the following votes:

Ayes: Aleman, Hughes, Kirchner, Payne, Rabe, Windle

Nays: _____

Approved this 8th day of February 2000.


MAYOR

Attest:


RECORDER PRO TEM

Exhibit 2

ORDINANCE NO. 4822

An Ordinance rezoning certain property from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone on approximately 22.3 acres of land located northwest of the Oak Ridge residential development.

RECITALS

The Planning Commission received an application (ZC 12-04 / S 14-04) from Premier Development LLC, dated November 15, 2004, requesting a zone change from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone on approximately 22.3 acres of land located northwest of the Oak Ridge residential development. The property is further described as a portion of Tax Lot 600, Section 7, and Tax Lot 200, Section 8, T. 4 S., R. 4 W., W.M.

A public hearing was held on December 16, 2004 and continued on January 20, 2005, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on December 9, 2004, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request, and after considerable deliberation as to whether the request conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380, could not reach consensus as to approval or denial of the submitted request, and, therefore, forwarded without recommendation the subject matter to the City Council; and

The City Council held a public hearing on February 22, 2005, at 6:30 p.m. after due notice had been given in the local newspaper on February 15, 2005, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented, and the proceedings and record of the prior Planning Commission hearings were entered into the Council hearing record; and

At the conclusion of the public hearing, the Council left open the record until 5:00 pm, March 1, 2005, for the purpose of receiving additional written testimony from opponents to the applicant's request. An additional seven days, to 5:00 p.m., March 8, 2005, was provided to the applicant for written rebuttal to the testimony received; and

On March 8, 2005, the City Council, being fully informed about said request, found that said change conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and findings of fact and the conclusionary findings for approval (Exhibit "A"), all of which are on file in the Planning Department, and that the zone change is consistent with the Comprehensive Plan. The Council directed Planning Department staff to prepare the appropriate ordinance

memorializing their decision and to present it to them at their April 12, 2005 meeting for review and adoption; and now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions as contained in the Findings of Fact and Conclusionary Findings for Approval (Exhibit "A," attached), the staff report on file in the Planning Department, and the application filed by Premier Development LLC.

Section 2. That the property described in Exhibit "B", is hereby rezoned from an EF-80 (Exclusive Farm Use – 80-acre minimum) zone to an R-2 PD (Single-Family Residential Planned Development) zone subject to 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:

- 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.

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 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.

Passed by the Council this 12th day of April 2005 by the following votes:

Ayes: Hansen, Hill, Olson, Menke, Springer, Yoder

Nays: _____

Approved this 12th day of April 2005.


MAYOR

Attest:

CITY RECORDER
Approved as to form:



CITY ATTORNEY

Exhibit 1

ORDINANCE NO. 4722

An Ordinance approving a comprehensive plan map amendment from Commercial to Residential, and zone changes from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone, a City R-1 (Single-Family Residential) zone, and a City C-3 PD (General Commercial Planned Development) zone to a City R-2 PD (Single-Family Residential – Planned Development) zone on approximately 30.2 acres of land located north of Baker Creek Road, east of the Church of Jesus Christ of Latter Day Saints, and south of Baker Creek.

RECITALS

The Planning Commission received an application (CPA 10-99 / ZC 19-99 / S 6-99) from Premier Home Builders, Inc. dated October 13, 1999, requesting a comprehensive plan map amendment from Commercial to Residential and zone changes from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone, a City R-1 (Single-Family Residential) zone, and a City C-3 PD (General Commercial Planned Development) zone to a City R-2 PD (Single-Family Residential – Planned Development) zone on approximately 30.2 acres of land located north of Baker Creek Road, east of the Church of Jesus Christ of Latter Day Saints, and south of Baker Creek Road and more specifically identified as Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M.

A public hearing was held November 18, 1999, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 13, 1999, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request, found that said changes conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and the findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the plan amendments and zone changes are consistent with the Comprehensive Plan; and

The Planning Commission approved said comprehensive plan map amendments and zone changes and has recommended said changes to the Council; and

Subsequently, the City Council called for a public hearing. In accordance with City ordinances, the public hearing was scheduled for January 25, 2000, at 7:30 p.m. in the McMinnville School District Board Room, and was continued for further discussion and decision on February 8, 2000. Notice of said hearing was given by written notice to affected property owners and to the general public by legal notice in the local newspaper; and

The McMinnville City Council conducted the scheduled hearing at the time and date specified above in accordance with the standards adopted in City of McMinnville Ordinance No. 3682. The testimony of the proponents and opponents was received and, in addition, the record generated by the McMinnville Planning Commission, supplemental staff reports, supplemental reports from other agencies and additional exhibits were duly incorporated into the record and were considered by the Council; and now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Premier Home Builders, Inc.

Section 2. That the Comprehensive Plan Map shall be amended from a Commercial designation to a Residential designation for the property described in Exhibit "A" which is attached hereto and incorporated herein by this reference.

Section 3. That the property described in Exhibit "A" is hereby rezoned from a C-3 PD zone to an R-2 PD zone and from a County EF-80 zone and a City R-1 zone to a City R-2 PD zone subject to the following conditions:

1. That the comprehensive plan map amendment and zone change approvals (for those portions located outside of the current city limits) not take effect until and unless the City Council and the electorate approve the annexation request.
2. That the Oak Ridge subdivision tentative plan (or such plan as 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.

3. That the average lot size within the Oak Ridge subdivision shall be a minimum of 7,000 square feet.
4. That building setbacks for Lots 3, 4, 5, 13, 14, 87, 88, and 89 shall be as follows:
Front – 20 feet; however, the front yard setback measured to the open side of a garage or carport shall not be less than eighteen (18) feet.
Rear – 15 feet
Side – 7.5 feet
Exterior Side – 20 feet

The Planning Director is authorized to permit reductions or increases to these standards as may be necessary to provide for the retention of trees greater than nine inches in diameter measured at breast height. In no case, however, may the rear yard setback be reduced less than 5 feet, or the side yard setback to 5 feet, or the exterior side yard setback to 15 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 lot.


5. That existing trees greater than 9 inches in diameter measured 4.5 feet above grade, other than those identified for removal in the submitted arborist's report, shall not be removed without written permission of the McMinnville Planning Director. Trees to be retained shall be protected during all phases of home construction. A plan for the protection of trees to remain on site, and in particular, for the five "exceptional" Oregon white oak trees identified by the applicant's arborist, must be submitted to the City prior to construction of the proposed subdivision. In addition, such a plan shall also accompany any building permit for a lot on which trees are located. The plan must meet with the approval of the City prior to release of construction permits or building permits within the subject site.

Passed by the Council this 8th day of February 2000, by the following votes:

Ayes: Aleman, Hughes, Kirchner, Payne, Rabe, Windle

Nays: _____

Approved this 8th day of February 2000.


MAYOR

Attest:


RECORDER PRO TEM

EXHIBIT "A"
DOCKET ANX 4-99/CPA 10-99/ZC 19-99/S 6-99
FINDINGS OF FACT AND CONCLUSIONARY FINDINGS

FINDINGS OF FACT

1. The applicant is requesting approval of an annexation of approximately 9.2 acres of land. Also requested is approval of a zone change from a County EF-80 (Exclusive Farm Use - 80-acre minimum) zone to a City R-2 PD (Single Family Residential Planned Development) zone on said land. In addition, the applicant requests a comprehensive plan map amendment from Commercial to Residential, and a zone change from an existing C-3 PD (General Commercial Planned Development) zone to an R-2 PD zone, on approximately 9.1 acres of contiguous land; approval of a zone change from an existing R-1 (Single-Family Residential) zone to an R-2 PD zone on approximately 11.9 acres of contiguous land; and, approval of a 107-lot single-family residential tentative subdivision plan on the 30.2-acre parent parcel. The subject site is located north of Baker Creek Road, east of the Church of Jesus Christ of Latter Day Saints, and south of Baker Creek. The land is further described as Tax Lot 1300, Section 17, T. 4 S, R. 4 W., W.M.
2. The subject property is currently zoned County EF-80, C-3 PD, and R-1, and is designated as both Residential and Commercial on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can serve the site. The municipal Water Reclamation Facility has sufficient capacity to accommodate expected waste flows resulting from future residential development of the property.
4. The City of McMinnville Engineering, Building, and Parks Departments; McMinnville Fire Department, City Manager; City Attorney; School District No. 40; McMinnville Water and Light Department; Yamhill County Planning Department, and County Public Works; GTE; TCI Cable; and, Northwest Natural Gas have reviewed this request. No public agency returned a comment in opposition to this request.
5. Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 which are applicable to this request are as listed in the applicant's submitted narrative, dated October 18, 1999.
6. Sections of the McMinnville Zoning Ordinance (No. 3380) applicable to this request are as listed in the applicant's submitted narrative, dated October 18, 1999.
7. Sections of the McMinnville Annexation Ordinance (No. 4636) applicable to this request are as listed in the applicant's submitted narrative, dated October 18, 1999.

CONCLUSIONARY FINDINGS FOR APPROVAL

1. The subject request complies with goals and policies of the McMinnville Comprehensive Plan, 1981 (Finding of Fact No. 4) as listed in the applicant's submitted findings, with one exception. Finding V-3 shall be amended to read as follows (text proposed for deletion is lined out):

 "**Finding V-3:** Policy 71.01 is satisfied by the requests as the Oak Ridge Planned Development will be constructed below the maximum density of six units per acre; ~~thereby providing for sewer density allowances for trade-offs.~~"
2. The subject request complies with the applicable provisions and requirements of the McMinnville Zoning Ordinance No. 3380 (Finding of Fact No. 5) as listed in the applicant's submitted findings.
3. The subject request complies with the applicable provisions and requirements of the McMinnville Annexation Ordinance No. 4636 (Finding of Fact No. 6) as listed in the applicant's submitted findings.

MDW:ral

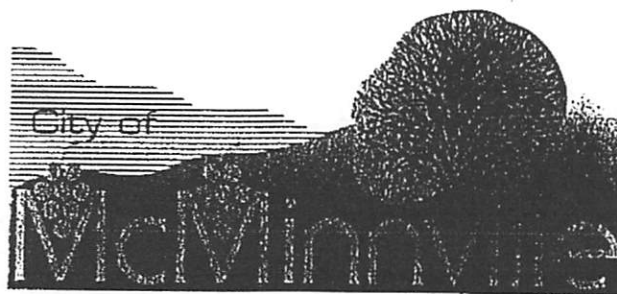


Exhibit 48

230 NE Second Street • McMinnville, Oregon 97128 • www.ci.mcminnville.or.us

November 23, 1999

Jeff and Lori Zumwalt
Premier Home Builders, Inc.
P O Box 43
McMinnville OR 97128

Dear Mr. and Mrs. Zumwalt:

This is to advise you that at a meeting of the McMinnville Planning Commission on Thursday, November 18 1999, your applications for annexation (ANX 4-99) of approximately 9.2 acres of land, comprehensive plan amendment (CPA 10-99), zone change (ZC 19-99) on approximately 9.2 acres of continuous land, and a 107-lot single-family residential tentative subdivision plan (S6-99) on the 30.2-acre parent parcel located north of Baker Creek Road, east of the Church of Jesus Christ of Latter Day Saints, and south of Baker Creek; and is further described as a portion of Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M. were presented and carefully studied.

Based on the materials submitted by the applicant, the testimony received, the findings of fact, and the conclusionary findings for approval, the Planning Commission voted to recommend to the City Council that ANX 4-99 be approved and forwarded to a vote of the electorate pursuant to City and State annexation requirements.

Based on the materials submitted by the applicant, the testimony received, the findings of fact, and the conclusionary findings for approval, the Planning Commission voted to recommend to the City Council that CPA 10-99 be approved and that ZC 19-99 be approved subject to the following conditions:

1. That the comprehensive plan map amendment and zone change approvals (for those portions located outside of the current city limits) not take affect until and unless the annexation request is approved by the City Council and the electorate.
2. That the Oak Ridge subdivision tentative plan (or such plan as 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.

Community Development Department
Planning Department (503) 434-7311 FAX (503) 472-4104

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.

3. That the average lot size within the Oak Ridge subdivision shall be a minimum of 7,000 square feet.
4. That building setbacks for Lots 3, 4, 5, 13, 14, 87, 88, and 89 shall be as follows:
Front – 20 feet; however, the front yard setback measured to the open side of a garage or carport shall not be less than eighteen (18) feet.
Rear – 15 feet
Side – 7.5 feet
Exterior Side – 20 feet

The Planning Director is authorized to permit reductions or increases to these standards as may be necessary to provide for the retention of trees greater than nine inches in diameter measured at breast height. In no case, however, may the rear yard setback be reduced less than 5 feet, or the side yard setback to 5 feet, or the exterior side yard setback to 15 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 lot.

5. That existing trees greater than 9 inches in diameter measured 4.5 feet above grade, other than those identified for removal in the submitted arborist's report, shall not be removed without written permission of the McMinnville Planning Director. Trees to be retained shall be protected during all phases of home construction. A plan for the protection of trees to remain on site, and in particular, for the five "exceptional" Oregon white oak trees identified by the applicant's arborist, must be submitted to the City prior to construction of the proposed subdivision. In addition, such a plan shall also accompany any building permit for a lot on which trees are located. The plan must meet with the approval of the City prior to release of construction permits or building permits within the subject site.

Pursuant to the annexation and zoning ordinances of the City of McMinnville, an application approved by the Planning Commission may be appealed within 15 days of such approval to the City Council. If no appeal is filed with the City Recorder on or before December 7, 1999, the City Council will consider your request on December 14, 1999 (unless otherwise notified).

Based on the material submitted by the applicants, the testimony received, the findings of fact, and the conclusionary findings for approval, the Planning Commission voted to approve S 6-99 subject to the following conditions:

1. That the subdivision approval does not take effect until and unless the companion annexation, plan amendment, and zone change applications are approved by the City Council and McMinnville electorate.
2. That the applicant shall secure all required state and federal permits, including if applicable those related to the federal Endangered Species Act, and those required by the Oregon Division of State Lands and U.S. Army Corps of Engineers, and Department of Environmental Quality (applicable storm runoff and site development permits) prior to construction of the proposed subdivision. Copies of the approved permits shall be submitted to the City.
3. 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.
4. 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.
5. That the applicant secure from the Federal Emergency Management Agency appropriate certification to indicate the location and base flood elevation of the Baker Creek floodplain prior to the construction of Phase 3. All proposed development shall be located outside of an identified floodplain consistent with the City's floodplain ordinance.
6. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and grading permit for lot fill and grading from the City Building Division.
7. That restrictive covenants shall be prepared for the development. At a minimum, the covenants shall provide provisions for the continued maintenance of a 10-foot wide landscaped strip along the Baker Creek Road frontage, and landscaped islands within Street "D" and "F", and provisions for tree retention, care, and planting. The proposed covenants must meet with the approval of the Planning Director.
8. That the applicant plant street trees within curbside planting strips along all proposed streets (including the north side of Street "F" unless not permitted by the wetland permit) and the Baker Creek Road frontage 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. 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 addition, street trees shall not be planted within 30 feet of street intersections. 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 that does not meet this standard.

Each year the applicant shall install street trees, from November 1 to March 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. All required trees shall be installed by the applicant prior to final platting, or security equal to 120 percent of the cost of installing the required street trees shall be posted with the City. The amount and form of such security shall be as required by the Planning Director.

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 that may die for one year from the date of planting.

9. That prior to the submittal of the final plat, the names of all proposed streets shall be submitted by the applicant to the City for review and approved by the Planning Director.
10. That 10-foot utility easements shall be provided along the north side of Baker Creek Road and along both sides of all public rights-of-way for the placement and maintenance of required utilities.
11. 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.

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.

12. That the section of Street "E" located immediately south of its intersection with Street "F" may be constructed with a minimum width, measured from curb to curb, of twenty feet. All other streets within the proposed subdivision, other than that section of Street "D" near its intersection with Baker Creek Road, shall be improved with a 28-foot wide paved section, and five-foot wide curbside planting strips located within a 50-foot right-of-way. The southern end of Street "D" shall be improved with two travel lanes each a minimum of eighteen feet in width separated by a landscaped raised median located within a sixty-foot wide right-of-way. Five-foot wide sidewalks shall be constructed within the public right-of-way one-foot from the property line adjacent to both sides of all public streets.

unless otherwise approved. Meandering sidewalks shall be permitted within the north grove and south grove to avoid the removal of existing trees. If the Planning Director should find that significant tree removal is required to accommodate the sidewalk on the west side of "E" Street, then a public sidewalk for this section of street shall not be required.

13. That the intersection of Street "F" and Street "E" be designed in accordance with the requirements of the City Engineer and McMinnville Fire Department. In particular, the intersection must provide a minimum 35-foot centerline turning radii to accommodate turning movement of emergency access vehicles, or as may otherwise be approved by the Fire Marshall
14. That improvements, including curbs, five-foot wide sidewalks, fencing, and landscaping are required along the Baker Creek Road frontage. Plans for the improvement of the Baker Creek Road frontage shall be submitted to the City Engineer and McMinnville Landscape Review Committee, as appropriate, for review and approval prior to their construction. All required improvements shall be installed prior to the filing of the final plat. Fencing shall be of a design that provides vertical and horizontal articulation so as to avoid the creation of a visually monotonous appearance.
15. That direct vehicular access from Baker Creek Road from Lots 34-44 is not allowed. Said restriction shall be noted on the face of the final plat.
16. That direct vehicular access from Street "D" to Lots 36 and 37 is not allowed. Driveways for these lots shall be placed as far possible from the intersection of Street "A" and Street "D" as possible to avoid conflict with other traffic at the intersection. Such limitations shall be noted on the face of the final plat and included in the covenants for the subdivision.
17. That the applicant extend water service to the subject site in accordance with McMinnville Water and Light requirements. Easements as may be required for the extension of water shall also be provided.
18. That approved, working fire hydrants must be installed prior to the issuance of building permits for the subject site.
19. That the area located in the northeast corner of the subject site, outside of any platted lots or public right-of-way (approximately 3.1 acres), be dedicated to the City of McMinnville for public park purposes, unless otherwise restricted due to the terms of a wetland permit issued by the Oregon Division of State Lands or Army Corps of Engineers. Said dedication shall be indicated on the face of the final subdivision plat. The value of this land shall be applied as an offset toward the applicant's park system development charges.
20. That if the property owner wishes a one-year extension of the Commission approval of this tentative plan under the provisions of Section 16 of Ordinance No. 3702, 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.

21. That secondary emergency access shall be provided to the subject site by the applicant prior to the issuance of any building permits. At a minimum the required secondary emergency access must be constructed to include a 12-foot wide travel lane with 20 feet of vertical clearance. Plans for the provision of secondary emergency access for each phase of construction must be submitted to the McMinnville Fire Department for their review and approval prior to release of the final plat.
22. That the applicant dedicate a 10-foot wide strip of land parallel to the north right-of-way of Baker Creek Road, extending from the subject site's eastern border to the western border, for the future improvement of Baker Creek Road to a minor arterial street. Such dedication shall be shown on the face of the final plat.
23. That no on-street parking shall be allowed on either side of proposed 20-foot wide street sections, within 50-feet of intersections on 28-foot wide streets, or on outside turning radii of 28-foot wide streets. The applicant is required to install "no parking" signs in locations as may be required by the City Engineer.
24. That barricades shall be installed by the applicant at the terminus of all public streets as may be required by the City Engineer.
25. That a public street, designed to the standards of a local residential street (26-foot wide paved section, five-foot wide sidewalks, and six-foot wide curbside planting strip within a 50-foot right-of-way), shall be constructed westward from Street "E" to the western property line of the subject site. The location and alignment of this street shall be as required by the City Engineer. Adjustment of the submitted tentative plan are authorized as may be necessary to accommodate the provision of this street.
26. That the proposed street plan for the eastern midsection of the subject site be revised as may be necessary to avoid impact to wetlands within the subject site and those within the adjacent Compton property. At a minimum the eastern terminus of Street "F" shall be turned due south to intersect with the proposed intersection of Street "E" and Street "B" (future connection through the Compton property to Baker Crest Court would then be accomplished through the eastern extension of Street "E").

Street "F" may be constructed in the alignment proposed on the tentative plan only upon submittal of a wetland permit issued by the Oregon Division of State Lands or Army Corps of Engineers that supports the further eastern extension of this street to Baker Crest Court. Such evidence must be submitted prior to the construction of Phase 2 of this project, or the phase lines for Phase 2 shall be amended to remove those lots that may be affected by the southern realignment of Street "F".
27. 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 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.

28. That if technically feasible, (as determined by the City Engineer) the applicant provide a pedestrian easement extending northeast from streets "E" to "F" for access to the proposed public open space. The easement shall be a minimum of fifteen (15) feet in width and shall be improved as required by the City Engineer as part of the required subdivision improvements. If possible, the pedestrian easement should extend northeast from the intersection of streets "E" and "C" or alternatively from the intersection of Streets "E" and "D".

Pursuant to the Land Division Ordinance of the City of McMinnville, applications approved by the Planning Commission may be appealed within fifteen (15) days of the day of such approval to the City Council. If no appeal is filed with the City Recorder on or before December 7, 1999, the decision of the Planning Commission on this matter will be final.

Final approval of the subdivision must conform to the City subdivision regulations and engineering improvement requirements. A final subdivision must also conform to the provisions as established in Chapter 92 of the Oregon Revised Statutes. A list of fees to be paid by the developer and the submittals which are required before the final plat may be recorded are enclosed.

If you have any questions regarding these matters, please contact me at 434-7311.

Sincerely,



Doug Montgomery, AICP
Planning Director

DRM:rai

Enclosure

cc: Rick Highsmith
Dave Haugeberg
Mark Davis



0 50 100 200
(feet)

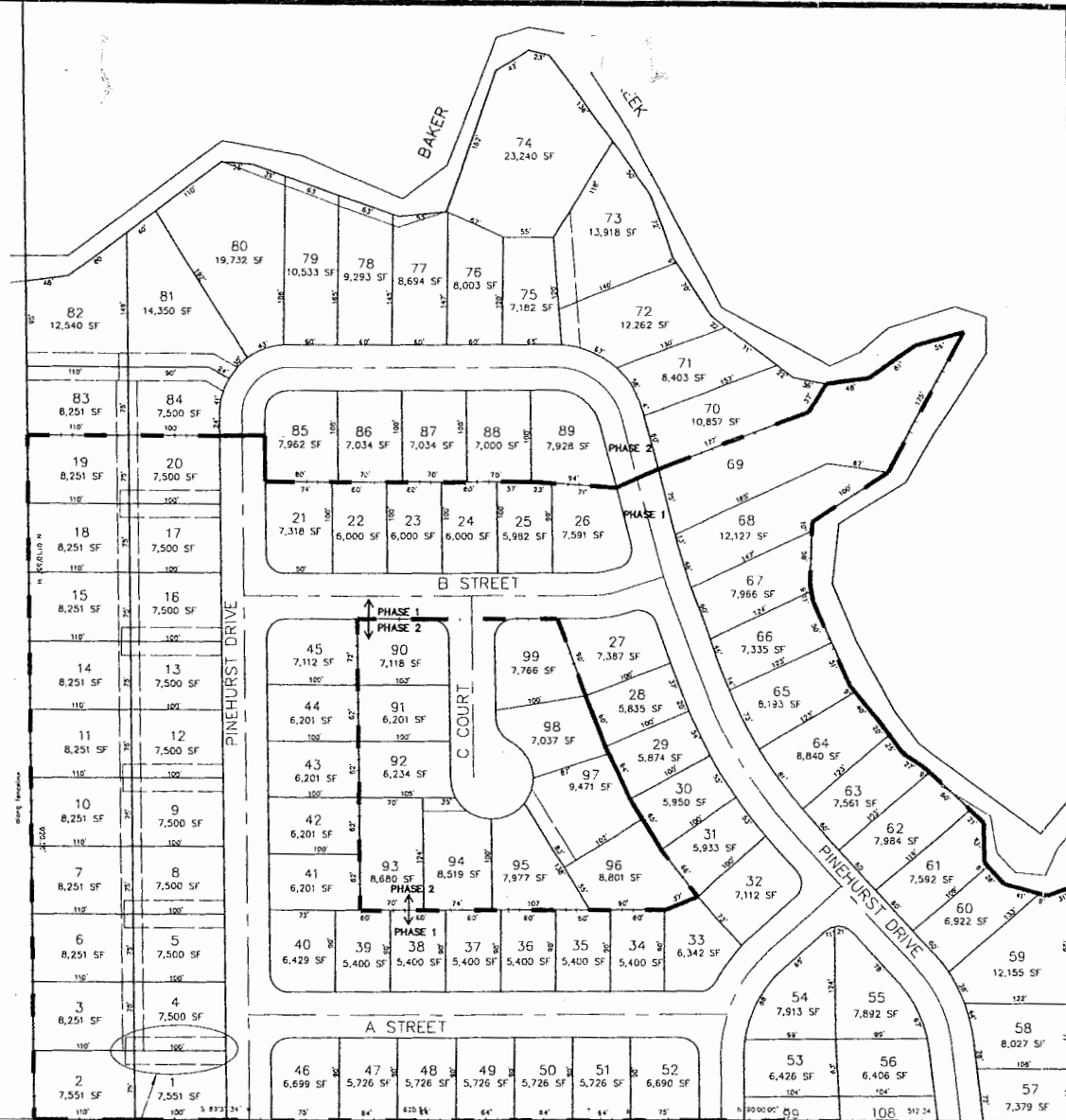
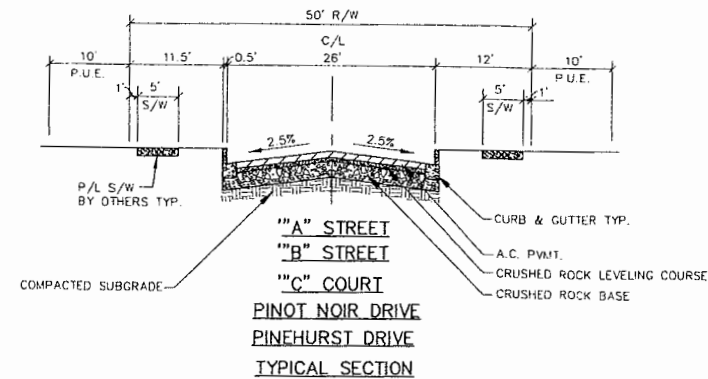


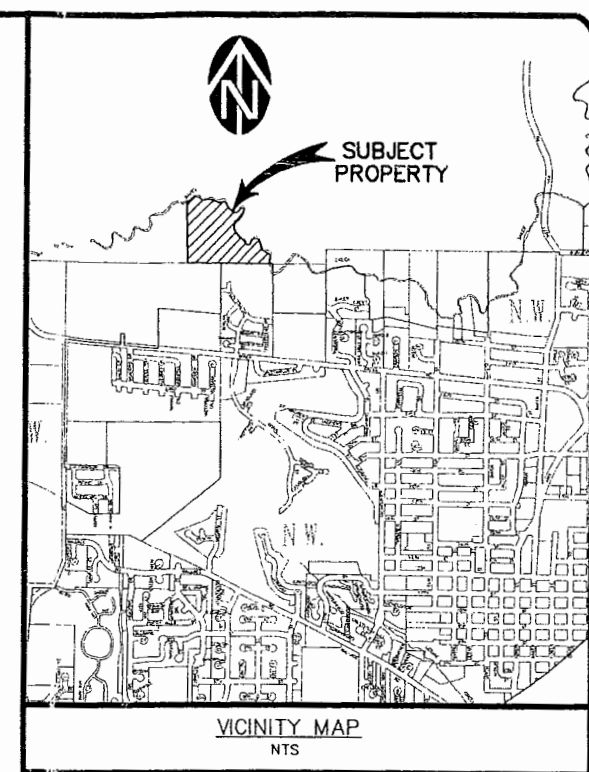
Exhibit 4



REDUCED EXTERIOR SIDEYARD SETBACKS
ARE REQUESTED FOR THE FOLLOWING LOTS
21,26,27,32,40,45,46,52,54 & 55



SUBJECT
PROPERTY



VICINITY MAP
NTS

SUBDIVIDER
PREMIER DEVELOPMENT, LLC
1312 NE HIGHWAY 99W
McMINNVILLE, OR 97128

OWNERS

- VINCENT C. BRENTANO 1/4 INTEREST
- DONNA L. BRENTANO
- VINCE P. BRENTANO 1/4 INTEREST
- JOHN W. ALTREE 1/4 INTEREST
- CHRISTINE M. ALTREE
- ALLEN L. SCHWARTZ 1/4 INTEREST
- M. SUSAN SCHWARTZ

ENGINEER

WESTECH ENGINEERING
3841 FAIRVIEW INDUSTRIAL DR. SE
SUITE 100
SALEM, OREGON 97302
PH: 503-585-2474

SURVEYOR

DUNCAN SURVEYING CO.
3765 RIVERSIDE DRIVE
McMINNVILLE, OREGON 97128
PH: 503-472-7904

WATER

McMINNVILLE WATER & LIGHT

POWER

McMINNVILLE WATER & LIGHT

SEWER/STREET/DRAINAGE

CITY OF McMINNVILLE

GAS

NORTHWEST NATURAL GAS CO.

TELEPHONE

VERIZON

ZONE REQUESTED

R-2 PD

TAX LOT

600 SECTION 7 & 8 T4S R4W W.M.

AREA

APPROX. 22.3 ACRES

LOT COUNT

TOTAL 99 LOTS

PHASE 1 69 LOTS

PHASE 2 30 LOTS

AVG. LOT SIZE

8,059 SF

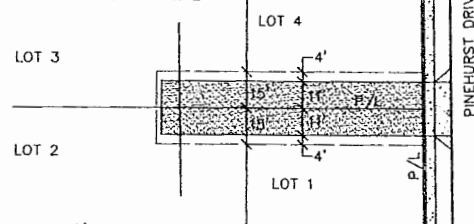
MAX. LOT SIZE

24,636 SF

MIN. LOT SIZE

5,400 SF

15' ACCESS EASEMENT
TO BENEFIT LOTS 3 & 4
WITH CROSS-OVER EASEMENT
TO BENEFIT LOTS 1 & 2

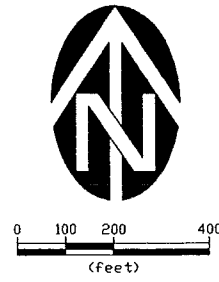


DRIVEWAY AND EASEMENT DETAIL
NTS

15' ACCESS EASEMENT
TO BENEFIT LOTS 1 & 2
WITH CROSS-OVER EASEMENT
TO BENEFIT LOTS 3 & 4

VERIFY SCALE DATE IS ONE INCH ON DRAWING 0 THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECTS WITHOUT THE ENGINEER'S WRITTEN CONSENT		DSM: DBK DRN: US CKD: DBK DATE: AUG, 03	DESCRIPTION REVISIONS	BY
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OAKRIDGE MEADOWS				
TENTATIVE PLAN				
SHEET 1 OF 3				
JOB NUMBER 2335.3000.0				

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PREMIER HOMES McMinnville, OR

OAKRIDGE MEADOWS

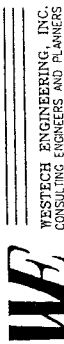
LOCAL STREET ACCESS PLAN

SHEET

2 OF 3

JOB NUMBER

2335.3000.0



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

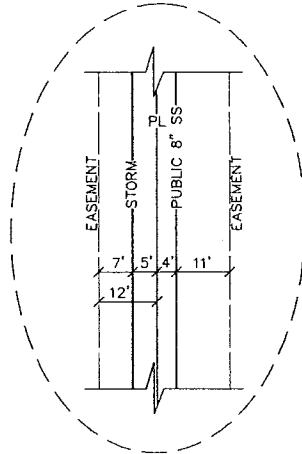
VERIFY SCALE
DATE: 10/14/2004
BY: [Signature]

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DSN: DBK
DRN: LS
CKD: DBK
DATE: 10/14/2004

DESCRIPTION
REVISIONS

NO. 1
DATE 10/14/2004



WE

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

SHEET
3 OF 3
JOB NUMBER
2335.3000.0

[illegible]

Exhibit 5

ORDINANCE NO. 4845

An Ordinance amending Ordinance 4822, which rezoned certain property from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone on approximately 22.3 acres of land located northwest of the Oak Ridge residential development, to adopt additional findings.

RECITALS

On April 12, 2005, the City Council approved Ordinance 4822, which implemented an application (ZC 12-04 / S 14-04) from Premier Development LLC, dated November 15, 2004, requesting a zone change from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone on approximately 23 acres of land located northwest of the Oak Ridge residential development. The property is further described as a portion of Tax Lot 600, Section 7, and Tax Lot 200, Section 8, T. 4 S., R. 4 W., W.M.

The applicant appealed the City Council's decision to the State of Oregon Land Use Board of Appeals ("LUBA"). LUBA remanded the decision back to the City Council for further consideration on one issue. Premier Development LLC v. City of McMinnville, _____ Or LUBA _____ (LUBA 2005-065, Dec. 20, 2005).

The City Council held a public hearing on remand and concluded that its April 12, 2005, decision complies with all applicable criteria. The Council decided to amend its April 12 decision to adopt additional findings in support of the decision; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council amends Section 1 of Ordinance 4822 to adopt the findings and conclusions as contained in the Supplemental Findings of Fact and Conclusionary Findings for Approval on Remand (Exhibit "A," attached) as additional findings and conclusions in support of its decision as set forth in Ordinance 4822.


Section 2. Except as provided by Section 1, Ordinance 4822 is unchanged.

Passed by the Council this 14th day of March 2006, by the following votes:

Ayes: Hansen, Hill, Menke, Olson, Springer, Yoder

Nays: _____

Approved this 14th day of March 2006.


MAYOR

Attest:


RECORDER

Approved as to form:


CITY ATTORNEY

EXHIBIT "A"
SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONARY FINDINGS
FOR APPROVAL ON REMAND
DOCKET ZC 12-04/S 14-04

INTRODUCTION

1. Premier Development LLC ("applicant") requested approval of a zone change from a County EF-80 (Exclusive Farm Use - 80-acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone on approximately 23.0 acres of land. The applicant also requested approval of a tentative residential subdivision plan to accommodate 99 single-family residential lots. The subject site is located north of Pinot Noir Drive and the Oak Ridge residential development and is further described as a portion of Tax Lot 600, Section 7, and Tax Lot 200, Section 8, T. 4 S., R. 4 W., W.M. The subject property was annexed to the city on May 18, 2004, by the voters of McMinnville. The City Council approved the application with conditions in a decision dated April 12, 2005.
2. The applicant appealed the City Council's decision to the State of Oregon Land Use Board of Appeals ("LUBA"). LUBA remanded the decision back to the City Council for further consideration on one issue. Premier Development LLC v. City of McMinnville, ____ Or LUBA ____ (LUBA 2005-065, Dec. 20, 2005).
3. The sole issue before the City Council on remand is whether the City's April 12, 2005, decision complies with a portion of the McMinnville Community Zoning Ordinance ("MCZO") Section 17.72.035 that the Council failed to discuss in its prior decision. The applicant's particular argument was that the condition imposed by the City Council limiting development of the proposed subdivision to 76 lots until a second direct access is constructed from Pinehurst Drive to Baker Creek Road did not comply with this portion of Section 17.72.035 because it "discouraged needed housing through unreasonable cost or delay."
4. LUBA otherwise upheld the City's decision, concluding that the City's decision to impose the above-noted condition was justified pursuant to its findings and was supported by substantial evidence in the record.
5. The City Council held an on the record hearing on remand at its March 14, 2006, meeting.

FINDINGS OF FACT

MCZO 17.72.035 contains the provisions at issue on remand:

"17.72.035 Review Criteria. An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

"A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;

"B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;

"C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

"When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

"In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay."

The portion of the section shown in bold is the portion of the provision that LUBA concluded the Council failed to address in its April 12, 2005, decision.

CONCLUSIONS

1. The City Council's April 12, 2005, decision found that the application was in compliance with MCZO 17.72.035 subsections A, B, and C. This finding was not challenged by the applicant at LUBA, but LUBA questioned whether subsection B should have been applied given that the application dealt with needed housing. Subsection B was not applied to deny or condition the decision, so the Council concludes that its prior finding with regard to Subsection B is surplusage.

2. Although not raised by the applicant in its LUBA appeal, the Council concludes that its decision does not exclude needed housing or unnecessarily decrease densities within the meaning of MCZO 17.72.035. The Council approved the applicant's request for an R-2 zoning designation with a planned development ("PD") overlay. The PD overlay permits an applicant to vary from the clear and objective requirements of the City's subdivision ordinance, such as setbacks, lot size, and lot design, thereby allowing an applicant to maximize developable density on a constrained property. The Council's prior decision authorizes development of 99 lots, a 30% higher density than was originally proposed when the subject property was submitted to the voters for annexation. The Council approved the development at this density in spite of objections from opponents who argued that the development should be limited to the 76 lots proposed in the annexation measure. The Council's decision to approve the subdivision is consistent with the City's comprehensive plan designation and the City's housing policies as explained in the Council's unchallenged findings in its April 12, 2005, decision.

3. The Council concludes that the decision does not attach special conditions that "would have the effect of discouraging needed housing through unreasonable cost or delay." The City argued before LUBA that this provision is essentially identical to ORS 197.307(6) and should be construed accordingly. The Council finds that this subsection of MCZO 17.72.035 is clearly intended to implement the statute and finds that it should be construed consistently with the statute. As the City noted in its brief before LUBA:

"the statute does not prohibit *reasonable* cost or delay. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370, 422 (2002). The statute also doesn't prohibit local regulations that delay build out until urban services are available to support the development.

"The needed housing statute at ORS 197.307 is not concerned with the timing of development, nor does it require that all areas of the city be immediately available for development of needed housing under clear and objective standards. The statute is not offended by a standard that effectively requires needed housing developers to apply under discretionary standards

designed to address public safety concerns until emergency services are extended to currently unserved portions of the city.' *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA at 418-419."

The Council concludes that MCZO 17.72.035 is not intended to relax or prohibit conditions that delay development of needed housing until adequate public facilities are constructed or available. The condition requiring direct connection to Baker Creek Road was imposed pursuant to Comprehensive Plan Policies 79.00 and 99.00, which require an adequate level of urban services, including streets improved to city standards, to be provided prior to or concurrent with all proposed residential development. These policies are housing policies under Chapter V ("Housing and Residential Development") of the Plan. These are therefore the policies that MCZO 17.72.035 directs the Council to emphasize, not "other policies" to which subsections (1), (2), and (3) apply. (The condition was also imposed pursuant to Policy 122.00, which is not a housing policy but sets forth the City standards with regard to streets, and so the Council finds that its application implements the housing policies noted above.)

The Council concludes that any additional cost or delay as a result of conditions designed to ensure adequate public facilities is reasonable in light of these policies and the other multiple policy and ordinance requirements that public facilities must be adequate to serve new residential development and to preserve livability in surrounding neighborhoods as discussed in the unchallenged portions of the Council's prior decision. Allowing residential development to occur on substandard public facilities could actually increase delay as a result of citizen opposition and appeals (as occurred with this application) and add cost as a result of the need to install after-the-fact upgrades to bring the public facilities up to City standards.

In its appeal to LUBA, the applicant challenged the imposition of the condition limiting development of the proposed subdivision to 76 lots until a second direct access is constructed from Pinehurst Drive to Baker Creek Road. The applicant argued that the condition caused unreasonable cost and delay because the applicant had proposed alternative, more reasonable, access routes that would alleviate the identified traffic problem. The Council, however, did not agree that the applicant's proposed alternatives would alleviate the traffic impact on the local street system caused by full build-out of the subdivision. LUBA upheld that portion of the City's decision imposing the direct connection and rejecting the applicant's alternative routes, and the applicant did not appeal. That issue is therefore resolved with regard to this application. If another access route is constructed prior to the direct connection to Baker Creek Road that the applicant believes would alleviate the impact of the traffic generated by full build-out of the subdivision, the applicant may file an application to amend the condition pursuant

to MCZO 17.72.030 ("Public Hearings and Notice Requirements: Zoning Map and Planned Development Overlay Amendments") and make its case at that time.

For these reasons, the Council concludes that imposing a condition limiting development of the proposed subdivision to 76 lots until a second direct access is constructed from Pinehurst Drive to Baker Creek Road does not violate MCZO 17.72.035.

4. Based upon the findings and conclusions above, the Council concludes that its Ordinance 4822 implementing the zone change and PD overlay does not require any additional substantive amendment to decision, but should be modified to incorporate these supplemental findings in support of the decision.

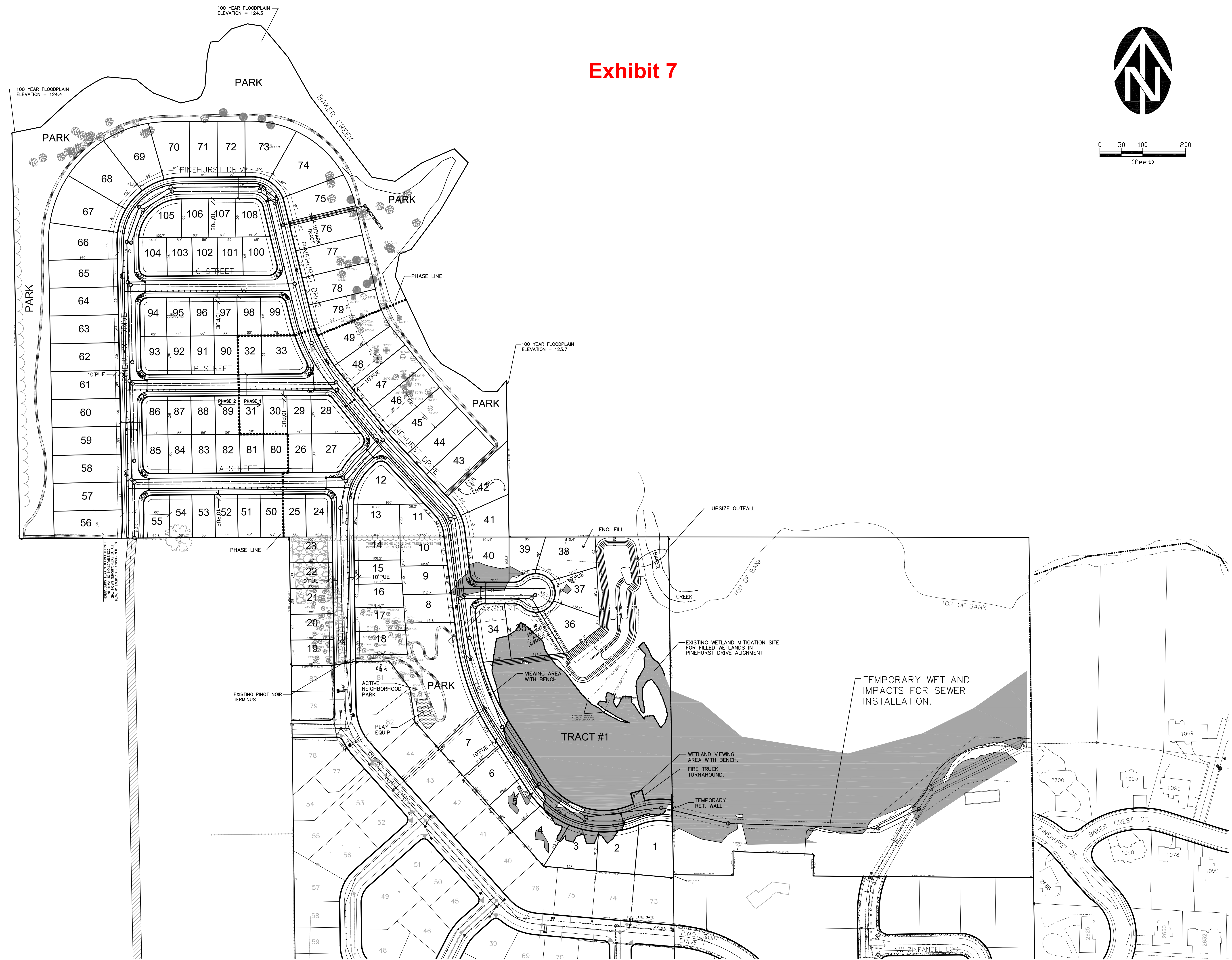
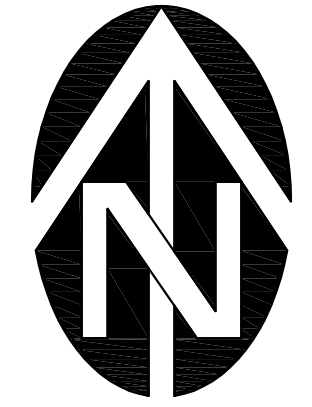


Exhibit 7



A horizontal number line is shown with tick marks at 0, 50, 100, and 200. The unit is labeled "(feet)" below the line. The segment between 50 and 100 is shaded with a thick black line.

VERIFICATION SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING
0 1
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

DSN.	JW
DRN.	TN
CKD.	JW
DATE: APR. 2018	

REVIEW REVIEW

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

PRELIMINARY DEVELOPMENT

OAK RIDGE MEADOWS SUBDIVISION

OVERALL UTILITY PLAN

DRAWING C5.0

DB NUMBER
35.4000.0

Exhibit 8

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK



00183090200400225940070078

200422594

9:30:27 AM 11/05/2004

PR-CRPR Cnt=1 Stn=3 SUSAN
\$35.00 \$10.00 \$11.00

\$56.00

DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE Oak Ridge Wetland Mitigation Site

THIS DECLARATION is made this 1st day of November 2004, by Premier Development, LLC. , ("Declarant"). This Declaration of Covenants is required as a permit condition which is part of the mitigation of impacts to wetlands regulated under Oregon's Removal-Fill Law, ORS 196.800 et seq. ORS 182.060 provides that "Any instrument creating a[n]...easement...may be indexed and recorded in the records of deeds of real property in the county where such real property is located." Further, ORS.060 provides that "When requested by a state board or commission, the county clerk shall file or record, or both, in the office of the clerk any instrument affecting real property and immediately shall return to the board or commission a receipt for the instrument, aptly describing it and showing the legal charge for the filing or recording or the instrument." Therefore, the Division of State Lands, operating under the State Land Board, requires the recording of this instrument as described above.

RECITALS

1. WHEREAS, Declarant is the owner of the real property described in Exhibit "A" attached hereto and by this reference incorporated herein as the "Property", and desires to create thereon wetlands to be maintained in accordance with the Permit Number approved by the Oregon Division of State Lands ("Division"), attached as Exhibit B;
2. WHEREAS, Declarant desires to provide for the preservation and enhancement of the wetland values of the Property and for the maintenance and management of the Property and improvements thereon, and to this end desires to subject the Property to the covenants, restrictions, easements and other encumbrances hereinafter set forth, each and all of which is and are for the benefit of the Property.

NOW, THEREFORE, the Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements and other encumbrances hereinafter set forth in this Declaration.

ARTICLE 1

DEFINITIONS

- 1.1 "Declaration" shall mean the covenants, restrictions, and all other provisions set forth in the Declaration of Covenants and Restrictions.
- 1.2 "Declarant" shall mean and refer to Premier Development, LLC., its successors or assigns.
- 1.3 "Removal fill permit" shall mean the final document approved by the Division that formally establishes the wetland mitigation and stipulates the terms and conditions of its construction, operation and long-term management.
- 1.4 "Property" shall mean and refer to the wetland mitigation site described in Exhibit "A".

ARTICLE 2

PROPERTY SUBJECT TO THIS DECLARATION

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Yamhill County, Oregon and is more particularly described as the wetland mitigation site described in Exhibit "A".

ARTICLE 3

GENERAL PLAN OF DEVELOPMENT

Declarant currently manages the property for the purpose of wetland mitigation. Current management is in accordance with Permit Number DSL #32996-RF.

ARTICLE 4

USE RESTRICTIONS AND MANAGEMENT RESPONSIBILITIES

The Property shall be used and managed for wetland mitigation purposes in accordance with Permit Number DSL #32996-RF. Declarant and all users of the Property are subject to any and all easements, covenants and restrictions of record affecting the Property.

1. There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation on the restricted property, nor any disturbance or change in the natural habitat of the property, except to remove non-native species.
2. There shall be no agricultural, commercial, or industrial activity undertaken or allowed in the property; nor shall any right of passage across or upon the property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.
3. No domestic animals shall be allowed on the property.
4. There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Property in any manner without written approval from the state and federal wetland regulatory agencies.
5. There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures on the Property.
6. Crossings of the restricted property for utility line installation shall be allowed only if complete restoration of grades and vegetation is done.

ARTICLE 5

RESOLUTION OF DOCUMENT CONFLICTS

In the event of any conflict between this Declaration and Permit Number DSL #32996-RF, the permit shall control.

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument this 3rd day of November, 2004.

Premier Development, LLC:
Yamhill County, Oregon

By: Lou J. Sumwalt, Member
Title: Member

EXHIBIT "A"

1 of 2

Matt Dunckel & Assoc.
3765 Riverside Drive
McMinnville, Oregon. 97128
Phone: 472-7904
Fax: 472-0367

Date: 1 Sept. 2004

PREMIER BUILDERS - Legal Description of Wetland Mitigation Area

A tract of land in Section 17, Township 4 South, Range 4 West, Yamhill County, Oregon, being more particularly described as follows:

Beginning at a point that is North 83°59'30" East 405.48 feet from the north east corner of Lot 44 of OAK RIDGE SUBDIVISION, in the City of McMinnville; thence southeasterly 46.71 feet along a curve (C1) concave to the north having a radius of 147.70 feet (chord=South 51°48'24" East 46.51 feet); thence southeasterly 37.67 feet along a curve (C2) concave to the south having a radius of 2220.97 feet (chord=South 60°22'49" East 37.67 feet); thence southeasterly 21.84 feet along a curve (C3) concave to the north having a radius of 71.46 feet (chord=South 68°38'57" East 21.75 feet); thence southeasterly 20.12 feet along a curve (C4) concave to the north having a radius of 182.94 feet (chord=South 80°33'17" East 20.11 feet); thence southeasterly 13.81 feet along a curve (C5) concave to the south having a radius of 78.400 feet (chord=South 78°39'27" East 13.80 feet); thence southeasterly 10.39 feet along a curve (C6) concave to the south having a radius of 16.56 feet (chord=South 55°38'35" East 10.22 feet); thence southeasterly 18.03 feet along a curve (C7) concave to the north having a radius of 37.44 feet (chord=South 51°28'16" East 17.85 feet); thence southeasterly 17.06 feet along a curve (C8) concave to the south having a radius of 131.81 feet (chord=South 61°33'27" East 17.05 feet); thence southeasterly 12.51 feet along a curve (C9) concave to the north having a radius of 24.68 feet (chord=South 72°22'29" East 12.38 feet); thence northeasterly 18.99 feet along a curve (C10) concave to the north having a radius of 19.98 feet (chord=North 65°52'03" East 18.28 feet);

Page 1 of 2

Date: 1 Sept. 2004

PREMIER BUILDERS - Legal Description of Wetland Mitigation Area

thence northeasterly 10.77 feet along a curve (C11) concave to the north having a radius of 27.57 feet (chord=North 28°03'55" East 10.11 feet);
thence North 00°08'22" West 16.72 feet;
thence northwesterly 18.04 feet along a curve (C12) concave to the east having a radius of 136.99 feet (chord=North 13°07'56" West 18.03 feet);
thence northwesterly 9.52 feet along a curve (C13) concave to the west having a radius of 52.08 feet (chord=North 14°35'46" West 9.51 feet);
thence northwesterly 15.76 feet along a curve (C14) concave to the east having a radius of 99.89 feet (chord=North 15°18'53" West 15.74 feet);
thence northwesterly 24.01 feet along a curve (C15) concave to the west having a radius of 130.60 feet (chord=North 16°03'41" West 23.97 feet);
thence northwesterly 17.35 feet along a curve (C16) concave to the west having a radius of 79.66 feet (chord=North 27°34'03" West 17.32 feet);
thence northwesterly 19.62 feet along a curve (C17) concave to the east having a radius of 99.73 feet (chord=North 28°10'18" West 19.59 feet);
thence northwesterly 23.84 feet along a curve (C18) concave to the west having a radius of 107.10 feet (chord=North 28°54'48" West 23.80 feet);
thence northwesterly 21.30 feet along a curve (C19) concave to the east having a radius of 54.99 feet (chord=North 24°11'43" West 21.17 feet);
thence northwesterly 15.36 feet along a curve (C20) concave to the west having a radius of 101.28 feet (chord=North 17°26'39" West 15.34 feet);
thence northwesterly 34.56 feet along a curve (C21) concave to the west having a radius of 1369.28 feet (chord=North 22°30'42" West 34.55 feet);
thence South 43°31'41" West 175.64 feet to the point of beginning as shown by Exhibit "___".

Exhibit "B"

Location: NW 1/4 Section 17, T. 4 S., R. 4 W., WM.,
City of McMinnville, Yamhill County, OR

Tax Lot: 4417 - 1300

Date: 1 Sept. 2004

OAK RIDGE

SUBDIVISION

2nd ADD. 82

Pinot Noir Dr.

OAK RIDGE

SUBDIVISION

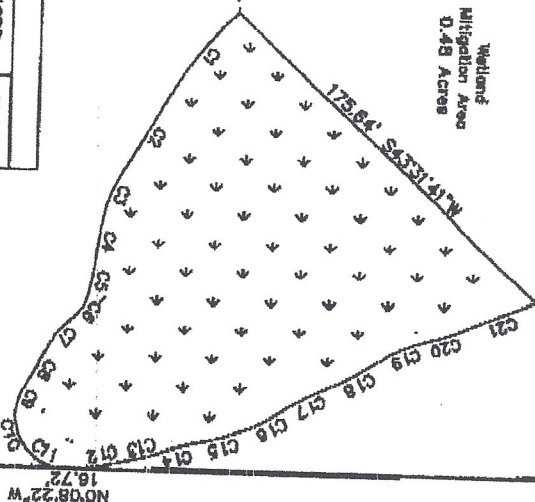
Reisling Way

SUBDIVISION

Scale: 1" = 100'

North

Wetland
Mitigation Area
0.48 Acres



CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA ANGLE	CHORD BEARING	CHORD DISTANCE
C1	147.70	46.71	18°07'09"	S51°48'24"E	46.51
C2	2220.97	37.67	0°58'18"	S80°22'48"E	37.67
C3	71.46	21.84	17°30'35"	S68°38'57"E	21.75
C4	182.84	20.12	61°18'06"	S60°33'17"E	20.11
C5	76.40	13.61	10°05'46"	S78°38'27"E	13.60
C6	16.56	10.39	35°55'58"	S55°38'35"E	10.22
C7	37.44	18.03	27°35'20"	S51°28'16"E	17.85
C8	131.81	12.05	7°24'56"	S61°33'27"E	12.05
C9	24.68	12.51	29°02'58"	S72°22'28"E	12.38
C10	18.88	18.98	54°27'57"	N65°52'03"E	18.28
C11	27.57	10.17	21°08'18"	N28°03'55"E	10.11
C12	136.89	18.04	7°32'48"	N13°07'38"E	18.03
C13	52.08	9.52	10°28'30"	N14°35'46"E	9.51
C14	98.89	15.78	9°02'17"	N15°18'53"E	15.74
C15	130.60	24.01	10°31'54"	N16°03'41"E	23.97
C16	78.66	17.35	12°28'51"	N27°34'03"E	17.32
C17	89.73	19.62	11°16'21"	N26°10'18"E	19.59
C18	107.10	23.84	12°45'20"	N28°54'48"E	23.80
C19	54.99	21.30	22°11'36"	N24°11'43"E	21.17
C20	101.28	15.36	8°41'22"	N17°26'39"E	15.34
C21	1569.28	34.56	1°26'45"	N22°30'42"E	34.56

Matt Duncel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone : 503-472-7804
Fax: 503-472-0367
Email: duncel@mlink.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

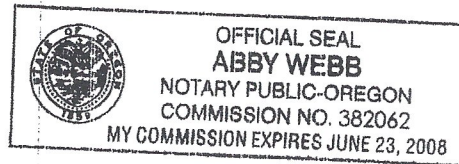
OREGON
MATT HEV E. DUNCCEL
1942

Renewable 31 December 2005

STATE OF OREGON)

County of Yamhill)

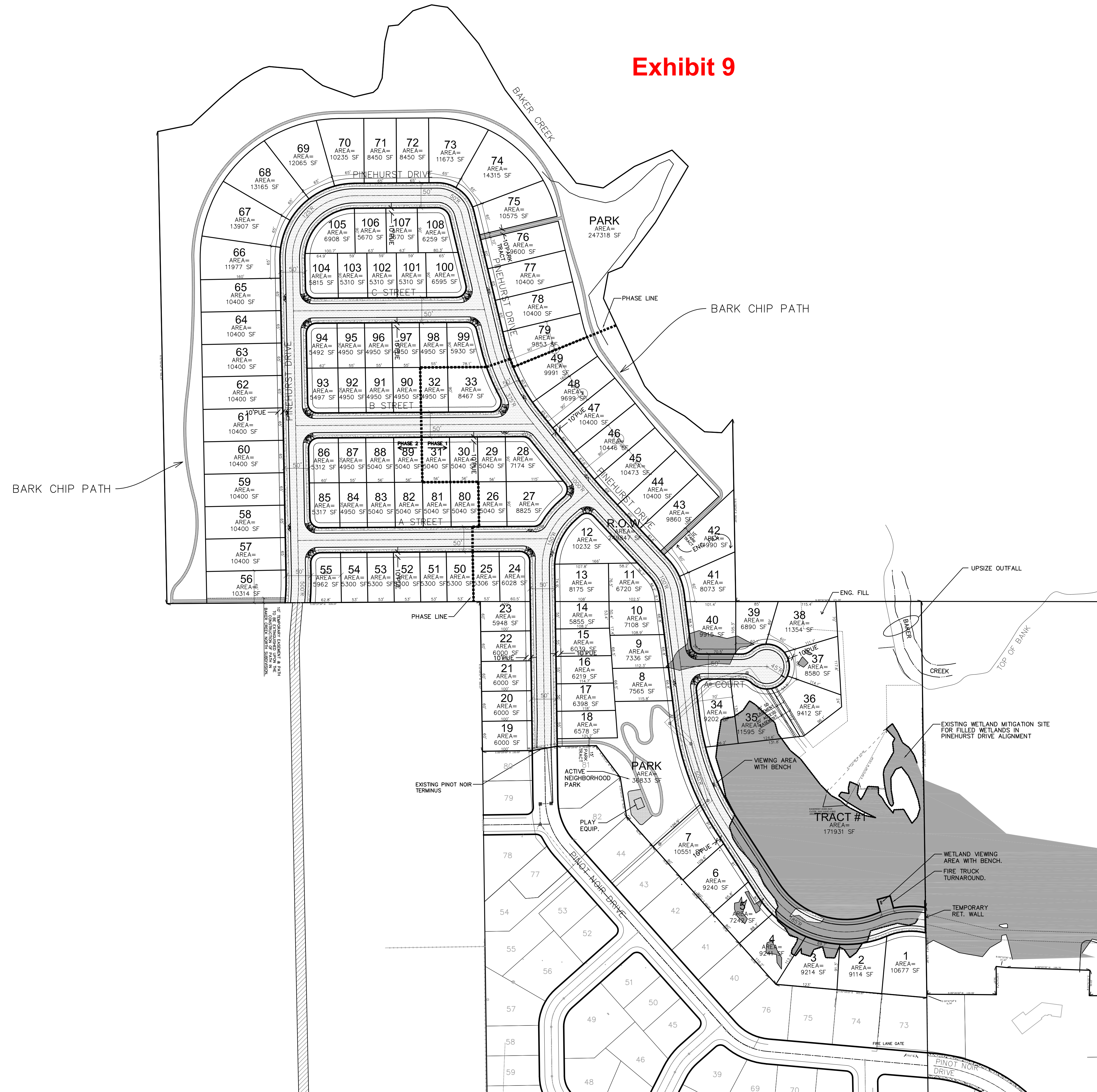
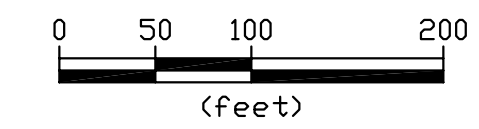
SS:



This instrument was acknowledged and signed before me on November 3, 2004
by Lori L. Zumwalt

Abby Webb
Signature of Notarial Officer
My Commission Expires: June 23, 2008

Exhibit 9



VERIFICATION SCALE

BAR IS ONE INCH ON ORIGINAL DRAWING

IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

1"

DSN.	JW
DRN.	TN
CKD.	JW
DATE: APR. 2018	

REVIEW REVIEW

WESTTECH 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

PRELIMINARY
SUBDIVISION PLAT

DRAWING
C6.0

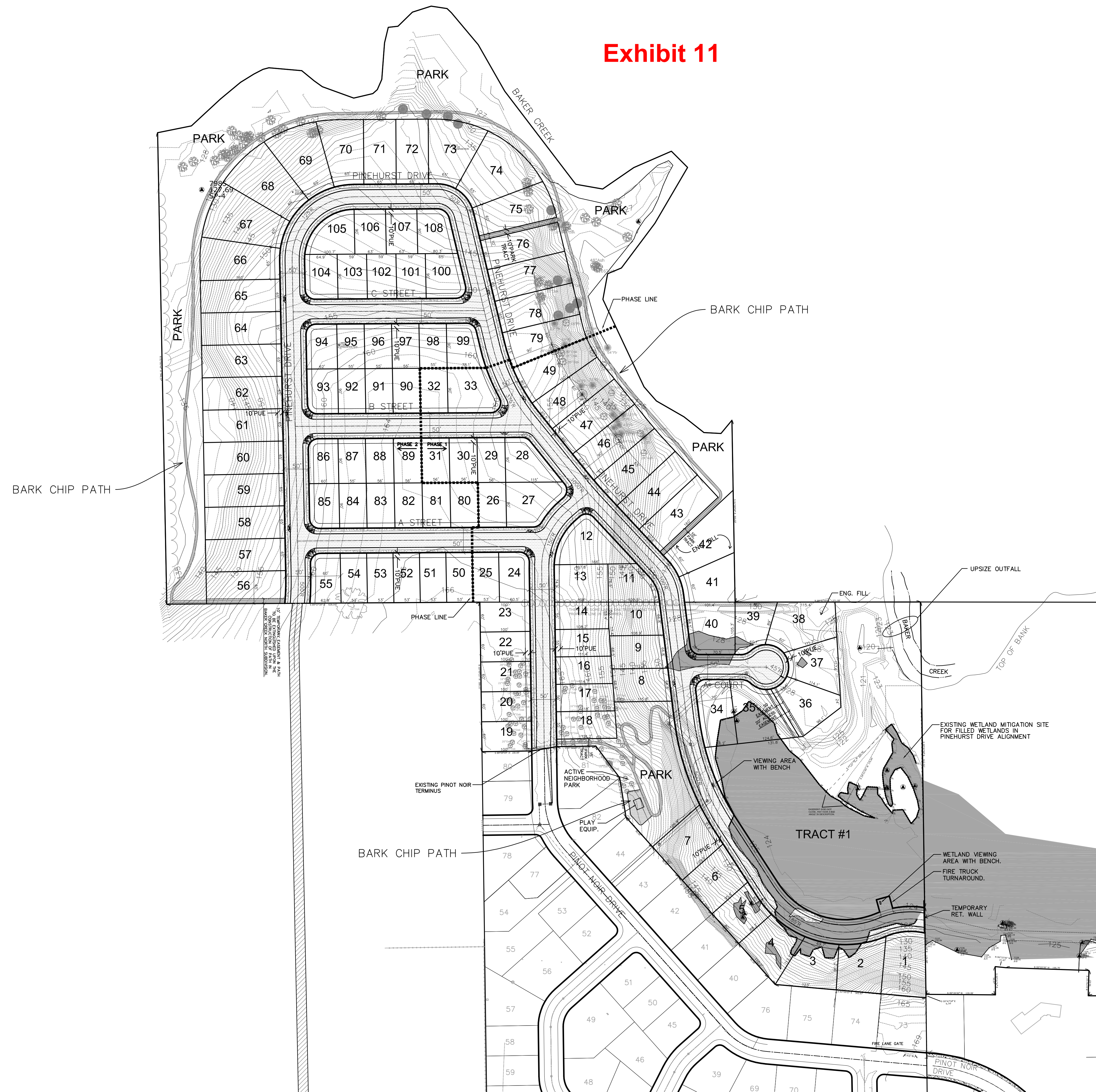
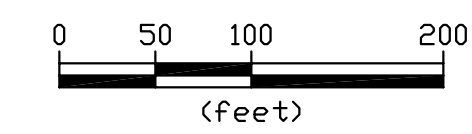
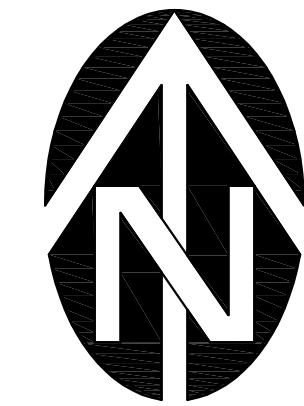
DB NUMBER
35.4000.0

[illegible]

Exhibit 10

Oak Ridge Meadows Phase I – Lots		Oak Ridge Meadows Phase II – Lots	
Lot #	Square Footage	Lot #	Square Footage
1	10,677	50	5,300
2	9,114	51	5,300
3	9,214	52	5,300
4	9,241	53	5,300
5	7,242	54	5,300
6	9,240	55	5,962
7	10,551	56	10,314
8	7,565	57	10,400
9	7,336	58	10,400
10	7,108	59	10,400
11	6,720	60	10,400
12	10,232	61	10,400
13	8,175	62	10,400
14	5,855	63	10,400
15	6,039	64	10,400
16	6,219	65	10,400
17	6,398	66	11,977
18	6,578	67	13,907
19	6,000	68	13,165
20	6,000	69	12,065
21	6,000	70	10,235
22	6,000	71	8,450
23	5,948	72	8,450
24	6,028	73	11,673
25	5,306	74	14,315
26	5,040	75	10,575
27	8,825	76	9,600
28	7,174	77	10,400
29	5,040	78	10,400
30	5,040	79	9,853
31	5,040	80	5,040
32	4,950	81	5,040
33	8,467	82	5,040
34	9,202	83	5,040
35	11,595	84	4,950
36	9,412	85	5,317
37	8,580	86	5,312
38	11,354	87	4,950
39	6,890	88	5,040
40	9,915	89	5,040
41	8,073	90	4,950
42	11,990	91	4,950
43	9,860	92	4,950
44	10,400	93	5,497
45	10,473	94	5,492
46	10,446	95	4,950
47	10,400	96	4,950
48	9,699	97	4,950
49	9,991	98	4,950
Average Sq. Footage	8,013	99	5,930
		100	6,595
		101	5,310
		102	5,310
		103	5,310
		104	5,815
		105	6,908
		106	5,670
		107	5,670
		108	6,259
		Average Sq. Footage	7,570
Total square foot average for all 108 Lots		7,771	

Exhibit 11



PREMIER DEVELOPMENT

OAK RIDGE MEADOWS SUBDIVISION

OVERALL SUBDIVISION LAYOUT WITH CONTOURS

DRAWING
C4.1

JOB NUMBER
2335.4000.0

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

841 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

IF NOT ONE INCH ON THIS SHEET, ADJUST

DSN.	JW
DRN.	TN
CKD.	JW

[illegible]

Exhibit 12

**NEIGHBORHOOD MEETING
FOR THE PROPOSED
OAK RIDGE MEADOWS SUBDIVISION**

DATE: July 26, 2018

TIME: 6:00 PM

LOCATION: McMinnville Community Center, Room 102

**THIS MEETING IS OPEN TO THE PUBLIC AND
INTERESTED PERSONS ARE INVITED TO ATTEND**

Exhibit 13

NEIGHBORHOOD MEETING for Oak Ridge Meadows PROPERTY DEVELOPMENT INFORMATION

DATE: July 26, 2018

TIME: 6:00 PM

LOCATION: McMinnville Community Center, Room 102

This is an opportunity for neighbors in the surrounding area to see and hear what residential development is going to be proposed to the Planning Commission in the near future. We invite anyone interested to come and have a conversation about the future development proposal.

Proposal: The description of the three applications we will be proposing is:

- A Planned Development Amendment to modify the Oak Ridge Planned Development (Ordinance No. 4722) to remove the unplatted fourth phase of the Oak Ridge phased subdivision (approximately 11.47 acres) from the boundary of the Oak Ridge Planned Development.
- A Planned Development Amendment application to amend the existing Oak Ridge Meadows Planned Development (Ordinance 4822) in a number of ways including: 1) Add the unplatted fourth phase of the Oak Ridge phased subdivision to the boundary of the Oak Ridge Meadows Planned Development; 2) Modify setbacks from those previously approved; 3) Allow construction of a portion of NW Pinehurst Drive to modified standards; 4) Allow for the designation of a private Nature Park; and, 5) Allow for dedication of public open space.
- A tentative phased residential subdivision plan on approximately 35.47 acres of land that, if approved, would provide for the construction of 106 single-family homes on lots ranging in size from 4,950 to 15,981 square feet and averaging 7,730 square feet in size.

Homes to be built are anticipated to range from approximately 1,800 to 3,500 square feet in size and will be single and two-story design. This development is expected to be done in two phases, with full build out in approximately 5 years.

Please come to this neighborhood meeting to receive information on the proposed development and to ask questions, provide input and voice any concerns you may have.

Attached: Tax map, Conceptual development plan

Thank you in advance for your participation.

Respectfully,
Lori Zumwalt, Member
Premier Development, LLC

Exhibit 14

Oak Ridge Meadows

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4417B801600	2767 NW PINOT NOIR DR	LIERMAN JEAN TRUSTEE FOR THE	LIERMAN JEAN TRUSTEE FOR THE	2767 NW PINOT NOIR DR	MCMINNVILLE OR	97128
2	R4407 00701	10551 NW BRENTANO LN	DAVISON LINDA	DAVISON LINDA L FAMILY TRUST	10551 NW BRENTANO LN	MCMINNVILLE OR	97128
3	R4417B806907	2646 NW CHARDONNAY DR	CLAYTON GEOFFREY R	CLAYTON GEOFFREY R	2646 NW CHARDONNAY DR	MCMINNVILLE OR	97128
4	R4407 00701	10551 NW BRENTANO LN	DAVISON LINDA	DAVISON LINDA L FAMILY TRUST	10551 NW BRENTANO LN	MCMINNVILLE OR	97128
5	R4417B806200	1407 NW REISLING WAY	CUSCADEN ARTHUR B	CUSCADEN ARTHUR B	1407 NW REISLING WAY	MCMINNVILLE OR	97128
6	R4408 00200	3375 WESTSIDE RD CNTY	BERNARDS RUSSELL	BERNARDS KAREN J	8645 NW DONNELLY LN	MCMINNVILLE OR	97128
7	R4417B806900	2658 NW PINOT NOIR DR	PREMIER DEVELOPMENT LLC	PREMIER DEVELOPMENT LLC	1312 NE HWY 99W	MCMINNVILLE OR	97128
8	R4418 00107	CNTY	BAKER CREEK	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO OR	97034
9	R4417 01202	MCIN	TOTH LESLIE A &	TOTH LESLIE A &	2700 NW PINEHURST DR	MCMINNVILLE OR	97128
10	R4417B806300	1427 NW REISLING WAY	OWENS FREDERICK N	OWENS FREDERICK N	1427 NW REISLING WY	MCMINNVILLE OR	97128
11	R4417B806906	2671 NW PINOT NOIR DR	KEARNS CALEB J	KEARNS CALEB J	2671 NW PINOT NOIR DR	MCMINNVILLE OR	97128
12	R4417B800500	2718 NW PINOT NOIR DR	COLVIN CHARLES M TRUSTEE	COLVIN CHARLES M TRUSTEE	2718 NW PINOT NOIR DR	MCMINNVILLE OR	97128
13	R4417B800600	2687 NW OAK RIDGE DR	FOX STEPHEN OWEN	FOX STEPHEN OWEN	2687 NW OAK RIDGE DR	MCMINNVILLE OR	97128
14	R4417B800200	2780 NW PINOT NOIR DR	SMITH MELBA L	SMITH MELBA L	2780 NW PINOT NOIR DR	MCMINNVILLE OR	97128
15	R4408 00200	3375 WESTSIDE RD CNTY	BERNARDS RUSSELL	BERNARDS KAREN J	8645 NW DONNELLY LN	MCMINNVILLE OR	97128
16	R4417B807005	2824 NW PINOT NOIR DR	PARR LARRY E	PARR LARRY E	2824 NW PINOT NOIR DR	MCMINNVILLE OR	97128
17	R4417B806905	2679 NW PINOT NOIR DR	CHANG YONGJIAN	CHANG YONGJIAN	2260 NW WEST WIND DR	MCMINNVILLE OR	97128
18	R4417B807004	2840 NW PINOT NOIR DR	NORBY JAMES M CO-TRUSTEE	NORBY JAMES M CO-TRUSTEE	2840 NW PINOT DR	MCMINNVILLE OR	97128
19	R4417B801300	2741 NW PINOT NOIR DR	FREY JAMES A II & ANDREA L TRUSTEES	FREY JAMES A II & ANDREA L TRUSTEES	1271 NE HIGHWAY 99W #501	MCMINNVILLE OR	97128
20	R4417B801700	2729 NW REISLING WAY	GABRY'S CLINTON D	GABRY'S CLINTON D	2729 NW REISLING WAY	MCMINNVILLE OR	97128
21	R4417 01300	1565 NW BAKER CREEK RD	PREMIER HOME BUILDERS INC	PREMIER HOME BUILDERS INC	1312 NE HIGHWAY 99W	MCMINNVILLE OR	97128
22	R4417B801000	2698 NW REISLING WAY	OBREGON GILDARDO A	OBREGON GILDARDO A	PO BOX 865	MCMINNVILLE OR	97128
23	R4417B807003	2849 NW PINOT NOIR DR	RUDOLPH BRETT &	RUDOLPH BRETT &	2849 NW PINOT NOIR DR	MCMINNVILLE OR	97128
24	R4417 01200	2616 NW PINOT NOIR DR	COMPTON HUNT M	COMPTON HUNT M	PO BOX 203	MCMINNVILLE OR	97128
25	R4417B808600	2598 NW PINOT NOIR DR	HAUGHEY MATTHEW A TRUSTEE	HAUGHEY MATTHEW A TRUSTEE	2643 NW PINOT NOIR	MCMINNVILLE OR	97128
26	R4417B801500	2781 NW PINOT NOIR DR	BOURNE JASON R &	BOURNE JASON R &	2781 NW PINOT NOIR DR	MCMINNVILLE OR	97128
27	R4417B806600	1481 NW REISLING WAY	STORMS TREVOR M	STORMS TREVOR M	1481 NW REISLING WAY	MCMINNVILLE OR	97128
28	R4417B806902	2684 NW PINOT NOIR DR	GOEKLER CATHERINE L	GOEKLER CATHERINE L	2684 NW PINOT NOIR DR	MCMINNVILLE OR	97128
29	R4417B807002	2835 NW PINOT NOIR DR	SANDELS CHRISTOPHER M	SANDELS CHRISTOPHER M	2835 NE PINOT NOIR DR	MCMINNVILLE OR	97128
30	R4417B807001	1572 NW BLAKE ST	GUBRIU CHRIS M	GUBRIU CHRIS M	1572 NW BLAKE ST	MCMINNVILLE OR	97128
31	R4417B800700	2649 NW OAK RIDGE DR	CHASE DAVID B	CHASE DAVID B	2649 NW OAK RIDGE DR	MCMINNVILLE OR	97128
32	R4417B806400	1449 NW REISLING WAY	KIMURA SCOTT M	KIMURA SCOTT M	1449 NW REISLING WY	MCMINNVILLE OR	97128
33	R4417B800400	2732 NW PINOT NOIR DR	BROTT NORMA G TRUSTEE FOR	BROTT NORMA G TRUSTEE FOR	2732 NW PINOT NOIR DR	MCMINNVILLE OR	97128
34	R4408 00200	3375 WESTSIDE RD CNTY	BERNARDS RUSSELL	BERNARDS KAREN J	8645 NW DONNELLY LN	MCMINNVILLE OR	97128
35	R4417B806901	2664 NW PINOT NOIR DR	PEDERSEN RODNEY N CO-TRUSTEE	PEDERSEN RODNEY N CO-TRUSTEE	2664 NW PINOT NOIR DR	MCMINNVILLE OR	97128
36	R4417B801400	2753 NW PINOT NOIR DR	BENITZ DAVID P	BENITZ DAVID P	2753 NW PINOT NOIR DR	MCMINNVILLE OR	97128
37	R4417B804700	2632 NW CHARDONNAY DR	EIDE NOLAN	EIDE NOLAN	2632 NW CHARDONNAY DR	MCMINNVILLE OR	97128
38	R4417B807000	2795 NW PINOT NOIR DR	HEIMAN RANDOLPH T	HEIMAN RANDOLPH T	1546 NW MEDINAH DR	MCMINNVILLE OR	97128
39	R4417B806903	2690 NW PINOT NOIR DR	WILKINS JOSEPH R	WILKINS JOSEPH R	2690 NW PINOT NOIR DR	MCMINNVILLE OR	97128
40	R4417B800100	2812 NW PINOT NOIR DR	ROBERTS MICHAEL F	ROBERTS MICHAEL F	2812 NW PINOT NOIR DR	MCMINNVILLE OR	97128
41	R4417B801100	2731 NW PINOT NOIR DR	UHRINAK TERRY A	UHRINAK TERRY A	2731 NW PINOT NOIR DR	MCMINNVILLE OR	97128
42	R4407 00600	10225 NW BRENTANO LN	BRENTANO VINCENT	SCHWARTZ FAMILY TRUST 74.11%	10225 NW BRENTANO LN	MCMINNVILLE OR	97128
43	R4417B806904	2687 NW PINOT NOIR DR	HADFIELD SARAH &	HADFIELD SARAH &	2687 NW PINOT NOIR DR	MCMINNVILLE OR	97128
44	R4418 00106	CNTY	BAKER CREEK	BAKER CREEK DEVELOPMENT LLC	485 S STATE ST	LAKE OSWEGO OR	97034
45	R4407 00600	10225 NW BRENTANO LN	BRENTANO VINCENT	SCHWARTZ FAMILY TRUST 74.11%	10225 NW BRENTANO LN	MCMINNVILLE OR	97128
46	R4417B806500	1463 NW REISLING WAY	WALDRON BERNARD E CO-TRUSTEE	WALDRON BERNARD E CO-TRUSTEE	1463 NW REISLING WAY	MCMINNVILLE OR	97128
47	R4417B807400	2632 NW PINOT NOIR DR	COMPTON HUNT M	COMPTON HUNT M	PO BOX 203	MCMINNVILLE OR	97128
48	R4417B807700	2621 NW PINOT NOIR DR	MOBERG RICHARD A	MOBERG RICHARD A	2621 NW PINOT NOIR DR	MCMINNVILLE OR	97128

Oak Ridge Meadows

49	R44178801200	2737 NW PINOT NOIR DR	LUNSFORD PAUL	LUNSFORD PAUL	2737 NW PINOT NOIR DR	MCMINNVILLE OR	97128
50	R44178806700	1493 NW REISLING WAY	CLEVIDENCE RAYMOND L JR	CLEVIDENCE RAYMOND L JR	1493 NW REISLING WAY	MCMINNVILLE OR	97128
51	R44178800300	2756 NW PINOT NOIR DR	WELLMAN SCOTT T	WELLMAN SCOTT T	2756 NW PINOT NOIR DR	MCMINNVILLE OR	97128
52	R44178807500	2650 NW PINOT NOIR DR	OLSEN STEVEN T & CATHERINE D TRUSTEE	OLSEN STEVEN T & CATHERINE D TRUSTEES	2650 NW PINOT NOIR DR	MCMINNVILLE OR	97128
53	R4417 01300	1565 NW BAKER CREEK RD	PREMIER HOME BUILDERS INC	PREMIER HOME BUILDERS INC	1312 NE HIGHWAY 99W	MCMINNVILLE OR	97128
54	R44178806800	2693 NW PINOT NOIR DR	ATHARINIKROUH EMILY G	ATHARINIKROUH EMILY G	2693 NW PINOT NOIR DR	MCMINNVILLE OR	97128
55	R44178804600	2608 NW CHARDONNAY DR	FUCHS ERIC C	FUCHS ERIC C	2608 NW CHARDONNAY DR	MCMINNVILLE OR	97128
56	R44178807600	2643 NW PINOT NOIR DR	HAUGHEY MATTHEW A TRUSTEE	HAUGHEY MATTHEW A TRUSTEE	2643 NW PINOT NOIR DR	MCMINNVILLE OR	97128
57	R4417 01202	MCNIN	TOTH LESLIE A &	TOTH LESLIE A &	2700 NW PINEHURST DR	MCMINNVILLE OR	97128
58		City	City of McMinville Planning Department	Chuck Darnell	231 NE 5th Street	MCMINNVILLE OR	97128
59		2610 NW Reisling Way	ISABELL DUTARTE	ISABELL DUTARTE	2610 NW Reisling Way	MCMINNVILLE OR	97128
60		2662 NW Reisling Way	STEPHENIE & RUSSELL BOYDEN	STEPHENIE & RUSSELL BOYDEN	2662 NW Reisling Way	MCMINNVILLE OR	97128
61		2705 NW Reisling Way	THOMAS E JR & ROXANE HENDERSON	THOMAS E JR & ROXANE HENDERSON	2705 NW Reisling Way	MCMINNVILLE OR	97128
62		2689 NW Reisling Way	GABRY'S EDWARD AND SYLVIA FAMILY TRUST	GABRY'S EDWARD AND SYLVIA FAMILY TRUST	2689 NW Reisling Way	MCMINNVILLE OR	97128
63		2665 NW Reisling Way	JEFFREY SCHORZMAN	JEFFREY SCHORZMAN	2080 John Ranch Drive	MCMINNVILLE OR	97128
64		2653 NW Reisling Way	JEFFREY & LYNNE MCCLAUGHLIN	JEFFREY & LYNNE MCCLAUGHLIN	2653 NW Reisling Way	MCMINNVILLE OR	97128
65		2641 NW Reisling Way	COLLEEN EGLEY	COLLEEN EGLEY	2641 NW Reisling Way	MCMINNVILLE OR	97128
66		2635 NW Reisling Way	STEPHEN & STEPHEN INKLES	STEPHEN & STEPHEN INKLES	2635 NW Reisling Way	MCMINNVILLE OR	97128
67		2619 NW Reisling Way	CHARLES & DIANE BERG	CHARLES & DIANE BERG	2619 NW Reisling Way	MCMINNVILLE OR	97128
68		2601 NW Reisling Way	GARY & KAREN THURMAN	GARY & KAREN THURMAN	2601 NW Reisling Way	MCMINNVILLE OR	97128
69		2571 NW Oak Ridge Drive	MARLENE & KEVIN TURNIPSEED	MARLENE & KEVIN TURNIPSEED	2571 NW Oak Ridge Drive	MCMINNVILLE OR	97128
70		2553 NW Oak Ridge Drive	DAVID & JAMI FLUKE	DAVID & JAMI FLUKE	2553 NW Oak Ridge Drive	MCMINNVILLE OR	97128
71		1545 NW Cabernet Court	JEFF TERRY	JEFF TERRY	1545 NW Cabernet Court	MCMINNVILLE OR	97128
72		1561 NW Cabernet Court	JOHN BARNES JR	JOHN BARNES JR	1561 NW Cabernet Court	MCMINNVILLE OR	97128
73		1564 NW Cabernet Court	FREDERICK & DANIELLE PAASCH	FREDERICK & DANIELLE PAASCH	1564 NW Cabernet Court	MCMINNVILLE OR	97128
74		1548 NW Cabernet Court	KENT HOUSTON	KENT HOUSTON	1548 NW Cabernet Court	MCMINNVILLE OR	97128
75		1520 NW Cabernet Court	JOHN & JENNIFER COLVIN	JOHN & JENNIFER COLVIN	1520 NW Cabernet Court	MCMINNVILLE OR	97128
76		1496 NW Chardonnay Drive	ADIRAN MORA	ADIRAN MORA	710 NW Cypress Street	MCMINNVILLE OR	97128
77		1478 NW Chardonnay Drive	LANE ROENWICK	LANE ROENWICK	1478 NW Chardonnay Drive	MCMINNVILLE OR	97128
78		1462 NW Chardonnay Drive	SPENCER & BEVERLY KOPPING	SPENCER & BEVERLY KOPPING	1462 NW Chardonnay Drive	MCMINNVILLE OR	97128
79		1452 NW Chardonnay Drive	PAULA HOFFMAN	PAULA HOFFMAN	1452 NW Chardonnay Drive	MCMINNVILLE OR	97128
80		1440 NW Chardonnay Drive	NORTH MAC PROPERTIES LLC	NORTH MAC PROPERTIES LLC	PO Box 594	MCMINNVILLE OR	97128
81		1426 NW Chardonnay Drive	LARRY GREEN	LARRY GREEN	1426 NW Chardonnay Drive	MCMINNVILLE OR	97128
82		1408 NW Chardonnay Drive	MICHAEL COLLINS	MICHAEL COLLINS	1408 NW Chardonnay Drive	MCMINNVILLE OR	97128
83		1400 NW Chardonnay Drive	LEON BENNETT	LEON BENNETT	1400 NW Chardonnay Drive	MCMINNVILLE OR	97128
84		2516 NW Chardonnay Drive	KENNETH BROWN	KENNETH BROWN	2516 NW Chardonnay Drive	MCMINNVILLE OR	97128
85		2530 NW Chardonnay Drive	KRISTINA MILLER	KRISTINA MILLER	2530 NW Chardonnay Drive	MCMINNVILLE OR	97128
86		2544 NW Chardonnay Drive	JOSE & ANGELICA SANCHEZ	JOSE & ANGELICA SANCHEZ	2544 NW Chardonnay Drive	MCMINNVILLE OR	97128
87		2556 NW Chardonnay Drive	KERMAN & SHIRLY BURNETT	KERMAN & SHIRLY BURNETT	2216 NW Doral Street	MCMINNVILLE OR	97128
88		2588 NW Chardonnay Drive	FLORENTINO MEDIAN-TORRES	FLORENTINO MEDIAN-TORRES	2588 NW Chardonnay Drive	MCMINNVILLE OR	97128
89		1411 NW Chardonnay Drive	ROSEMARIE GREENE	ROSEMARIE GREENE	1411 NW Chardonnay Drive	MCMINNVILLE OR	97128
90		1429 NW Chardonnay Drive	PHILMA PETERSON	PHILMA PETERSON	1429 NW Chardonnay Drive	MCMINNVILLE OR	97128
91		1443 NW Chardonnay Drive	SANG WOOK & MEE JAH YOON	SANG WOOK & MEE JAH YOON	1443 NW Chardonnay Drive	MCMINNVILLE OR	97128
92		1457 NW Chardonnay Drive	RONNIE & BARBARA WITWORTH	RONNIE & BARBARA WITWORTH	16500 S Henrioi Road	OREGON CITY OR	97045
93		1465 NW Chardonnay Drive	VINCE & MICHELLE BARRETT	VINCE & MICHELLE BARRETT	1465 NW Chardonnay Drive	MCMINNVILLE OR	97128
94		1483 NW Chardonnay Drive	PAWELA CUTTING	PAWELA CUTTING	1483 NW Chardonnay Drive	MCMINNVILLE OR	97128
95		1497 NW Chardonnay Drive	DENNIS DIWICK	DENNIS DIWICK	3030 SW Sherwood Place	PORTLAND OR	97201
96		1494 NW Chardonnay Drive	BARRY HOUSE	BARRY HOUSE	1494 NW Chardonnay Drive	MCMINNVILLE OR	97128
97		1482 NW Reisling Way	YANFEN & JIAN CHEN	YANFEN & JIAN CHEN	1482 NW Reisling Way	MCMINNVILLE OR	97128

Oak Ridge Meadows

98		1474 NW Reising Way	JAMES & VANESSA FACKLER	JAMES & VANESSA FACKLER	1474 NW Reising Way	MCWANNVILLE OR	97128
99		1456 NW Reising Way	BARBARA FARMER	BARBARA FARMER	1456 NW Reising Way	MCWANNVILLE OR	97128
100		1448 NW Reising Way	LINDA CADINHA	LINDA CADINHA	19701 NE Trunk Road	DUNDEE OR	97115
101		1424 NW Reising Way	NATHAN LEINWEBER	NATHAN LEINWEBER	1424 NW Reising Way	MCWANNVILLE OR	97128
102		1404 NW Reising Way	CONSTANCE JARIN	CONSTANCE JARIN	1404 NW Reising Way	MCWANNVILLE OR	97128

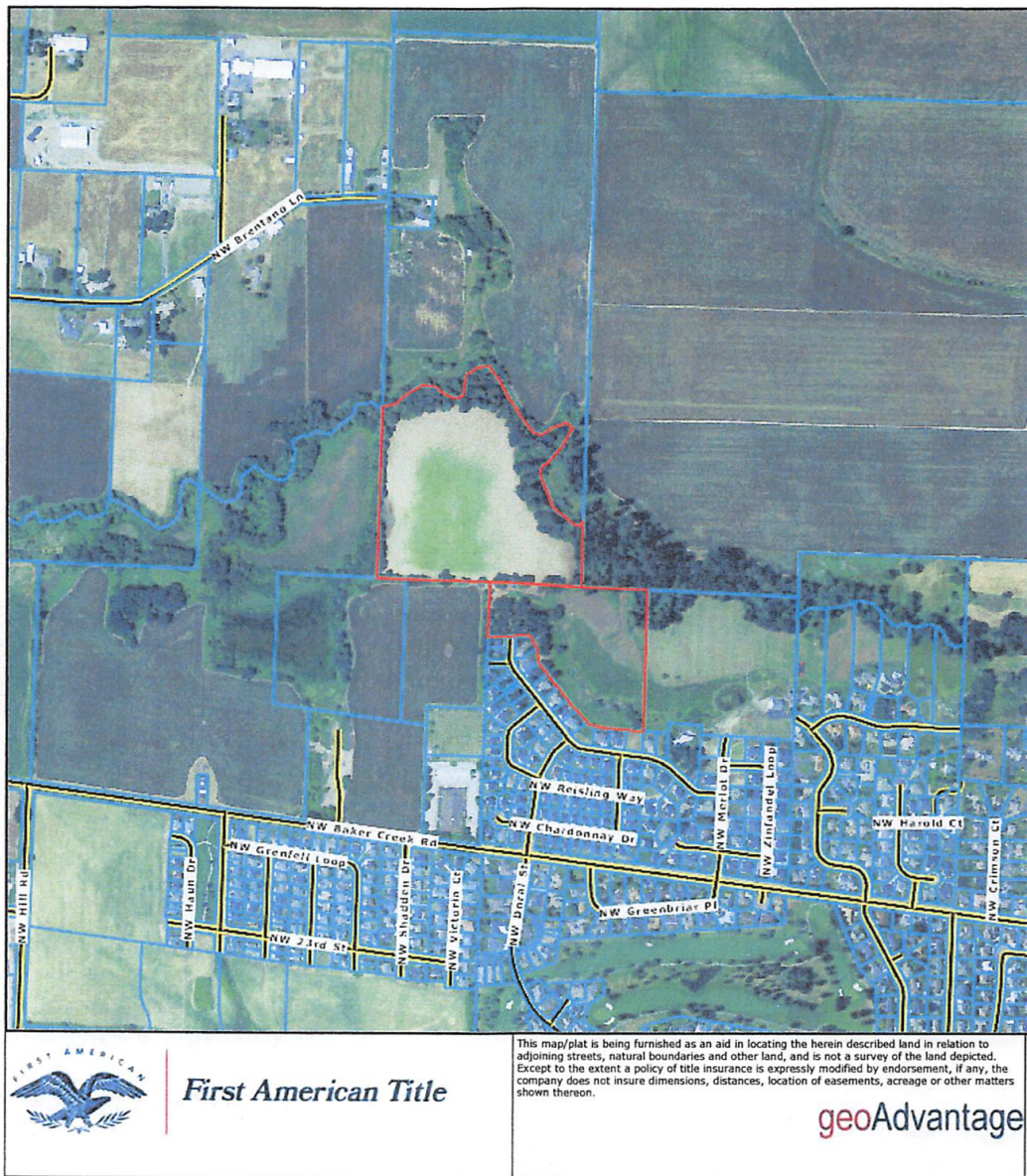


Exhibit 15

Exhibit 16

OAK RIDGE MEADOWS SUBDIVISION

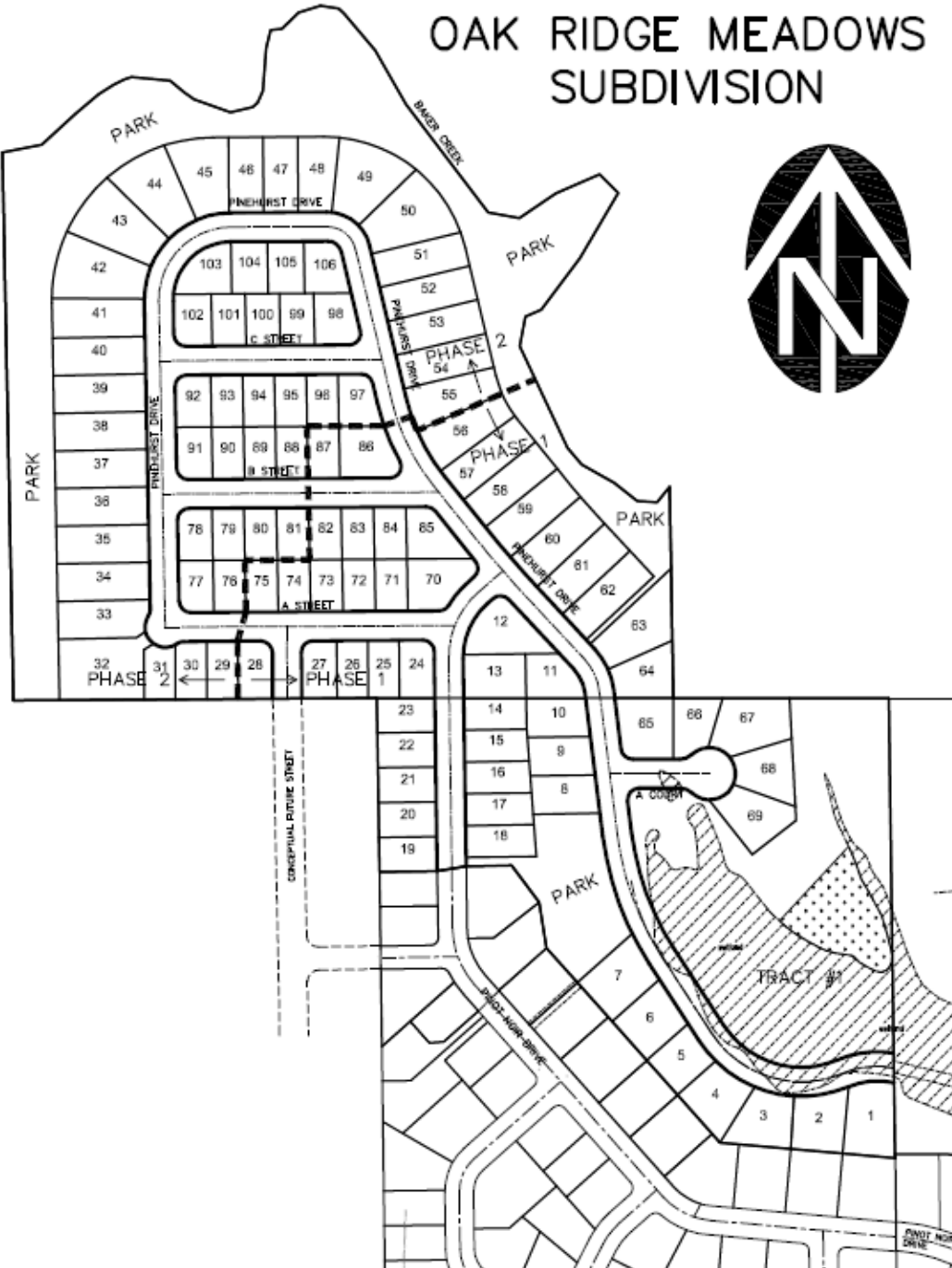


Exhibit 17

Posted Signs - July 26, 2018 Oak Ridge Meadows Neighborhood Meeting



Northern terminus of NW Pinot Noir



Entrance to Oak Ridge



NW Pinot Noir Drive just east of NW Chardonnay

Exhibit 18

NEIGHBORHOOD MEETING For Oak Ridge Meadows - AGENDA -

DATE: July 26, 2018

TIME: 6:00 PM

LOCATION: McMinnville Community Center, Room 102

Agenda Items

1. Introduction and Attendee Sign-In Sheet
2. Invitation and Opportunity to view the tentative subdivision plan and other exhibits
3. Presentation of the Major Elements of the Proposal
 - a. The Applications
 - b. The Proposed Subdivision Design
 - c. Vehicular Access
 - d. Park Spaces and Natural Resources
4. Q & A: Invitation for Neighbor Comments, Questions and Concerns
5. Adjournment

Exhibit 19

OAK RIDGE MEADOWS- A Two Phase 106 Lot Residential Subdivision

Lots Ranging from 4,950 to 15,981 Square Feet
1 and 2-Story Single Family Detached Homes Ranging Typically Between
1,800 S.F. to 3,500 S.F. in Size.

Amenities Include:

- Curbside Planter Strips with Street Trees
- Preserved and Protected Natural Wetlands
- Publicly Accessible Nature Park to Provide Wetland and Natural Habitat Viewing
- 5.6 Acres of Public Open Space Greenway Along Baker Creek
- Temporary Emergency-Only Access Lane

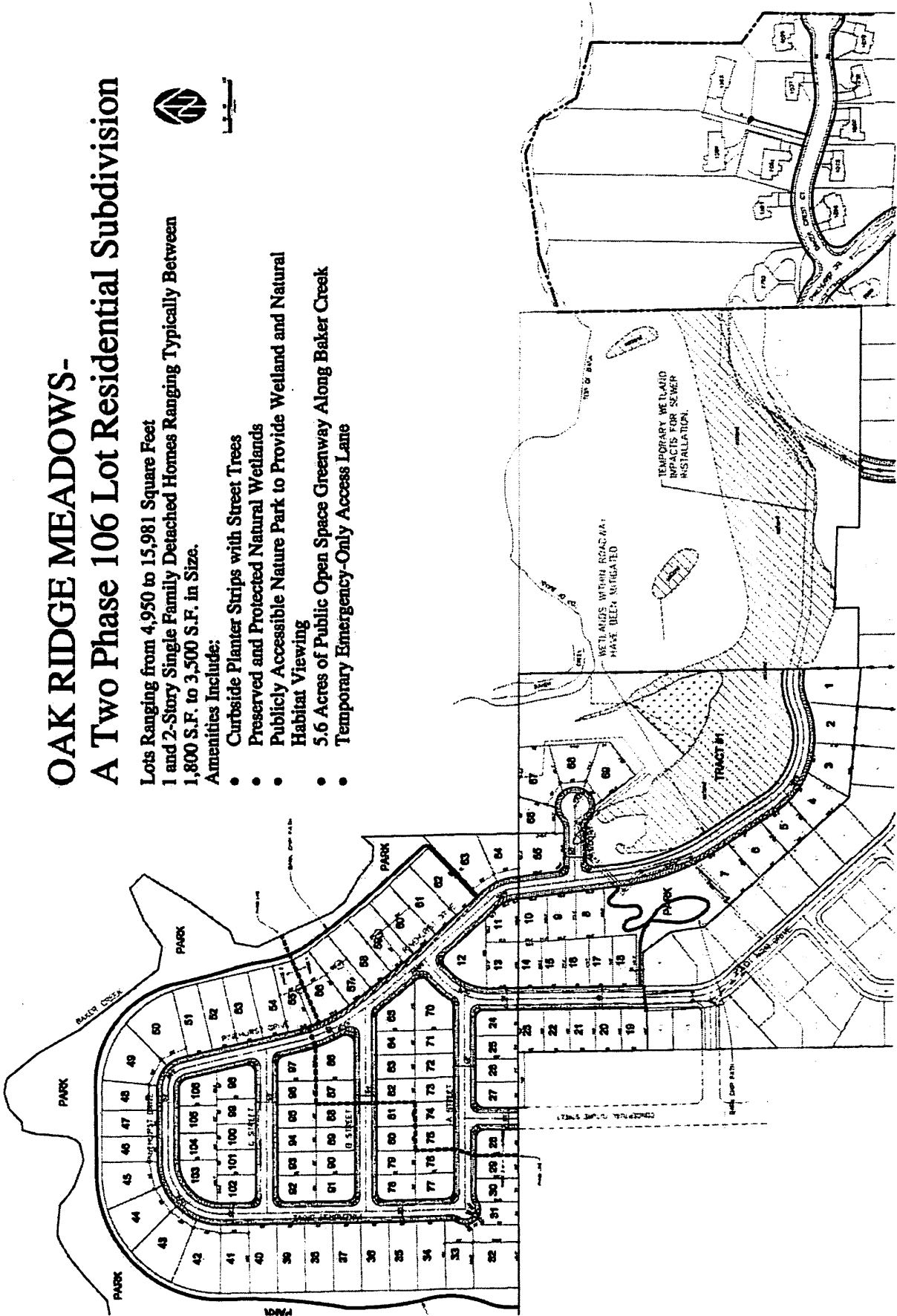
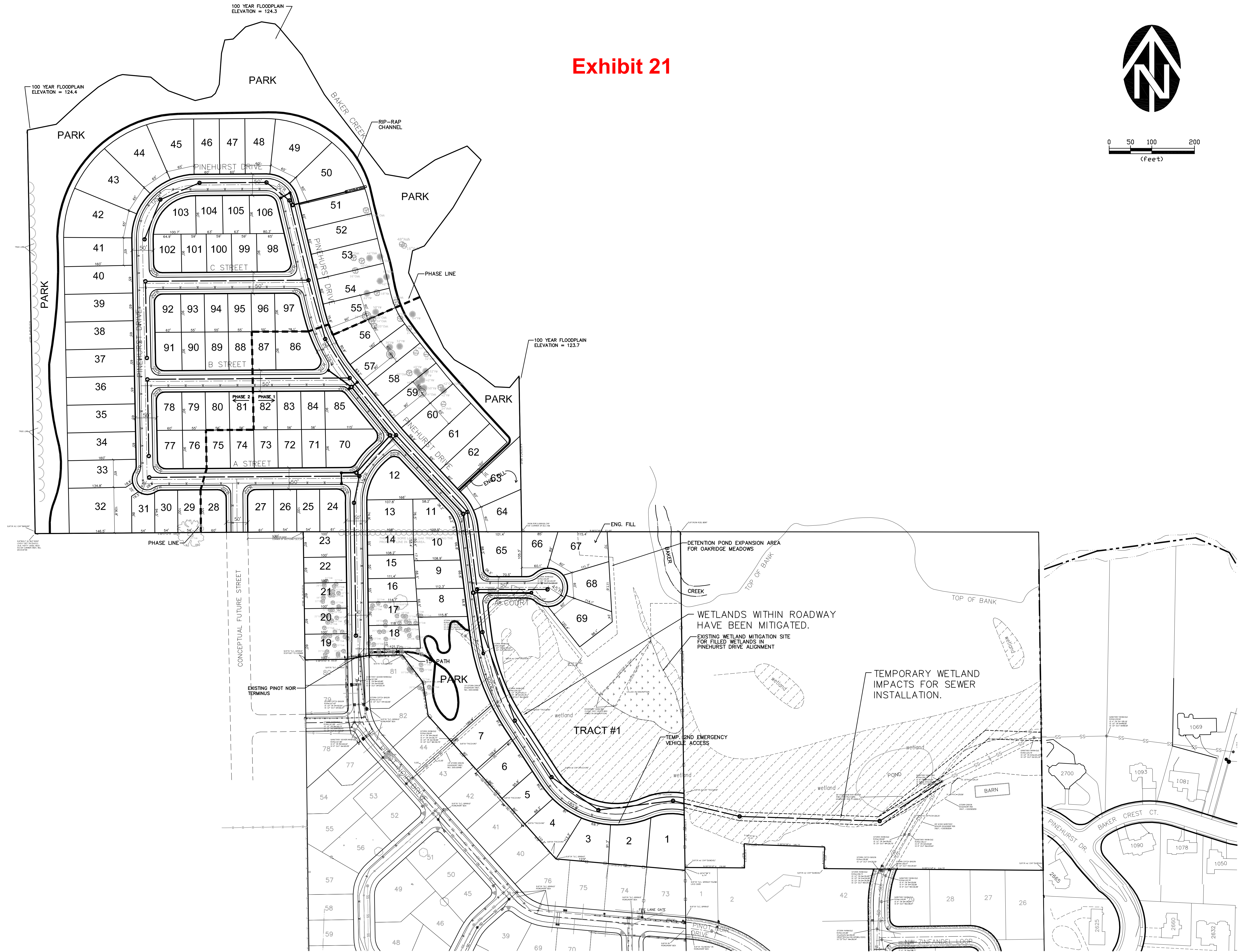
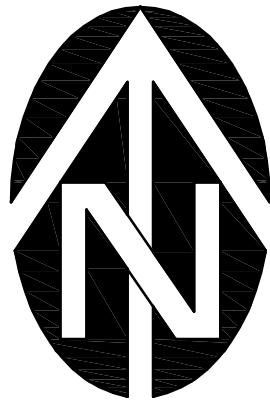


Exhibit 20



Exhibit 21



VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING
0 1
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

DSN.	JW
DRN.	TN
CKD.	JW

DATE: APR. 2018

REVIEW REVIEW

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

PREMIER DEVELOPMENT I

OAK RIDGE MEADOWS SUBDIVISION

OVERALL UTILITY PLAN

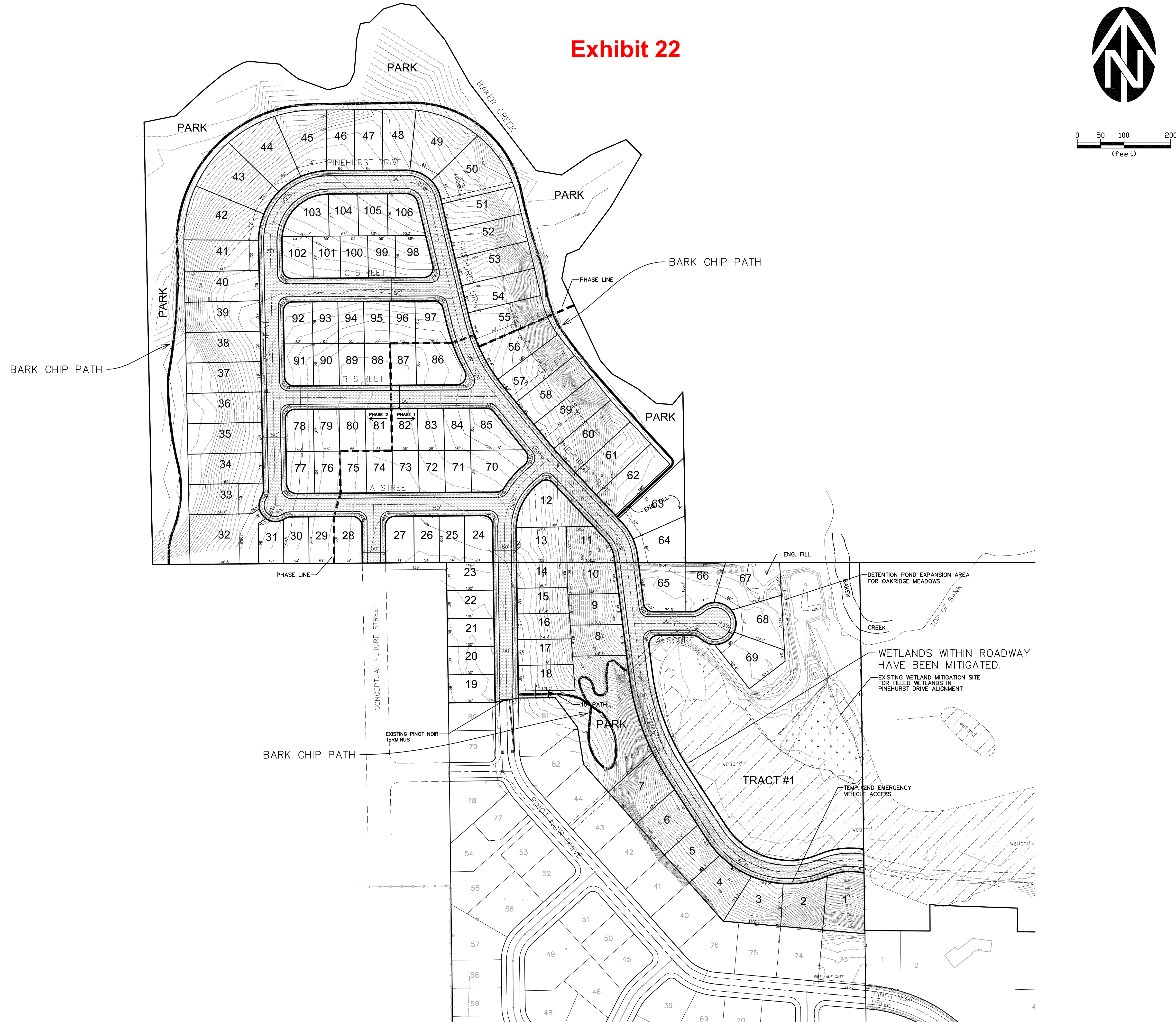
DRAWING
2

JOB NUMBER

2335.4000.0

7/18/2018 4:51:24 PM
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7/23/2018 10:58:28 AM
R:\DWG\PREMIER HOMES\2335.4000\01\Civil\Plans\Subdivision Layout.DWG (24x36 Sub Layout tab)



VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
SCALE, INDICATE
SCALE ACCORDINGLY
0 1"
DSN: JW
DRN: TN
CYD: JW
DATE: APR. 2018

REVIEW REVIEW

WESTTECH 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: westtech@westtech-eng.com

PREMIER DEVELOPMENT
OAK RIDGE MEADOWS SUBDIVISION
SUBDIVISION LAYOUT

DRAWING
1

JOB NUMBER
2335.4000.0

DESCRIPTION
REVISIONS

NO. DATE

Exhibit 23

NEIGHBORHOOD MEETING For Oak Ridge Meadows

SIGN-IN SHEET

DATE: July 26, 2018

TIME: 6:00 PM

LOCATION: McMinnville Community Center, Room 102

NAME (Please Print)	Please provide your contact information (address or email)
Stephanie Janik	S.S.janik@gmail.com
Mike Janik	1310 NW Zinfandel CT
Rod Pedersen	2661 NW Priest Noir
Judy "	"
Scott T. Wellmon	2756 NW Priest
Dan Berg	2619 NW Riesling Way
Eric C Fuchs	eric@spessart.com
Catherine Elsen	combes50712@mypacks.NET
Steve Elsen	st
Colleen Edaley	cedaley268@aol.com
Joe Wilkins	J.joe.wilkins@hotmail.com
David Chase	selincypain@roscglobal.net
Russell Elsen	Russell Elsen
Karen Bernards	russsthefarmer@yahoo.com
William B. McCloskey	2536 NW ZINFANDEL LOOP

NEIGHBORHOOD MEETING
For Oak Ridge Meadows

SIGN-IN SHEET

DATE: July 26, 2018

TIME: 6:00 PM

LOCATION: McMinnville Community Center, Room 102

NAME (Please Print)	Please provide your contact information (address or email)
KAREN NICHOLS (CRESTBROOK HOA)	12144@AOL.COM
PETER VON KLARGARD	VONKLARP@AOL.COM
Roger Emma Nelson	roger-nelson78@gmail.com
Mary Benitz	Mary16.mb@gmail.com
Ryan Carlson	rcarlson4@gmail.com
Terry Delan	tdelansa@gmail.com
Mike Roberts	mrobert@linfield.edu
John Colvia	JohnColvia4@aol.com
Sang Hui Kwon	msy3@outlook.com
Linda Peng	dlpeng@comcast.net
Elsie Williams (Crestbrook)	lwilly13@gmail.com
Morgan Will	morgan@staffordlandscaping.com

**NEIGHBORHOOD MEETING
For Oak Ridge Meadows**

SIGN-IN SHEET

DATE: July 26, 2018

TIME: 6:00 PM

LOCATION: McMinnville Community Center, Room 102

NAME (Please Print)	Please provide your contact information (address or email)
KEVIN TURNIPSEED	2571 NW OAK RIDGE DR.
Jim NOREBY	2840 NW Pinot Noir Dr.
Coy & Julia Howard	2562 NW Meeker PR
Sharon & Larry Parr	4834 NW Pinot Noir Dr.
Melba Smith	2780 NW Pinot Noir Dr.
Paul Lundford	" " " "
Maia Clemence	1493 NW Riesling Way
Arlene Casanova	1402 N Riesling Way
Myrna Casanova	" " "
Stephanie Boyden	2662 NW Riesling
Lillian Sherman	2467 NW Pinot Noir
Norma Pratt	2785 NW Pinot Noir
CARMEN MENDENHALL	2410 NW Zinfandel Loop
STEVE INKELES	2635 NW RIESLING WAY
Cathy Gockley	5684 NW Pinot Noir
TJ & Roxane Henderson	2705 NW Riesling Way
Amber Johnson	2462 NW Zinfandel Lp.
DENNIS FROST	2543 NW Zinfandel Lp
Mark & Sandy Hyder	2510 NW Zinfandel Loop
Charles Hower	1020 NW Baker Crest Court

Exhibit 24

A Neighborhood Meeting was held from 6:00 p.m. to 7:30 p.m. in Room 102 of the McMinnville Community Center on Wednesday, July 28, 2018 in order to publicly present a Subdivision proposal (Oak Ridge Meadows), inclusive of two Planned Development Amendment proposals, and to provide an opportunity and invitation for the public to view the tentative subdivision plan and other exhibits and to ask questions, voice concerns and to engage in a conversation on the proposal. At this meeting, Premier Development, LLC was represented by Ron Pomeroy (Navigation Land Use Consulting, LLC) and Josh Wells (Westech Engineering, Inc.).

Two letters of testimony were provided at that meeting and are included below. Additional summary notes representing oral comments received at the meeting and, as required by McMinnville Zoning Ordinance 17.72.095(G)(5)(e), a summary of any of Premier Development's revisions made to the proposal based on comments received at the meeting follow.

18 July, 2016

To: Premier Development, LLC

From: M.E. and Bill Fleeger

2410 NW Pinehurst Drive

McMinnville, OR 97128

Re: Oak Ridge Meadows Proposal

Thank you for sending out information regarding your future applications to the planning council. Unfortunately, some of us cannot attend your meeting and are quite unclear about your proposals. The information presented in the handout was incomplete and inadequate to determine the extent of the impact to the surrounding neighbors, wetlands and floodplain. Specifically, we are unclear about the major ingress and egress routes from Baker Creek Rd. and how the additional traffic would be accommodated. Second, there is no mention of the impact on the wetlands, the required permits or how the impact to the wetlands would be mitigated. Third, we are also wondering if the low lying areas of development are within the floodplain? We appreciate your willingness to provide answers to our questions and address these concerns.

Sincerely,


William and Mary Ellen Fleeger





*Crestbrook Landscape Committee
McMinnville, Oregon*

SUBJECT: Comments and Concerns - Oak Ridge Meadows Planned Development, Amendment Application (Ordinances 4722 and 4822), Neighborhood Meeting hosted by Premier Development, LLC at the McMinnville Community Center, 26 July, 2018

1. Flooding. FEMA maps need to be provided and reviewed to identify the potential demands on first responders, the likely financial obligations on the City safety and public services budgets, and full disclosure to potential buyers.
2. Lighting. The varying elevations of this terrain require serious consideration of the effects of light pollution on after-dark activities. Safety and health concerns need to be given sufficient consideration to prevent neighbor-to-neighbor and public space light pollution. Lighting that complies with the "Dark Skies Initiative" can mitigate the potential for sleep disruptions and blinding glares that can degrade the quality of life for current Crestbrook residents as well as the future Oak Ridge population.
3. Access. Pinehurst Drive is currently the single entry point for 35 lots in the Crestbrook Homeowners' Association. These homeowners are currently assessed annual dues which are used to maintain and improve community landscaping and lighting. Access to the Oak Ridge development via Pinehurst Drive needs to be clearly delineated from the Crestbrook Subdivision. A mutually beneficial agreement between the two subdivisions may be necessary.
4. Covenants. Every effort should be made to ensure that the Oak Ridge Development meets or exceeds the existing Crestbrook Subdivision reputation for quality and security. A commonly recognized method to achieve and maintain these desired characteristics is to establish adequate Covenants and Restrictions under the oversight of a neighborhood governing body.
5. Traffic. An impact analysis of traffic flow between these two subdivisions as well as onto Baker Creek Road needs to be made public.
6. Environmental analysis of impacts on the nature areas including Baker Creek needs to be made public.
7. Plans for sewage pumps and distribution need to be made public.

Respectfully submitted this 26th day of July, 2018. Contact: Karen Nichols, 2579 NW Pinehurst Dr, McMinnville, OR 97128. Email iq104@aol.com, Phone 503.857.0110


Karen Nichols, Secretary/Treasurer

cc: McMinnville City Planning and Zoning Department

The format for the Neighborhood Meeting included presenter introductions and a

description of the forthcoming applications and the main components of the tentative proposal leaving the majority of the time spent in an open dialogue with those in attendance.

The main topics verbally shared by attendees of the Neighborhood Meeting are summarized as follows. Although not required by McMinnville Zoning Ordinance 17.72.095(G)(5), brief responses are being provided which characterize those provided at the Neighborhood Meeting in addition to information now being provided in this Exhibit:

- Traffic – Development of the Oak Ridge Meadows proposal would result in too much traffic moving through adjacent subdivisions until such time that a second public street could be constructed on adjacent land, such as that owned by Stafford Land Company, to provide additional access to Oak Ridge Meadows.

Response: Premier Development previously discussed the adequacy of the adjacent street network to support this development proposal with the McMinnville Engineering Department and the McMinnville Planning Department. Premier Development was advised that a traffic study was neither necessary nor required for this proposal for two reasons: 1) The maximum average daily traffic on nearby streets resulting from this development would not exceed those streets' design capacity; and, 2) The McMinnville Transportation System Plan (2010) modeled future traffic volume for this site consistent with maximum buildout of its base zone (R-2 Single-Family Residential) and found the supporting street network sufficient to accommodate such traffic volume. This development proposal would result in fewer homes (and fewer vehicle trips) than were modeled for this area.

While no modifications to this proposal are required in response to this matter, Premier Development has taken note of this concern and has stepped forward to modify the originally proposed phasing plan for this subdivision. The plan presented to interested citizens at the Neighborhood Meeting proposed 54 single-family residential lots in Phase I. To reduce the amount of infrastructure construction and residential building occurring as part of Phase I, Premier Development has reduced the number of proposed lots in this phase from 54 lots to 49 lots (a reduction of 5 lots from Phase I by now shifting that number of lots into Phase II). This is done as a means to address the concern noted above that was raised during the Neighborhood Meeting. The submitted application narrative, findings and exhibits now all reflect this new reduced number of lots in Phase I of this proposal. Additionally, should the forthcoming development proposal from Stafford Land Company west of the site be approved, it is possible that a second public street connection may be made available to the Oak Ridge Meadows site prior to the full build-out of Oak Ridge Meadows Phase II.

- Displacement or loss of wildlife and natural habitat – Concerns were shared regarding the loss of trees, brush, understory, encroachment into the site's wetlands and nearby floodplain, and displacement or loss of wildlife presently onsite.

Response: Premier Development's consultants described the two parks proposed as part of this development totaling some 6.5 acres of park space for this approximately 35.5 acre site (about 18 percent of the site). The park spaces are comprised of an approximately 0.85 acre Nature Park (now being identified as an active private neighborhood park) internal to the development and an approximately 5.6 acre open space to be located along the Baker Creek greenway encircling most of the perimeter of the site. Both park spaces would be developed with walking paths connecting to public rights-of-way. It was also acknowledged that trees and brush would be removed in order to construct public streets and homes, should this proposal be approved, in

the same manner as had occurred when the public streets and homes for the three existing phases of Oak Ridge were constructed.

Wetland mitigation was discussed and described, and it was shared with the attendees that the wetland impacts regarding the construction of the affected portion of NW Pinehurst Drive had already been mitigated. Additionally, that a copy of the Oregon Division of State Lands approved mitigation stipulation and permit number would be provided as an attachment to the forthcoming land use proposal. Premier Development proposes and anticipates no additional work within or impact upon the adjacent wetland area.

However, since it has been some number of years since this wetland mitigation has been completed, Premier Development wants to ensure that some part of the adjacent wetland area has not manifested into some location(s) of the already mitigated roadway or other areas. To definitively determine if this has occurred, Premier Development has proactively hired the well-established environmental consulting team Pacific Habitat Services, Inc., to perform and provide a wetland delineation, analysis and assessment of this area. This is further addressed in the Findings portion of the application narrative at 17.53.103(C)(2).

Further, Premier Development is not proposing any work within the 100-year floodplain or Regulatory Floodway Zone AE as identified on FEMA Flood Insurance Rate Maps applicable to this site.

Premier Development is also requesting that the City of McMinnville condition the approval of this proposal, in part, on provision of a current arborist's report for the subject site.

- Site drainage – A concern was shared that the area where the southerly portion of Pinehurst Drive is proposed to be constructed currently experiences periodic flooding. Additionally, a concern was also shared that this development would be putting additional drainage water into the wetlands.

Response: The public storm sewer system that would be constructed to serve this area would transfer such surface water, and any additional flow, eastward beyond Premier Development's site through an approved storm sewer system designed, constructed and approved to City standards in addition to a storm drain outfall to the Baker Creek greenway also approved to be approved to City and other agency standards as required.

- Divert all construction traffic to the Emergency-Only Access Easement – It was suggested that all construction traffic for this development be prohibited from traveling on public streets through adjacent neighborhoods and be required to use the temporary Emergency-Only Access Easement being offered for use by Stafford Land Company.

Response: The Secondary Emergency-Only Access Easement being temporarily offered by Stafford Land Company across property they own will become needed to serve Oak Ridge Meadows in order to exceed the construction limitation of 30 unsprinkled single-family dwellings being served with one access as per the McMinnville Fire Code Applications Guide. Premier Development understands that construction traffic moving along local streets can be an inconvenience to nearby residents. Premier Development has considered the option and logistics of routing all such traffic across adjacent land and along the gravel emergency-only access

easement as suggested during the Neighborhood Meeting. This option, if ultimately approved by the McMinnville Fire Department and the adjacent private land owner, would necessarily result in the creation of a series of changing, temporary gravel “roadways” throughout the Oak Ridge Meadows site in order to reach the various locations where utility improvements, road construction and home construction will be occurring until such time that the adjacent land owner receives land use approval and constructs a public street to City standards providing a secondary permanent public access to Oak Ridge Meadows.

The City allows construction vehicles full access to public rights-of-way the same as any other legally licensed vehicle. Premier Development is aware of and familiar with impacts of construction vehicles upon nearby neighborhoods. However, upon considering the options available, Premier Development will not be pursuing the requested dual-use of the emergency-only access easement and the provision of the resulting network of temporary gravel “roadways” across the Oak Ridge Meadows site. Rather, construction vehicles associated with this residential development will be utilizing the public street system throughout the build-out of this development which is a non-revocable right afforded to all legally licensed vehicles intended for public street use. -- No modifications to the proposal have been made in response to this concern.

- “Cookie Cutter” housing – Concerns were voiced that the development would exhibit “cookie cutter” style housing.

Response: It was shared with the attendees that Premier Development is offering that approval of this proposal be conditioned with a requirement to provide an Architectural Pattern Book to be approved by the Planning Director prior to the release of any residential building permits for the site. This condition would be the same as required of Stafford Land Company relative to their “Baker Creek South” development approval. The basic components of such an Architectural Pattern Book was explained for the attendees and are reproduced here in full.

“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, garages will need to either be on the same plane as the front entry or recessed from the front entry, at least three 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.”

Additionally, a condition of approval is also proposed requiring a portion of lots be made available for sale to other builders for a period of time.

Exhibit 25

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201809672



\$96.00

00540348201800096720040044

07/03/2018 04:29:31 PM

DMR-EDMR Cnt=1 Stn=2 MILLSA
\$20.00 \$5.00 \$11.00 \$60.00

SANITARY SEWER EASEMENT

THIS INDENTURE MADE and entered into this 19th day of JUNE, 2018 by and between Les & Kathleen Toth, hereinafter referred to as the Grantors, and the City of McMinnville, a Municipal Corporation of the State of Oregon, hereinafter referred to as the Grantee.

That the Grantors, for and in consideration of the sum of No Dollars, (\$0.00), do hereby grant, bargain, sell and convey unto the Grantee, perpetual easement, as described herein, together with the right to go upon said easement area hereinafter described for the purpose of constructing, reconstructing, maintaining and using a public sanitary sewer system, on the following described property, to-wit:

(See attached Exhibit "A" for legal description and attached Exhibit "B" for map)

TO HAVE AND TO HOLD the above easement to the said Grantee, its successors and assigns forever.

19th IN WITNESS WHEREOF, The Grantor above named has hereunto set their hand and seal this day of JUNE, 2018.

Les Toth
LES TOTH

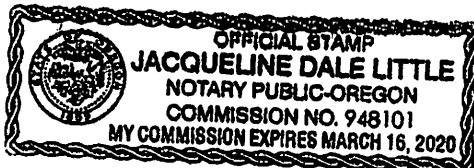
STATE OF OREGON)

County of Yamhill)

) ss.

This instrument was acknowledged before me on the 19 day of JUNE, 2018, by LES TOTH.

(NOTARY SEAL)



Jacqueline Dale Little
Notary Public for Oregon
My Commission Expires: March 16, 2020

AFTER RECORDING
RETURN TO:

City of McMinnville
230 NE 2nd Street
McMinnville, Or 97128

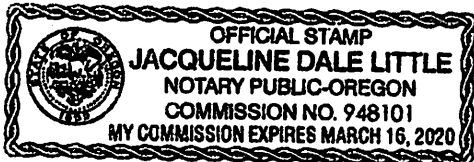
SEND TAX STATEMENTS TO: N/A

Kathleen Toth
KATHLEEN TOTH

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me on the 19 day of June, 2018, by
KATHLEEN TOTH.

(NOTARY SEAL)



Jacqueline Dale Little
Notary Public for Oregon
My Commission Expires: March 16, 2020

The City of McMinnville has reviewed the above document and hereby accepts the same.

By: [Signature]

Title: City Manager

AFTER RECORDING
RETURN TO:

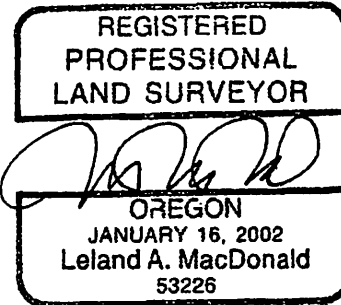
City of McMinnville
230 NE 2nd Street
McMinnville, Or 97128

SEND TAX STATEMENTS TO: N/A

EXPIRES 31 DECEMBER 2018

Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 472-7904
Fax: 472-0367

EXHIBIT " A "



7 May 2018

Description of Real Property for: Les & Kathleen Toth & The City of McMinnville: Easement description

An easement located in Section 17, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being a portion of that tract of land described by Deed from Compton Family Limited Partnership to Compton Crest, LLC and recorded in Instrument No. 200408905, Yamhill County Deed and Mortgage Records, and being a portion of Parcel 1 of Yamhill County Partition Plat 2000-37, being 20 feet in width, lying 10 feet each side of the centerline thereof, said centerline being more particularly described as follows:

Commencing at an iron rod marking the northeast corner of Lot 26 of Compton Crest subdivision, said point being on the east line of said Parcel 1; thence North 00°07'08" West 315.00 feet along said east line to a point on the centerline of an existing sanitary sewer easement, said easement being 20 feet in width, lying 10 feet each side of centerline, recorded in Instrument No. 200503254, Deed Records of Yamhill County, Oregon; thence South 89°49'57" West 15.00 feet along said centerline to a point; thence South 64°36'04" West 243.01 feet to an angle point in said centerline and the POINT OF BEGINNING; thence South 58°21'07" West 172.52 feet to a point on an existing sanitary sewer easement, said easement being 20 feet in width, lying 10 feet each side of centerline, recorded in Partition Plat 2000-37, Survey Records of Yamhill County, Oregon, as shown on a map attached, hereto and made a part thereof, the sidelines of said easement to extend and shorten with the west margin of said Instrument No. 200503254 and with the North and South margin of said easement per Partition Plat 2000-37.

End of Description

From: Les & Kathleen Toth To: The City of McMinnville

Location: Section 17 T. 4 S., R. 4 W., WM.,
City of McMinnville

Yamhill County, OR

Tax Lot: 4417 - 1202

Date: 4 May 2018

Exhibit "B" Easement Map

Sanitary Centerline Table		
LINE	BEARING	DISTANCE
L1	N 30°06'31" E	97.45'
L2	N 32°49'35" E	141.89'
L3	S 64°36'04" W	243.01'
L4	S 89°49'57" W	15.00'
L5	S 87°08'06" E	128.10'
L6	N 51°43'58" E	322.64'
L7	N 87°24'22" W	327.16'
L8	S 58°21'07" W	172.52'

Scale: 1" = 60'

By : Leland MacDonald & Assoc., LLC
Formerly dba Matt Duncel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone : 503-472-7904
Fax: 503-472-0367
Email: lee@macdonaldsurveying.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Expires 31 December 2018

Tax Lot: 4417 - 1202

Toth

Parcel 2

Instrument No. 201703759



Existing sanitary sewer
easement per PT-2000-37

Existing sanitary sewer easement
per Inst. No. 200503254

Legend

- = Monument Found, 5/8" iron rod with yellow plastic cap marked "Matt Duncel & Assoc." set in the Compton Crest Subdivision.
- = Easement

Tax Lot:
4417 - 1200
Compton
Parcel 2
PT-2000-37

Northeast corner of Lot 26 of
Compton Crest Subdivision

361.05' to centerline easement

N 88°51'28" W 514.75'

Lot 28

Lot 27

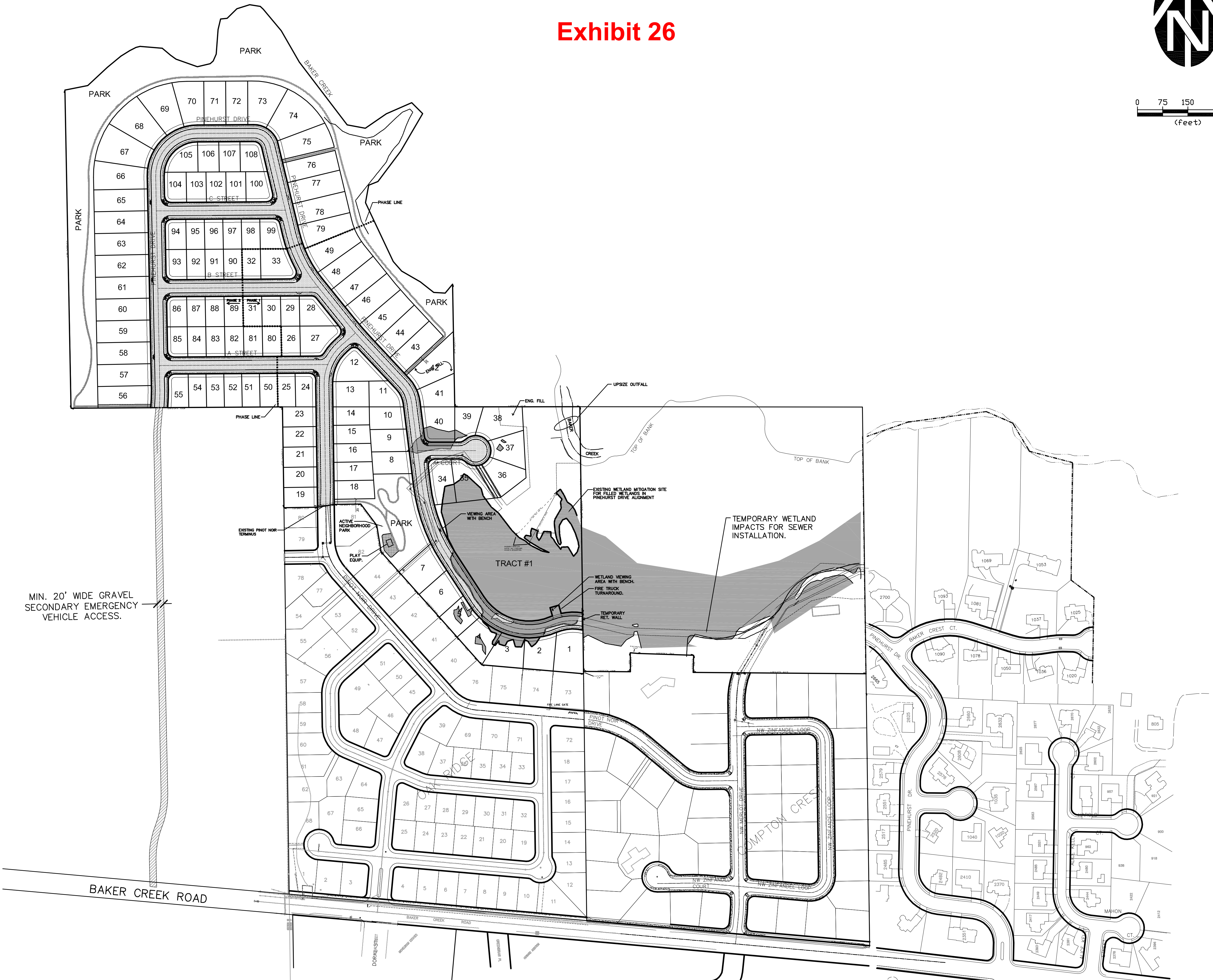
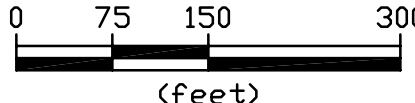
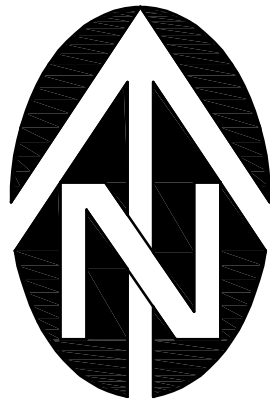
Compton Crest Subdivision

Lot 26

#8639

Instrument No. 201703759
Parcel 1
Toth
Tax Lot: 4417 - 1202
'00.51E W 80.70+00 N
Pinehurst Drive

Exhibit 26



MIN. 20' WIDE GRAVEL
SECONDARY EMERGENCY
VEHICLE ACCESS.

PREMIER DEVELOPMENT
OAK RIDGE MEADOWS SUBDIVISION
EMERGENCY VEHICLE
ACCESS PLAN

DRAWING
C7.0


JOB NUMBER
2335 4000 0

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

41 Farview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3966
E-mail: westech@westech-inc.com

REVIEW REVIEW

VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING

1" 

IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

DSN.	JW
DRN.	TN
CKD.	JW

DATE: APR. 2018

[illegible]

Exhibit 27

From: gordonroot@aol.com
Subject: Re: Baker Creek North and Oak Ridge Meadows connection
Date: July 9, 2018 at 3:03:24 PM PDT
To: loriz.premier@gmail.com, gordon@staffordlandcompany.com
Cc: morgan@staffordlandcompany.com, ryanobrien1@frontier.com

Hi Lori:

In our pre-app meeting for Baker Creek North, in which all departments were represented, we told them that we have are preparing to grant you a temporary secondary access easement over our property in order for you to proceed. We discussed the possible alignment and they preferred an alignment which follows the future alignment of Shadden Drive.

Basically, they would like to see a road base laid down that can support a fire truck in the rain. Depending upon your timing, the length of such will vary, as if you develop concurrent with our first phase, the temporary access road will be shorter, as we would be putting in the portion from Baker Creek Road to a point about 50% of the way to your project.

We have made many revisions to our site plan since I last sent you one based upon City Planning Staff input, and attached is a more recent version. Our final version is now being drawn in CAD. I will forward it to you once we have the plan back.

Morgan/Ryan, please confirm and make adjustments as necessary.

From what I can see, it looks as if we miss the tree.

Thank you,

Gordon Root | Principal



StaffordLandCompany.com

[503.720.0914](tel:503.720.0914) | Cell

gordon@staffordlandcompany.com

[485 South State Street, Lake Oswego, OR 97034](https://www.google.com/maps/place/485+South+State+Street,+Lake+Oswego,+OR+97034)

Oak Ridge Meadows

Transportation Impact Study

McMinnville, Oregon

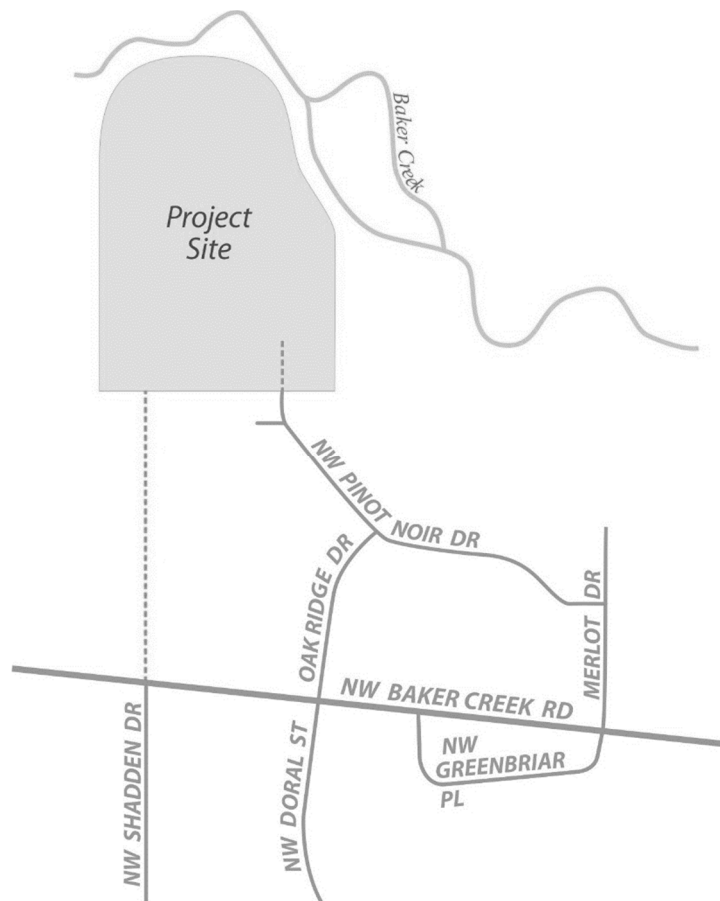


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CHAPTER 1: INTRODUCTION

This study evaluates the transportation impacts associated with the development of a 108-unit single family development in the city of McMinnville, Oregon. The site is located at the northern end of NW Pinot Noir Drive. Currently, the lot is zoned as Single-Family Residential (R-2) and the lot is used for agricultural purposes. Single family dwellings are a permitted land use under the current R-2 zoning. A map of the project location is shown in Figure 1.

The development will ultimately be accessed via an extension of NW Shadden Drive that will extend from NW Baker Creek Road to the project site. Until that roadway extension is constructed, the development will be served by the existing roadway network, including NW Pinot Noir Drive, NW Oak Ridge Drive, and Merlot Drive.

Because single family residential developments are an allowed use under the existing property zoning, and because the development is expected to have a relatively small impact on the surrounding transportation system, the City of McMinnville is not requiring a traffic impact analysis for this development. However, the adjoining neighborhood has voiced concerns regarding increased traffic volumes on their local street system, which is the motivation for this traffic impact analysis.

The purpose of this transportation impact analysis is to identify what impacts the proposed development may have on the nearby transportation network. The analysis is focused on two

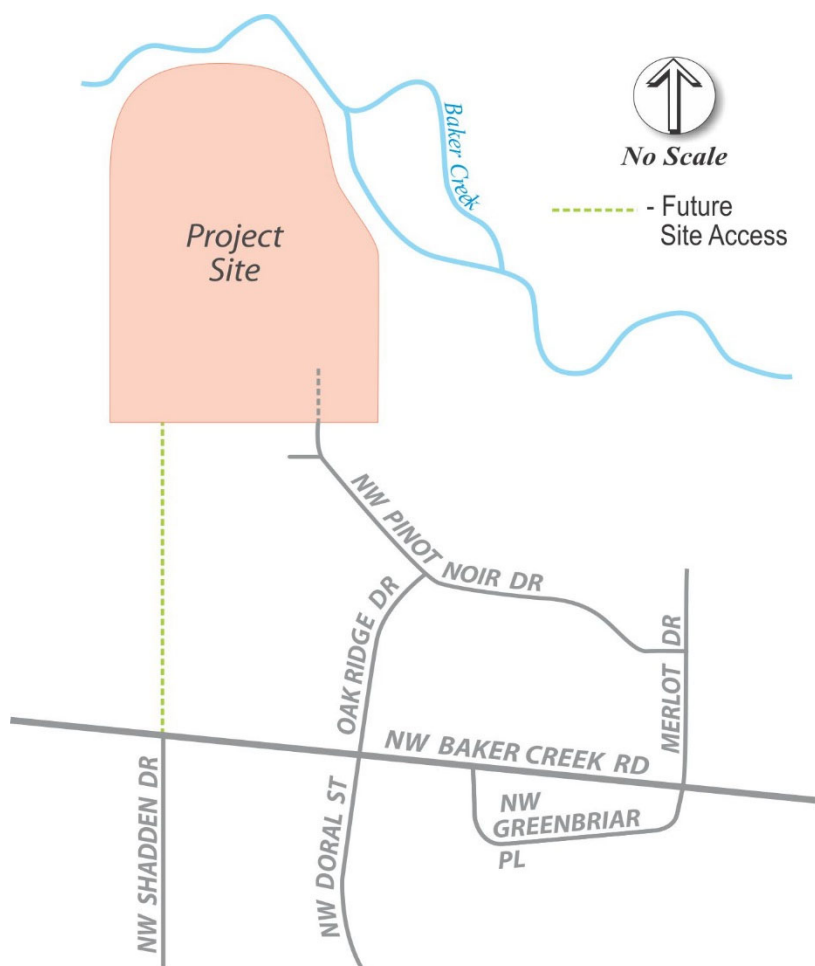


Figure 1: Study Area Map

study intersections, NW Baker Creek Road /NW Oak Ridge Drive (NW Doral Street) and NW Baker Creek Road/Merlot Drive (NW Greenbriar Place).

This chapter provides an introduction to the proposed development. Table 1 lists important characteristics of the study area and proposed project.

Table 1: Key Study Area and Proposed Development Characteristics

Characteristics	Information
Study Area	
Number of Study Intersections	2
Analysis Period	Weekday AM Peak hour (between 7-9 AM) Weekday PM Peak Hour (between 4-6 PM)
Project Site	
Existing Land Use	Agricultural
Proposed Development	108-unit single family development
Project Access	Interim: Via existing neighborhood roadways (NW Oak Ridge Drive, NW Pinot Noir Drive, and Merlot Drive) Final: Primary access via an extension of NW Shadden Drive; secondary access via the existing neighborhood roadways listed above

CHAPTER 2: EXISTING CONDITIONS

This chapter provides documentation of existing study area conditions, including the study area street network, pedestrian and bicycle facilities, and existing traffic volumes and operations. Supporting details for volumes and operations are provided in the appendix.

Study Area Street Network

The existing characteristics of key streets in the vicinity of the project site are summarized in table 2. The functional classifications for City of McMinnville streets are provided in the *McMinnville Transportation System Plan* (TSP).¹

Table 2: Study Area Street Characteristics (within the Study Area)

Street	Classification	No. of Lanes	Posted Speed	Sidewalks	Bike Lanes	On-Street Parking
NW Baker Creek Road	Minor Arterial	2	35 mph	Yes	Yes	No
NW Pinot Noir Dr	Local Street	2 ^a	25 mph	Yes	No	Yes ^b
NW Oak Ridge Dr	Local Street	2 ^a	25 mph	Yes	No	Yes ^b
Merlot Dr	Local Street	2 ^a	25 mph	Yes	No	Yes ^b

^a Two-way traffic exists, but lane lines are not marked.

^b On-Street parking is allowed, but parking is unmarked.

Pedestrian and Bicycle Facilities

Immediately fronting the project site, NW Pinot Noir Drive has sidewalks on both sides of the roadway and no bicycle facilities. At the study intersections, NW Baker Creek Road has sidewalks on both sides of the roadway and bicycle lanes on both sides. Per the existing characteristics of key streets in the vicinity of the project are summarized in table 2. The functional classifications for City of McMinnville streets are provided in the *McMinnville Transportation System Plan* (TSP).

Public Transit Service

There are no local public transit routes in the area.

¹ Exhibit 2-3, *Transportation System Plan*, Updated May, 2010.

Existing Traffic Volumes and Operations

Existing AM and PM peak hour traffic operations were analyzed at the intersection of NW Baker Creek Road /NW Oak Ridge Drive (NW Doral Street) and at the intersection of NW Baker Creek Road/Merlot Drive (NW Greenbriar Place).

Intersection turn movement volumes were collected ² at the study intersection during the AM and PM peak periods. The volumes were used in the intersection operations analysis and are shown in Figure 2. The following sections describe intersection performance measures, required operating standards, and existing operating conditions.

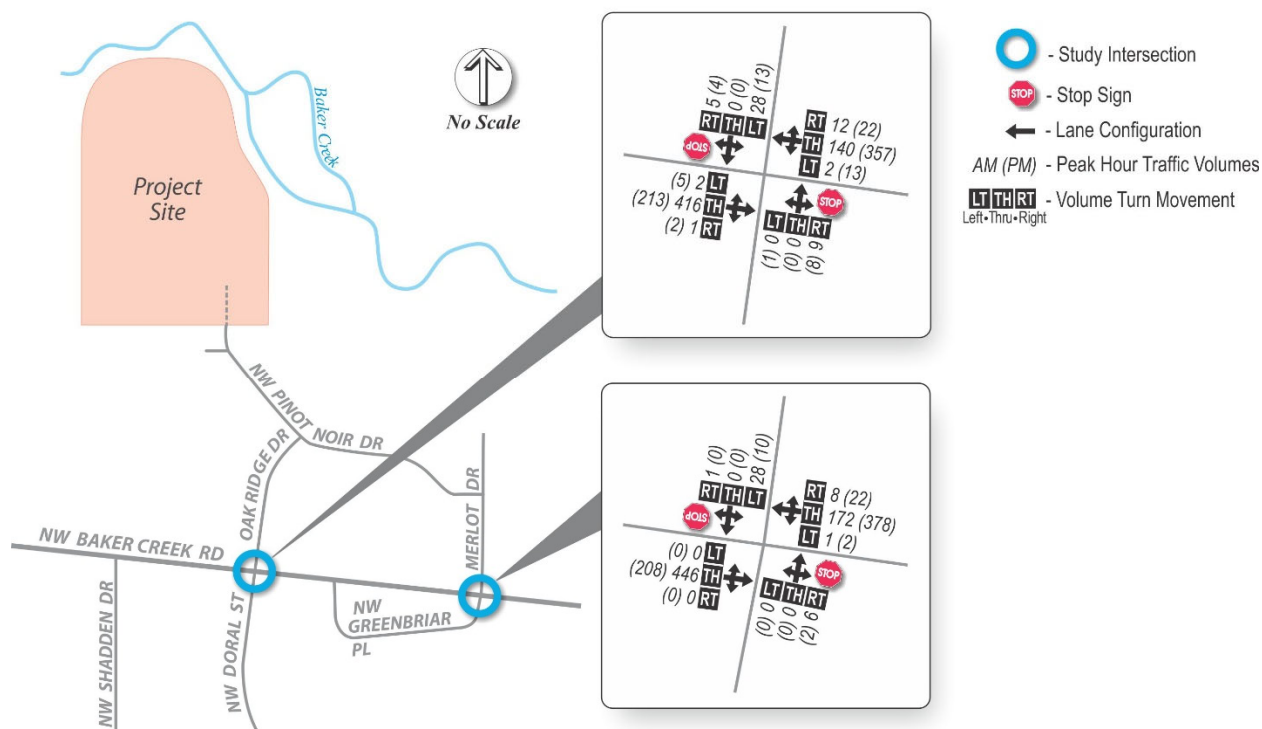


Figure 2: Existing AM and PM Peak Hour Traffic Volumes

Intersection Performance Measures

Level of service (LOS) ratings and volume-to-capacity (v/c) ratios are two commonly used performance measures that provide a good picture of intersection operations.

- Level of service (LOS):** A “report card” rating (A through F) based on the average delay experienced by vehicles at the intersection.³ LOS A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. LOS D

² Data collected by Key Data Network on February 12, 2019.

³ A description of Level of Service (LOS) is provided in the appendix and includes a list of the delay values (in seconds) that correspond to each LOS designation.

and E are progressively worse operating conditions. LOS F represents conditions where average vehicle delay has become excessive and demand has exceeded capacity.

- **Volume-to-capacity (v/c) ratio:** A decimal representation (typically between 0.00 and 1.00) of the proportion of capacity that is being used at a turn movement, approach leg, or intersection. It is determined by dividing the peak hour traffic volume by the hourly capacity of a given intersection or movement. A lower ratio indicates smooth operations and minimal delays. As the ratio approaches 1.00, congestion increases and performance is reduced. If the ratio is greater than 1.00, the turn movement, approach leg, or intersection is oversaturated and usually results in excessive queues and long delays.

Required Operating Standard

City of McMinnville standards require a minimum of a 0.90 v/c ratio for all local intersections and streets⁴ and does not have an operational LOS standard

Existing Operating Conditions

Existing traffic operations at the study intersection were determined for the AM and PM peak hour based on the 2010 Highway Capacity Manual (HCM) methodology.⁵ The results were then compared with the City of McMinnville's required operating standard for two-way stop controlled intersections. Table 3 lists the estimated delay, LOS, and worst movement's v/c ratio of the study intersections. The existing study intersections of NW Baker Creek Road /NW Oak Ridge Drive (NW Doral Street) and NW Baker Creek Road/Merlot Drive (NW Greenbriar Place) currently meet operating standards.

Table 3: Existing PM Peak Study Intersection Operations

Intersection	Operating Standard	Existing AM Peak			Existing PM Peak		
		Delay	LOS	v/c	Delay	LOS	v/c
NW Baker Creek Road /NW Oak Ridge Drive (NW Doral Street)	V/C < 0.9	17.3	C	0.13	14.6	B	0.05
NW Baker Creek Road/Merlot Drive (NW Greenbriar Place)	V/C < 0.9	17.8	C	0.11	14.8	B	0.03
Delay = Average Intersection Delay (sec.) LOS = Level of Service v/c = Volume-to-Capacity Ratio for worst lane							

⁴ Table 6-32, City of McMinnville TSP, Page 2-11, Updated May 2010.

⁵ 2000 & 2010 Highway Capacity Manual, Transportation Research Board, Washington DC, 2000/2010.

CHAPTER 3: PROJECT IMPACTS

This chapter reviews the estimated impacts that the Oak Ridge Meadows development may have on the surrounding transportation system. This analysis includes site plan evaluation, trip generation, trip distribution, and future year traffic volumes and operating conditions for the study intersections.

Proposed Development

The proposed development includes 108-unit single family homes as well as dedicated public space (park). Initially, the development will be accessed via NW Pinot Noir Drive only. However, a future connection to NW Baker Creek Road at NW Shadden Road will serve as the primary access to the development.

Trip Generation

Trip generation is the method used to estimate the number of vehicles added to site streets and the adjacent street network by a development during a specified period (i.e., such as the PM peak hour). For this study, the ITE 10th Edition trip generation data was used which is based on national land use data.⁶

Table 4 provides a detailed trip generation for the proposed single family development. As shown, the development is expected to generate approximately 80 total (20 in, 60 out) AM peak hour trips, 107 total (67 in, 40 out) PM peak hour trips, and 1,020 daily trips.

Table 4: Peak Hour Primary Trip Generation

Land Use (ITE Code)	Quantity	AM Trips			PM Trips			Daily Trips
		In	Out	Total	In	Out	Total	
Single-Family Detached Housing (210)	108 units	20	60	80	67	40	107	1,020

Trip Distribution

Trip distribution provides an estimate of where project-related trips would be coming from and going to. It is given as percentages at key gateways to the study area and is used to route project trips through the study intersections. Because the ultimate extension of NW Shadden Drive will change travel patterns, trip distribution scenarios were calculated for both the interim and final build of the development. In both scenarios, all traffic is destined for NW Baker Creek Road with 85% oriented to/from the east and 15% oriented to/from the west.

The trip distribution and resulting project trips for the interim build scenario are shown in Figure 3. In this scenario, 100% of the project trips were assumed to leave the site and use NW Pinot

⁶ Institute of Transportation Engineers *Trip Generation Manual*, 10th Edition

Noir Drive. From there, and estimated 70% would use NW Oak Ridge Drive and 30% would use Merlot Drive to access NW Baker Creek Road.

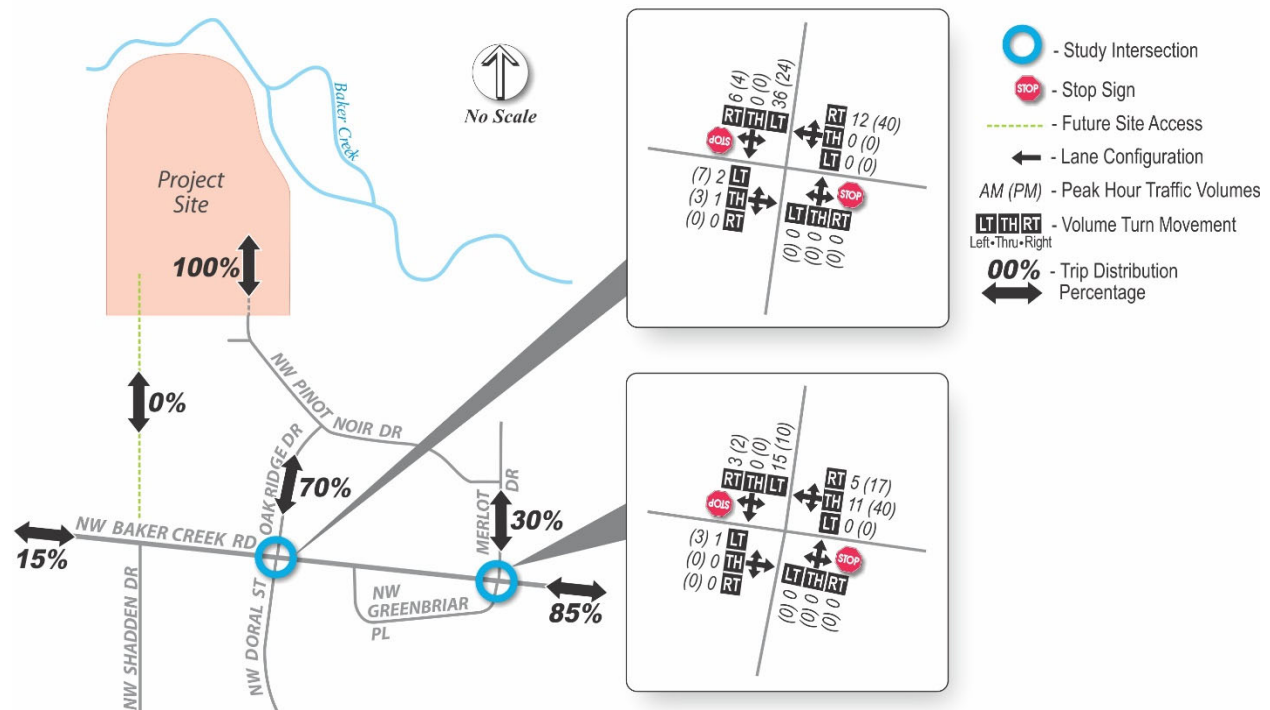


Figure 3: Interim Build Trip Distribution and Project Trips

After the additional access at Shadden Road is built, trip distribution will change dramatically with the majority of traffic using the Shadden Road access. It is assumed that 80% of trips will use the newly constructed Shadden Road access and 20% of trips will continue to use NW Pinot Noir Drive. Of the 20% of trips using Pinot Noir Drive, the previous assumption of 70%/30% split to NW Oak Ridge Drive and Merlot Drive will still apply. The resulting trip distribution and project trips are shown in Figure 4.

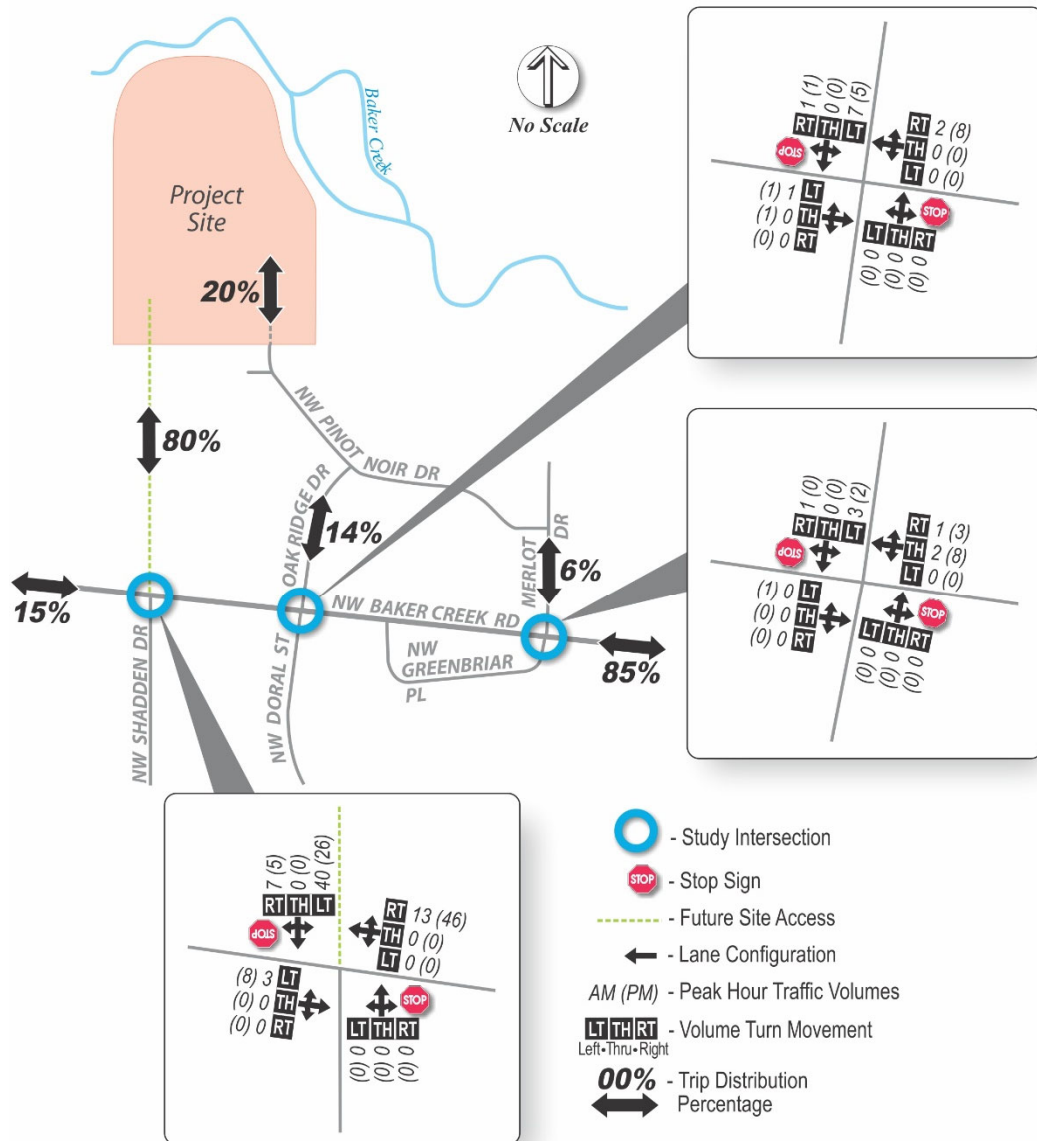


Figure 4: Final Build Trip Distribution and Project Trips

Interim Build Traffic Volumes and Operating Conditions

Future operating conditions were analyzed at the study intersections for the interim build scenario (without the NW Shadden Drive connection). Interim build traffic volumes at the study intersection are the sum of the existing traffic volumes and the project trips. The interim build traffic volumes are shown in Figure 5.

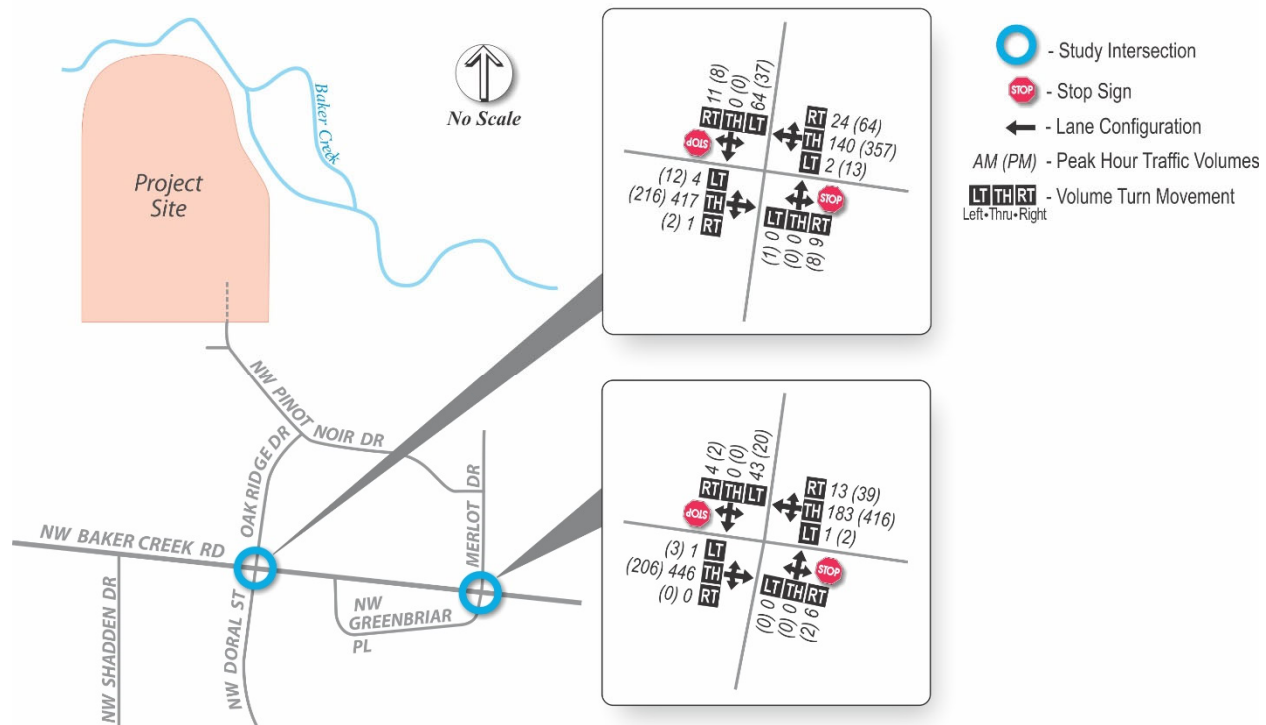


Figure 5: Interim Build AM and PM Peak Hour Traffic Volumes

Intersection Operations

The study intersection operating conditions with the addition of site-generated traffic (interim build) are listed in Table 5. As shown, all study intersections continue to operate well under capacity and meet operating standards.

Table 5: Interim Build Intersection Operations

Intersection	Operating Standard	Build AM Peak			Build PM Peak		
		Delay	LOS	v/c	Delay	LOS	v/c
NW Baker Creek Road /NW Oak Ridge Drive (NW Doral Street)	V/C < 0.9	20.7	C	0.31	16.6	C	0.14
NW Baker Creek Road/Merlot Drive (NW Greenbriar Place)	V/C < 0.9	18.5	C	0.18	15.0	C	0.06

Delay = Average Intersection Delay (sec.)
LOS = Level of Service
v/c = Volume-to-Capacity Ratio for worst lane

Final Build Traffic Volumes and Operating Conditions

Future operating conditions were also analyzed at the study intersections for the final build scenario (with the NW Shadden Road connection). The final build traffic volumes are shown in Figure 6.

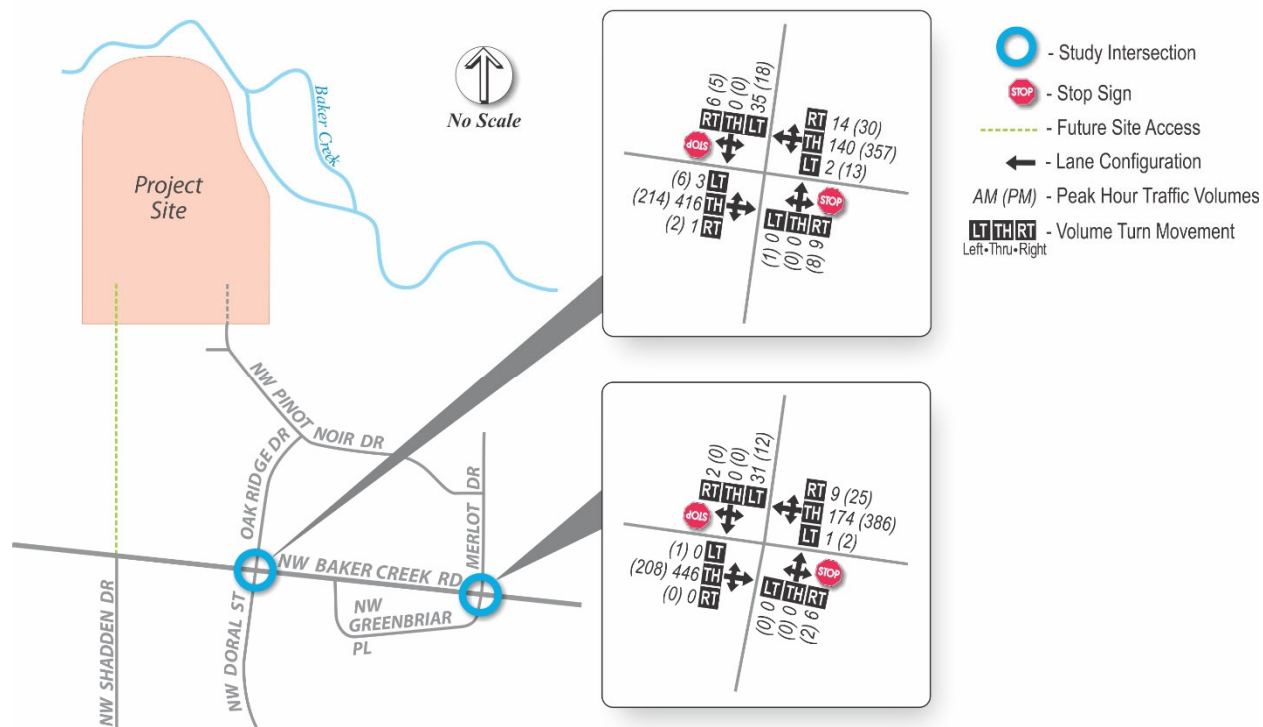


Figure 6: Final Build AM and PM Peak Hour Traffic Volumes

Intersection Operations

The study intersection operating conditions at full build out of the development are listed in Table 6. As shown, all study intersections continue to operate well under capacity and meet operating standards.

Table 6: Final Build Intersection Operations

Intersection	Operating Standard	Build AM Peak			Build PM Peak		
		Delay	LOS	v/c	Delay	LOS	v/c
NW Baker Creek Road /NW Oak Ridge Drive (NW Doral Street)	V/C < 0.9	18.0	C	0.17	15.0	C	0.07
NW Baker Creek Road/Merlot Drive (NW Greenbriar Place)	V/C < 0.9	17.8	C	0.13	14.9	B	0.03

Delay = Average Intersection Delay (sec.)
LOS = Level of Service
v/c = Volume-to-Capacity Ratio for worst lane

Neighborhood Livability Evaluation

DKS previously conducted an evaluation of the potential impacts of this development.⁷ This section provides an update to that document.

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.

Peak hour traffic counts were collected on NW Oak Ridge Drive and Merlot Drive on February 12, 2019. These peak hour traffic volumes were then used to estimate daily traffic volumes along NW Oak Ridge Drive and Merlot Drive.⁸ Based on the limited number of existing homes along NW Pinot Noir Drive, a conservative estimate of peak hour and daily traffic on this roadway was calculated using ITE trip generation rates. The estimated ADT on these three study roadways are shown in Table 7.

Also shown in Table 7 is the estimated number of trips that will occur on these roads once Oak Ridge Meadows is built, both before and after the NW Shadden Road extension is constructed.

Table 7. Projected Average Daily Traffic Volumes

Street	Existing ADT	Interim Build (Without NW Shadden Dr. Extension)		Final Build (With NW Shadden Dr. Extension)	
		Oak Ridge Meadows ADT	Total ADT	Oak Ridge Meadows ADT	Total ADT
NW Pinot Noir Dr. ^a	180	1,020	1,200	204	384
NW Oak Ridge Dr.	440	714	1,154	143	583
Merlot Dr.	320	306	626	61	381
NW Shadden Dr. ^b	-	-	-	816	816

^a The segment northwest of NW Oak Ridge Drive

^b The segment north of NW Baker Creek Road

⁷ Oak Ridge Meadows Neighborhood Street Livability, DKS Associates, 2004.

⁸ It was assumed that the PM peak hour volumes represent 10% of the daily traffic volumes, which is a commonly used estimate when no other data is available. It is also consistent with the ratio of PM peak hour to daily volume trip generation rates in the ITE Trip Generation Manual for single family home developments.

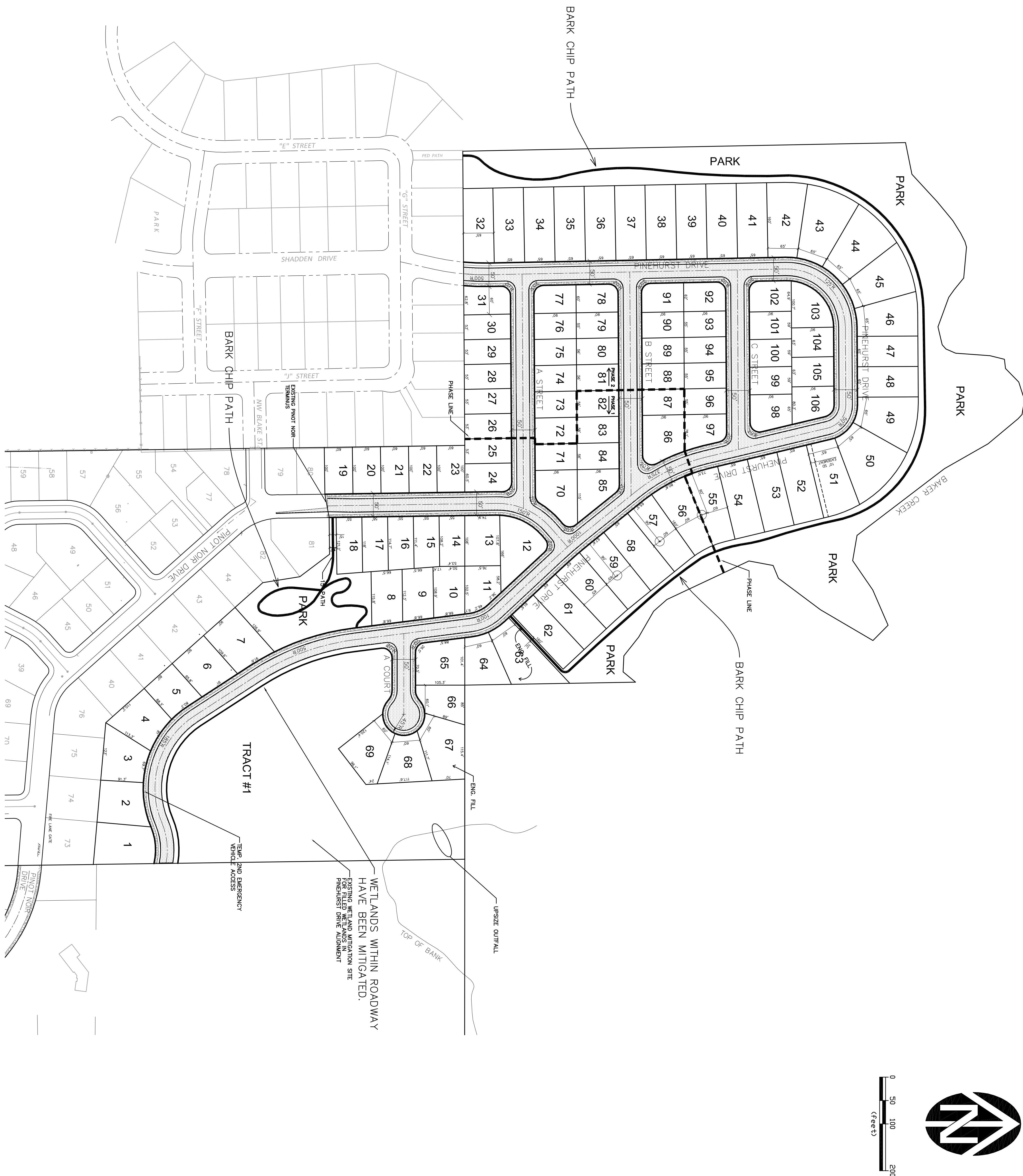
As shown in table 7, daily traffic volumes on all study roadways will remain at or below a level consistent with neighborhood streets in the City of McMinnville (ADT of 1,200 vpd) after Oak Ridge Meadows is constructed, even without the extension of NW Shadden Drive. Once the NW Shadden Drive extension is in place, the daily traffic volumes on NW Pinot Noir Drive, NW Oak Ridge Drive, and Merlot Drive will be only marginally higher than today. In short, the volume of traffic that will be added to the existing neighborhood streets is not expected to reduce the livability of the neighborhood due to over-capacity conditions.

Project Impact Summary

The proposed development is anticipated to result in the following impacts:

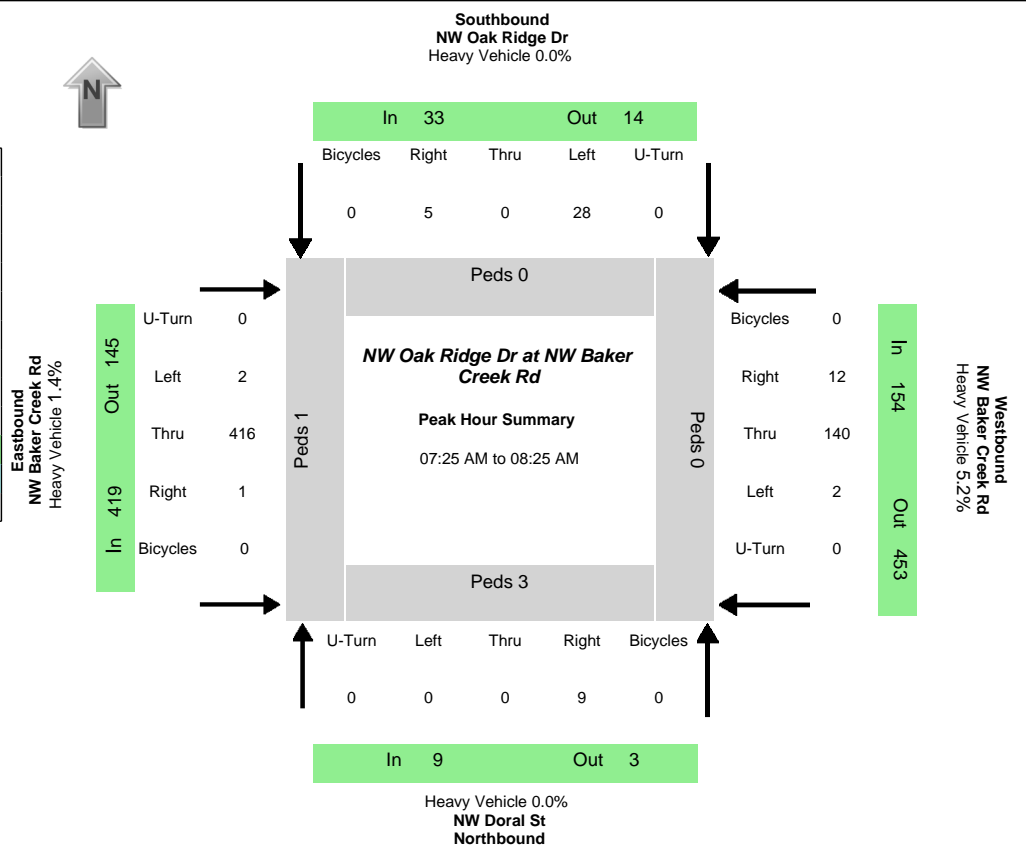
- The development will consist of 108-unit single family homes. The ultimate buildout of the site includes a connection to NW Baker Creek Road via an extension of NW Shadden Drive. In the interim, the development will be accessed via NW Pinot Noir Drive, NW Oak Ridge Drive, and Merlot Drive.
- The development 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.

Appendix A – Site Plan



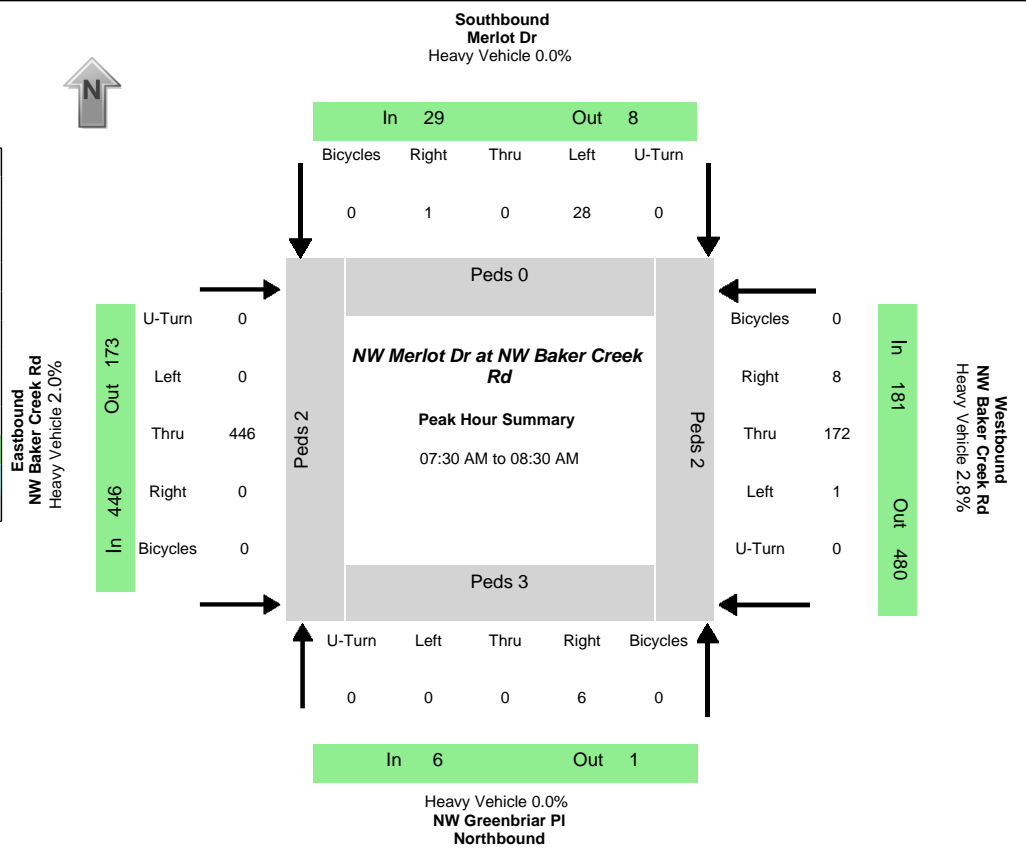
Appendix B – Existing Peak Hour Traffic Counts

Data Provided by K-D-N.com 503-594-4224	
N/S street	NW Doral St
E/W street	NW Baker Creek Rd
City, State	McMinnville OR
Site Notes	
Location	45.226263 - -123.216806
Start Date	Tuesday, February 12, 2019
Start Time	07:00:00 AM
Weather	
Study ID #	
Peak Hour Start	07:25:00 AM
Peak 15 Min Start	07:50:00 AM
PHF (15-Min Int)	0.74



Peak-Hour Volumes (PHV)																							
Northbound				Southbound				Eastbound				Westbound				Entering				Leaving			
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
0	0	9	0	28	0	5	0	2	416	1	0	2	140	12	0	9	33	419	154	3	14	145	453
Percent Heavy Vehicles																							
0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.4%	0.0%	0.0%	0.0%	5.7%	0.0%	0.0%	0.0%	0.0%	1.4%	5.2%	0.0%	0.0%	5.5%	1.3%
PHV - Bicycles																PHV - Pedestrians							
Northbound				Southbound				Eastbound				Westbound				Sum	in Crosswalk				Sum		
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn		NB	SB	EB	WB			
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	1	0	4		
All Vehicle Volumes																							
Time	Northbound NW Doral St				Southbound NW Oak Ridge Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				15 Min Sum	1 HR Sum					
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn							
07:00:00 AM	0	0	0	0	2	0	0	0	0	18	0	0	0	12	0	0							
07:05:00 AM	0	0	0	0	3	0	1	0	0	16	0	0	0	7	1	0							
07:10:00 AM	0	0	2	0	2	0	0	0	0	14	0	0	0	12	1	0	91						
07:15:00 AM	0	0	1	0	1	0	1	0	0	12	0	0	0	7	0	0	81						
07:20:00 AM	0	0	1	0	2	0	0	0	1	22	0	0	0	5	0	0	84						
07:25:00 AM	0	0	1	0	2	0	0	0	0	38	1	0	0	11	0	0	106						
07:30:00 AM	0	0	0	0	4	0	1	0	0	31	0	0	0	7	0	0	127						
07:35:00 AM	0	0	1	0	1	0	0	0	0	33	0	0	0	7	3	0	141						
07:40:00 AM	0	0	0	0	5	0	1	0	0	32	0	0	0	11	0	0	137						
07:45:00 AM	0	0	1	0	2	0	2	0	0	48	0	0	0	9	1	0	157						
07:50:00 AM	0	0	0	0	3	0	1	0	2	67	0	0	0	7	0	0	192						
07:55:00 AM	0	0	2	0	2	0	0	0	0	44	0	0	0	15	1	0	207	541					
08:00:00 AM	0	0	0	0	3	0	0	0	0	33	0	0	0	26	2	0	208	573					
08:05:00 AM	0	0	0	0	1	0	0	0	0	19	0	0	0	13	0	0	161	578					
08:10:00 AM	0	0	3	0	2	0	0	0	0	27	0	0	0	16	3	0	148	598					
08:15:00 AM	0	0	1	0	1	0	0	0	0	25	0	0	2	9	0	0	122	614					
08:20:00 AM	0	0	0	0	2	0	0	0	0	19	0	0	0	9	2	0	121	615					
08:25:00 AM	0	0	0	0	1	0	0	0	0	19	0	0	0	15	0	0	105	597					
08:30:00 AM	0	0	0	0	0	0	0	0	0	17	0	0	1	12	1	0	98	585					
08:35:00 AM	0	0	1	0	0	0	0	0	0	23	0	0	1	15	0	0	106	580					
08:40:00 AM	0	0	1	0	1	0	0	0	0	20	0	0	1	8	3	0	105	565					
08:45:00 AM	0	0	1	0	0	0	0	0	0	17	0	0	1	14	0	0	107	535					
08:50:00 AM	0	0	4	0	1	0	0	0	0	20	0	0	0	11	0	0	103	491					
08:55:00 AM	1	0	3	0	0	0	0	0	0	13	0	0	2	13	0	0	101	459					

Data Provided by K-D-N.com 503-594-4224	
N/S street	NW Greenbriar PI
E/W street	NW Baker Creek Rd
City, State	McMinnville OR
Site Notes	
Location	45.225951 - -123.212653
Start Date	Tuesday, February 12, 2019
Start Time	07:00:00 AM
Weather	
Study ID #	
Peak Hour Start	07:30:00 AM
Peak 15 Min Start	07:45:00 AM
PHF (15-Min Int)	0.81



Peak-Hour Volumes (PHV)																							
Northbound				Southbound				Eastbound				Westbound				Entering				Leaving			
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
0	0	6	0	28	0	1	0	0	446	0	0	1	172	8	0	6	29	446	181	1	8	173	480

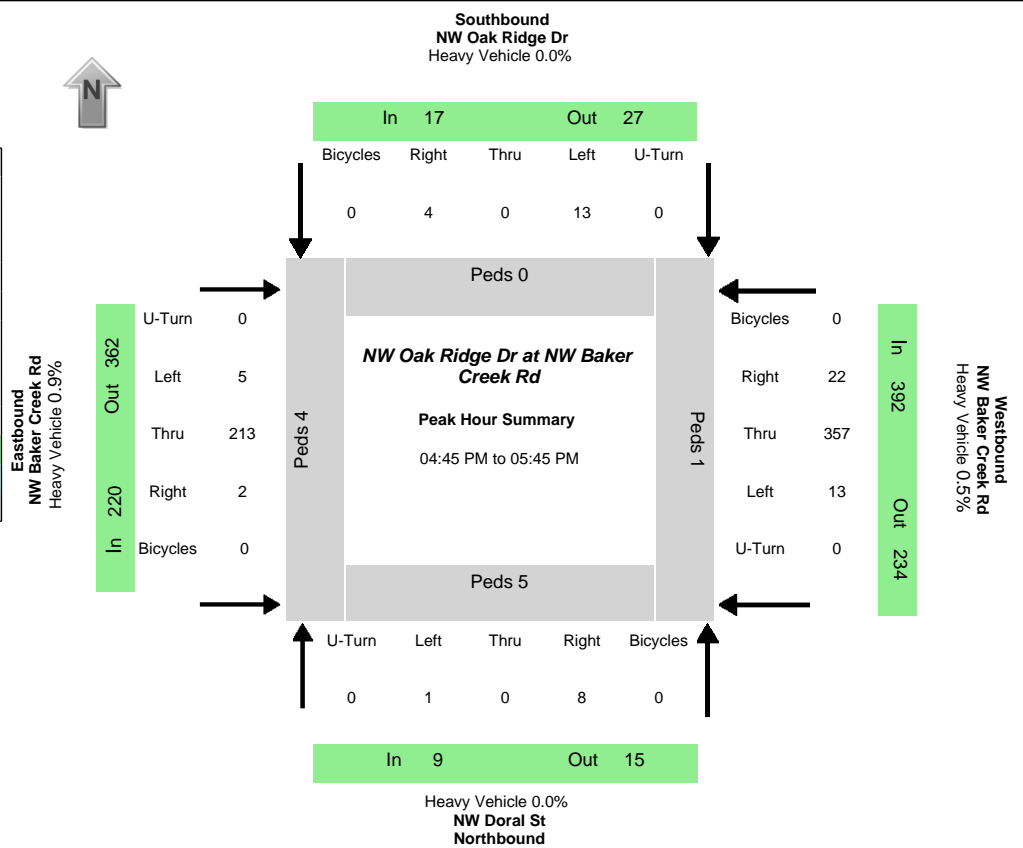
Percent Heavy Vehicles																							
0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	2.0%	0.0%	0.0%	0.0%	2.9%	0.0%	0.0%	0.0%	0.0%	2.0%	2.8%	0.0%	0.0%	2.9%	1.9%

PHV- Bicycles												PHV - Pedestrians				
Northbound				Southbound				Eastbound				Westbound				Sum
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

in Crosswalk					Sum
NB	SB	EB	WB	Sum	
3	0	2	2	7	

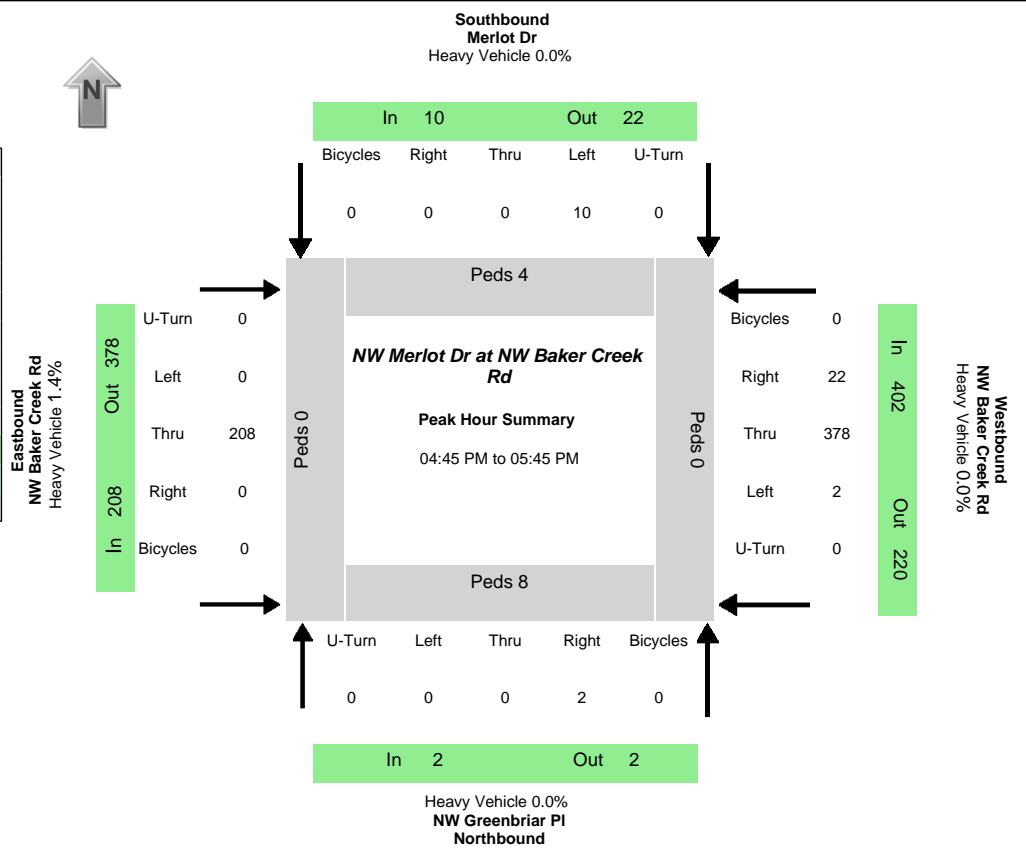
All Vehicle Volumes																
Time	Northbound NW Greenbriar PI				Southbound Merlot Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd			
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn
07:00:00 AM	0	0	1	0	1	0	1	0	0	9	0	0	0	11	0	0
07:05:00 AM	0	0	0	0	1	0	0	0	0	9	0	0	0	3	0	0
07:10:00 AM	0	0	0	0	1	0	0	0	0	18	0	0	0	4	0	0
07:15:00 AM	0	0	0	0	0	0	0	0	0	21	0	0	0	12	0	0
07:20:00 AM	0	0	0	0	0	0	0	0	0	22	0	0	1	7	2	0
07:25:00 AM	0	0	0	0	3	0	1	0	0	30	0	0	0	5	0	0
07:30:00 AM	0	0	0	0	3	0	0	0	0	36	0	0	0	3	1	0
07:35:00 AM	0	0	1	0	6	0	0	0	0	37	0	0	0	9	0	0
07:40:00 AM	0	0	1	0	5	0	0	0	0	34	0	0	0	12	0	0
07:45:00 AM	0	0	1	0	1	0	0	0	0	45	0	0	0	18	0	0
07:50:00 AM	0	0	2	0	1	0	0	0	0	55	0	0	0	6	0	0
07:55:00 AM	0	0	0	0	3	0	0	0	0	51	0	0	0	20	2	0
08:00:00 AM	0	0	0	0	1	0	0	0	0	43	0	0	0	17	0	0
08:05:00 AM	0	0	0	0	3	0	0	0	0	33	0	0	0	20	2	0
08:10:00 AM	0	0	0	0	2	0	0	0	0	41	0	0	0	11	1	0
08:15:00 AM	0	0	0	0	2	0	0	0	0	29	0	0	0	15	1	0
08:20:00 AM	0	0	1	0	0	0	1	0	0	21	0	0	1	23	1	0
08:25:00 AM	0	0	0	0	1	0	0	0	0	21	0	0	0	18	0	0
08:30:00 AM	0	0	0	0	1	0	0	0	0	15	0	0	0	8	1	0
08:35:00 AM	0	0	0	0	1	0	0	0	0	15	0	0	0	17	2	0
08:40:00 AM	0	0	0	0	0	0	1	0	1	14	0	0	0	12	1	0
08:45:00 AM	0	0	0	0	1	0	1	0	0	19	0	0	0	9	0	0
08:50:00 AM	0	0	1	0	1	0	1	0	0	28	0	0	0	12	3	0
08:55:00 AM	0	0	0	0	1	0	0	0	0	15	0	0	0	15	0	0

Data Provided by K-D-N.com 503-594-4224	
N/S street	NW Doral St
E/W street	NW Baker Creek Rd
City, State	McMinnville OR
Site Notes	
Location	45.226263 - -123.216806
Start Date	Tuesday, February 12, 2019
Start Time	04:00:00 PM
Weather	
Study ID #	
Peak Hour Start	04:45:00 PM
Peak 15 Min Start	04:55:00 PM
PHF (15-Min Int)	0.92



Peak-Hour Volumes (PHV)																							
Northbound				Southbound				Eastbound				Westbound				Entering				Leaving			
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
1	0	8	0	13	0	4	0	5	213	2	0	13	357	22	0	9	17	220	392	15	27	362	234
Percent Heavy Vehicles																							
0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.9%	0.0%	0.0%	0.0%	0.6%	0.0%	0.0%	0.0%	0.0%	0.9%	0.5%	0.0%	0.0%	0.6%	0.9%
PHV - Bicycles																PHV - Pedestrians							
Northbound				Southbound				Eastbound				Westbound				Sum	in Crosswalk				Sum		
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn		NB	SB	EB	WB			
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	4	1	10		
All Vehicle Volumes																							
Time	Northbound NW Doral St				Southbound NW Oak Ridge Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				15 Min Sum	1 HR Sum					
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn							
04:00:00 PM	0	0	0	0	2	0	0	0	0	15	0	0	1	29	4	0							
04:05:00 PM	0	0	0	0	2	0	0	0	0	14	0	0	0	23	1	0							
04:10:00 PM	0	0	0	0	0	0	0	0	0	21	0	0	0	35	3	0	150						
04:15:00 PM	0	0	0	0	0	0	0	0	1	24	0	0	0	28	4	0	156						
04:20:00 PM	0	0	0	0	1	0	1	0	0	27	0	0	0	16	1	0	162						
04:25:00 PM	0	0	0	0	0	0	2	0	0	15	0	0	0	23	1	0	144						
04:30:00 PM	0	1	0	0	1	0	0	0	0	10	0	0	0	29	2	0	130						
04:35:00 PM	0	0	0	0	0	0	0	0	1	16	0	0	0	24	1	0	126						
04:40:00 PM	0	0	1	0	2	0	0	0	0	13	0	0	1	17	1	0	120						
04:45:00 PM	0	0	1	0	1	0	0	0	1	19	0	0	0	21	1	0	121						
04:50:00 PM	0	0	3	0	0	0	1	0	0	23	1	0	1	20	1	0	129						
04:55:00 PM	1	0	0	0	1	0	1	0	0	16	1	0	1	34	3	0	152	566					
05:00:00 PM	0	0	0	0	1	0	0	0	0	17	0	0	3	27	2	0	158	565					
05:05:00 PM	0	0	0	0	2	0	1	0	0	22	0	0	3	36	2	0	174	591					
05:10:00 PM	0	0	1	0	2	0	1	0	0	20	0	0	1	30	2	0	173	589					
05:15:00 PM	0	0	0	0	1	0	0	0	1	15	0	0	0	29	5	0	174	583					
05:20:00 PM	0	0	0	0	0	0	0	0	0	21	0	0	0	33	1	0	163	592					
05:25:00 PM	0	0	2	0	0	0	0	0	2	23	0	0	1	34	2	0	170	615					
05:30:00 PM	0	0	0	0	2	0	0	0	0	3	0	0	2	38	2	0	166	619					
05:35:00 PM	0	0	1	0	0	0	0	0	0	19	0	0	1	33	0	0	165	631					
05:40:00 PM	0	0	0	0	3	0	0	0	1	15	0	0	0	22	1	0	143	638					
05:45:00 PM	1	0	2	0	1	0	3	0	1	7	0	0	1	17	1	0	130	628					
05:50:00 PM	0	0	0	0	0	0	0	0	0	12	0	0	2	24	1	0	115	617					
05:55:00 PM	0	0	1	0	0	0	0	0	1	12	0	0	0	27	1	0	115	601					





Data Provided by K-D-N.com 503-594-4224	
N/S street	NW Greenbriar PI
E/W street	NW Baker Creek Rd
City, State	McMinnville OR
Site Notes	
Location	45.225951 - -123.212653
Start Date	Tuesday, February 12, 2019
Start Time	04:00:00 PM
Weather	
Study ID #	
Peak Hour Start	04:45:00 PM
Peak 15 Min Start	05:15:00 PM
PHF (15-Min Int)	0.93



Peak-Hour Volumes (PHV)																							
Northbound				Southbound				Eastbound				Westbound				Entering				Leaving			
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
0	0	2	0	10	0	0	0	0	208	0	0	2	378	22	0	2	10	208	402	2	22	378	220
Percent Heavy Vehicles																							
0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.4%	0.0%	0.0%	0.0%	0.0%	1.4%
PHV - Bicycles																PHV - Pedestrians							
Northbound				Southbound				Eastbound				Westbound				Sum	in Crosswalk				Sum		
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn		NB	SB	EB	WB			
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	4	0	0	12		
All Vehicle Volumes																							
Time	Northbound NW Greenbriar PI				Southbound Merlot Dr				Eastbound NW Baker Creek Rd				Westbound NW Baker Creek Rd				15 Min	1 HR					
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	Sum					
04:00:00 PM	0	0	0	0	2	0	0	0	1	23	0	0	2	22	2	0							
04:05:00 PM	0	0	1	0	1	0	0	0	0	26	0	0	0	26	2	0							
04:10:00 PM	0	0	2	0	0	0	0	0	0	12	0	0	0	19	4	0	145						
04:15:00 PM	0	0	0	0	0	0	0	0	0	19	0	0	0	13	2	0	127						
04:20:00 PM	0	0	0	0	1	0	0	0	0	25	0	0	1	19	0	0	117						
04:25:00 PM	0	0	0	0	2	0	0	0	0	9	0	0	1	21	1	0	114						
04:30:00 PM	0	0	0	0	2	0	0	0	0	18	0	0	0	30	0	0	130						
04:35:00 PM	0	0	0	0	1	0	0	0	0	20	0	0	0	21	2	0	128						
04:40:00 PM	0	0	0	0	1	0	0	0	0	13	0	0	1	26	0	0	135						
04:45:00 PM	0	0	0	0	0	0	0	0	0	23	0	0	0	27	3	0	138						
04:50:00 PM	0	0	0	0	2	0	0	0	0	25	0	0	0	24	1	0	146						
04:55:00 PM	0	0	1	0	1	0	0	0	0	7	0	0	0	29	0	0	143	537					
05:00:00 PM	0	0	1	0	0	0	0	0	0	18	0	0	0	33	4	0	146	541					
05:05:00 PM	0	0	0	0	1	0	0	0	0	23	0	0	0	29	3	0	150	541					
05:10:00 PM	0	0	0	0	0	0	0	0	0	15	0	0	0	38	1	0	166	558					
05:15:00 PM	0	0	0	0	0	0	0	0	0	13	0	0	0	39	1	0	163	577					
05:20:00 PM	0	0	0	0	0	0	0	0	0	18	0	0	1	37	2	0	165	589					
05:25:00 PM	0	0	0	0	1	0	0	0	0	16	0	0	0	37	3	0	168	612					
05:30:00 PM	0	0	0	0	1	0	0	0	0	11	0	0	0	24	2	0	153	600					
05:35:00 PM	0	0	0	0	2	0	0	0	0	16	0	0	0	34	0	0	147	608					
05:40:00 PM	0	0	0	0	2	0	0	0	0	23	0	0	1	27	2	0	145	622					
05:45:00 PM	0	0	1	0	0	0	0	0	0	18	0	0	0	30	0	0	156	618					
05:50:00 PM	0	0	0	0	1	0	0	0	0	14	0	0	1	32	4	0	156	618					
05:55:00 PM	0	0	0	0	0	0	0	0	0	13	0	0	0	19	3	0	136	615					











Appendix C – Existing HCM Analysis Results

Intersection												
Int Delay, s/veh	0.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	446	0	1	172	8	0	0	6	28	0	1
Future Vol, veh/h	0	446	0	1	172	8	0	0	6	28	0	1
Conflicting Peds, #/hr	3	0	0	0	0	3	2	0	2	2	0	2
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	81	81	81	81	81	81	81	81	81	81	81	81
Heavy Vehicles, %	0	2	0	0	3	0	0	0	0	0	0	0
Mvmt Flow	0	551	0	1	212	10	0	0	7	35	0	1
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	225	0	0	551	0	0	773	778	553	779	773	222
Stage 1	-	-	-	-	-	-	551	551	-	222	222	-
Stage 2	-	-	-	-	-	-	222	227	-	557	551	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1356	-	-	1029	-	-	319	330	537	316	332	823
Stage 1	-	-	-	-	-	-	522	519	-	785	723	-
Stage 2	-	-	-	-	-	-	785	720	-	518	519	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1352	-	-	1029	-	-	318	329	536	310	331	819
Mov Cap-2 Maneuver	-	-	-	-	-	-	318	329	-	310	331	-
Stage 1	-	-	-	-	-	-	522	519	-	783	720	-
Stage 2	-	-	-	-	-	-	782	717	-	510	519	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			0			11.8			17.8		
HCM LOS							B			C		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	536	1352	-	-	1029	-	-	317				
HCM Lane V/C Ratio	0.014	-	-	-	0.001	-	-	0.113				
HCM Control Delay (s)	11.8	0	-	-	8.5	0	-	17.8				
HCM Lane LOS	B	A	-	-	A	A	-	C				
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.4				

HCM 6th TWSC
2: Baker Creek Rd & Oak Ridge Dr





Existing AM Peak Hour
Oak Ridge Meadows TIA

Intersection												
Int Delay, s/veh	1.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	2	416	1	2	140	12	0	0	9	28	0	5
Future Vol, veh/h	2	416	1	2	140	12	0	0	9	28	0	5
Conflicting Peds, #/hr	3	0	0	0	0	3	0	0	1	1	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	74	74	74	74	74	74	74	74	74	74	74	74
Heavy Vehicles, %	0	1	0	0	6	0	0	0	0	0	0	0
Mvmt Flow	3	562	1	3	189	16	0	0	12	38	0	7
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	208	0	0	563	0	0	776	783	564	782	775	200
Stage 1	-	-	-	-	-	-	569	569	-	206	206	-
Stage 2	-	-	-	-	-	-	207	214	-	576	569	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1375	-	-	1019	-	-	317	328	529	314	331	846
Stage 1	-	-	-	-	-	-	511	509	-	801	735	-
Stage 2	-	-	-	-	-	-	800	729	-	506	509	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1371	-	-	1019	-	-	313	325	528	304	328	844
Mov Cap-2 Maneuver	-	-	-	-	-	-	313	325	-	304	328	-
Stage 1	-	-	-	-	-	-	509	507	-	796	731	-
Stage 2	-	-	-	-	-	-	791	725	-	492	507	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			0.1			12			17.3		
HCM LOS							B			C		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	528	1371	-	-	1019	-	-	337				
HCM Lane V/C Ratio	0.023	0.002	-	-	0.003	-	-	0.132				
HCM Control Delay (s)	12	7.6	0	-	8.5	0	-	17.3				
HCM Lane LOS	B	A	A	-	A	A	-	C				
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.5				

Intersection												
Int Delay, s/veh	0.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	208	0	2	378	22	0	0	2	10	0	0
Future Vol, veh/h	0	208	0	2	378	22	0	0	2	10	0	0
Conflicting Peds, #/hr	8	0	4	4	0	8	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	93	93	93	93	93	93	93	93	93	93	93	93
Heavy Vehicles, %	0	1	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	0	224	0	2	406	24	0	0	2	11	0	0
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	438	0	0	228	0	0	650	670	228	655	658	426
Stage 1	-	-	-	-	-	-	228	228	-	430	430	-
Stage 2	-	-	-	-	-	-	422	442	-	225	228	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1133	-	-	1352	-	-	385	381	816	382	387	633
Stage 1	-	-	-	-	-	-	779	719	-	607	587	-
Stage 2	-	-	-	-	-	-	613	580	-	782	719	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1124	-	-	1347	-	-	383	376	813	377	382	628
Mov Cap-2 Maneuver	-	-	-	-	-	-	383	376	-	377	382	-
Stage 1	-	-	-	-	-	-	776	716	-	602	581	-
Stage 2	-	-	-	-	-	-	612	574	-	780	716	-
Approach	EB		WB				NB		SB			
HCM Control Delay, s	0		0				9.4		14.8			
HCM LOS							A		B			
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	813	1124	-	-	1347	-	-	377				
HCM Lane V/C Ratio	0.003	-	-	-	0.002	-	-	0.029				
HCM Control Delay (s)	9.4	0	-	-	7.7	0	-	14.8				
HCM Lane LOS	A	A	-	-	A	A	-	B				
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.1				





HCM 6th TWSC
2: Baker Creek Rd & Oak Ridge Dr

Existing PM Peak Hour
Oak Ridge Meadows TIA

Intersection												
Int Delay, s/veh	0.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	5	213	2	13	357	22	1	0	8	13	0	4
Future Vol, veh/h	5	213	2	13	357	22	1	0	8	13	0	4
Conflicting Peds, #/hr	5	0	0	0	0	5	1	0	4	4	0	1
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	0	1	0	0	1	0	0	0	0	0	0	0
Mvmt Flow	5	232	2	14	388	24	1	0	9	14	0	4
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	417	0	0	234	0	0	674	688	237	685	677	406
Stage 1	-	-	-	-	-	-	243	243	-	433	433	-
Stage 2	-	-	-	-	-	-	431	445	-	252	244	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1153	-	-	1345	-	-	371	372	807	365	377	649
Stage 1	-	-	-	-	-	-	765	708	-	605	585	-
Stage 2	-	-	-	-	-	-	607	578	-	757	708	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1148	-	-	1345	-	-	363	363	804	353	368	645
Mov Cap-2 Maneuver	-	-	-	-	-	-	363	363	-	353	368	-
Stage 1	-	-	-	-	-	-	761	704	-	599	574	-
Stage 2	-	-	-	-	-	-	594	567	-	742	704	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.2			0.3			10.2			14.6		
HCM LOS							B			B		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	708	1148	-	-	1345	-	-	395				
HCM Lane V/C Ratio	0.014	0.005	-	-	0.011	-	-	0.047				
HCM Control Delay (s)	10.2	8.2	0	-	7.7	0	-	14.6				
HCM Lane LOS	B	A	A	-	A	A	-	B				
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.1				







Appendix D – Future Interim HCM Analysis Results

Intersection												
Int Delay, s/veh	1.4											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	446	1	1	172	13	0	0	6	43	0	4
Future Vol, veh/h	1	446	1	1	172	13	0	0	6	43	0	4
Conflicting Peds, #/hr	3	0	0	0	0	3	2	0	2	2	0	2
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	81	81	81	81	81	81	81	81	81	81	81	81
Heavy Vehicles, %	0	2	0	0	3	0	0	0	0	0	0	0
Mvmt Flow	1	551	1	1	212	16	0	0	7	53	0	5
Major/Minor	Major1		Major2			Minor1			Minor2			
Conflicting Flow All	231	0	0	552	0	0	781	787	554	784	779	225
Stage 1	-	-	-	-	-	-	554	554	-	225	225	-
Stage 2	-	-	-	-	-	-	227	233	-	559	554	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1349	-	-	1028	-	-	315	326	536	313	330	819
Stage 1	-	-	-	-	-	-	520	517	-	782	721	-
Stage 2	-	-	-	-	-	-	780	716	-	517	517	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1345	-	-	1028	-	-	312	324	535	307	328	815
Mov Cap-2 Maneuver	-	-	-	-	-	-	312	324	-	307	328	-
Stage 1	-	-	-	-	-	-	519	516	-	779	718	-
Stage 2	-	-	-	-	-	-	773	713	-	508	516	-
Approach	EB		WB			NB			SB			
HCM Control Delay, s	0		0			11.8			18.5			
HCM LOS						B			C			
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	535	1345	-	-	1028	-	-	324				
HCM Lane V/C Ratio	0.014	0.001	-	-	0.001	-	-	0.179				
HCM Control Delay (s)	11.8	7.7	0	-	8.5	0	-	18.5				
HCM Lane LOS	B	A	A	-	A	A	-	C				
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.6				

HCM 6th TWSC
2: Baker Creek Rd & Oak Ridge Dr





AM Peak Hour - Interim Buildout
Oak Ridge Meadows TIA

Intersection												
Int Delay, s/veh	2.6											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	4	416	3	2	140	24	0	0	9	64	0	11
Future Vol, veh/h	4	416	3	2	140	24	0	0	9	64	0	11
Conflicting Peds, #/hr	3	0	0	0	0	3	0	0	1	1	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	74	74	74	74	74	74	74	74	74	74	74	74
Heavy Vehicles, %	0	1	0	0	6	0	0	0	0	0	0	0
Mvmt Flow	5	562	4	3	189	32	0	0	12	86	0	15
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	224	0	0	566	0	0	793	804	565	795	790	208
Stage 1	-	-	-	-	-	-	574	574	-	214	214	-
Stage 2	-	-	-	-	-	-	219	230	-	581	576	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1357	-	-	1016	-	-	309	319	528	308	325	837
Stage 1	-	-	-	-	-	-	507	506	-	793	729	-
Stage 2	-	-	-	-	-	-	788	718	-	503	505	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1353	-	-	1016	-	-	302	315	527	298	321	835
Mov Cap-2 Maneuver	-	-	-	-	-	-	302	315	-	298	321	-
Stage 1	-	-	-	-	-	-	504	503	-	787	725	-
Stage 2	-	-	-	-	-	-	772	714	-	488	502	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.1			0.1			12			20.7		
HCM LOS							B			C		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	527	1353	-	-	1016	-	-	329				
HCM Lane V/C Ratio	0.023	0.004	-	-	0.003	-	-	0.308				
HCM Control Delay (s)	12	7.7	0	-	8.6	0	-	20.7				
HCM Lane LOS	B	A	A	-	A	A	-	C				
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	1.3				

Intersection												
Int Delay, s/veh	0.6											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	3	208	0	2	378	39	0	0	2	20	0	2
Future Vol, veh/h	3	208	0	2	378	39	0	0	2	20	0	2
Conflicting Peds, #/hr	8	0	4	4	0	8	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	93	93	93	93	93	93	93	93	93	93	93	93
Heavy Vehicles, %	0	1	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	3	224	0	2	406	42	0	0	2	22	0	2
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	456	0	0	228	0	0	666	694	228	670	673	435
Stage 1	-	-	-	-	-	-	234	234	-	439	439	-
Stage 2	-	-	-	-	-	-	432	460	-	231	234	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1115	-	-	1352	-	-	376	369	816	373	379	625
Stage 1	-	-	-	-	-	-	774	715	-	601	582	-
Stage 2	-	-	-	-	-	-	606	569	-	776	715	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1107	-	-	1347	-	-	372	363	813	368	373	620
Mov Cap-2 Maneuver	-	-	-	-	-	-	372	363	-	368	373	-
Stage 1	-	-	-	-	-	-	769	710	-	594	576	-
Stage 2	-	-	-	-	-	-	603	563	-	772	710	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.1			0			9.4			15		
HCM LOS							A			C		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	813	1107	-	-	1347	-	-	382				
HCM Lane V/C Ratio	0.003	0.003	-	-	0.002	-	-	0.062				
HCM Control Delay (s)	9.4	8.3	0	-	7.7	0	-	15				
HCM Lane LOS	A	A	A	-	A	A	-	C				
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.2				





HCM 6th TWSC
2: Baker Creek Rd & Oak Ridge Dr

PM Peak Hour - Interim Buildout
Oak Ridge Meadows TIA

Intersection												
Int Delay, s/veh	1.5											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	13	213	2	13	357	62	1	0	8	37	0	8
Future Vol, veh/h	13	213	2	13	357	62	1	0	8	37	0	8
Conflicting Peds, #/hr	5	0	0	0	0	5	1	0	4	4	0	1
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	0	1	0	0	1	0	0	0	0	0	0	0
Mvmt Flow	14	232	2	14	388	67	1	0	9	40	0	9
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	460	0	0	234	0	0	716	749	237	725	717	428
Stage 1	-	-	-	-	-	-	261	261	-	455	455	-
Stage 2	-	-	-	-	-	-	455	488	-	270	262	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1112	-	-	1345	-	-	348	343	807	343	358	631
Stage 1	-	-	-	-	-	-	748	696	-	589	572	-
Stage 2	-	-	-	-	-	-	589	553	-	740	695	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1107	-	-	1345	-	-	335	331	804	329	346	627
Mov Cap-2 Maneuver	-	-	-	-	-	-	335	331	-	329	346	-
Stage 1	-	-	-	-	-	-	737	686	-	577	561	-
Stage 2	-	-	-	-	-	-	572	542	-	718	685	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.5			0.2			10.2			16.6		
HCM LOS							B			C		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	696	1107	-	-	1345	-	-	359				
HCM Lane V/C Ratio	0.014	0.013	-	-	0.011	-	-	0.136				
HCM Control Delay (s)	10.2	8.3	0	-	7.7	0	-	16.6				
HCM Lane LOS	B	A	A	-	A	A	-	C				
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.5				











Appendix E – Future Final Build HCM Analysis Results

Intersection												
Int Delay, s/veh	1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	446	0	1	172	9	0	0	6	31	0	2
Future Vol, veh/h	0	446	0	1	172	9	0	0	6	31	0	2
Conflicting Peds, #/hr	3	0	0	0	0	3	2	0	2	2	0	2
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	81	81	81	81	81	81	81	81	81	81	81	81
Heavy Vehicles, %	0	2	0	0	3	0	0	0	0	0	0	0
Mvmt Flow	0	551	0	1	212	11	0	0	7	38	0	2
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	226	0	0	551	0	0	774	779	553	780	774	223
Stage 1	-	-	-	-	-	-	551	551	-	223	223	-
Stage 2	-	-	-	-	-	-	223	228	-	557	551	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1354	-	-	1029	-	-	318	330	537	315	332	822
Stage 1	-	-	-	-	-	-	522	519	-	784	723	-
Stage 2	-	-	-	-	-	-	784	719	-	518	519	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1350	-	-	1029	-	-	316	329	536	309	331	818
Mov Cap-2 Maneuver	-	-	-	-	-	-	316	329	-	309	331	-
Stage 1	-	-	-	-	-	-	522	519	-	782	720	-
Stage 2	-	-	-	-	-	-	779	716	-	510	519	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			0			11.8			17.8		
HCM LOS							B			C		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	536	1350	-	-	1029	-	-	321				
HCM Lane V/C Ratio	0.014	-	-	-	0.001	-	-	0.127				
HCM Control Delay (s)	11.8	0	-	-	8.5	0	-	17.8				
HCM Lane LOS	B	A	-	-	A	A	-	C				
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.4				

HCM 6th TWSC
2: Baker Creek Rd & Oak Ridge Dr





AM Peak Hour - Full Buildout
Oak Ridge Meadows TIA

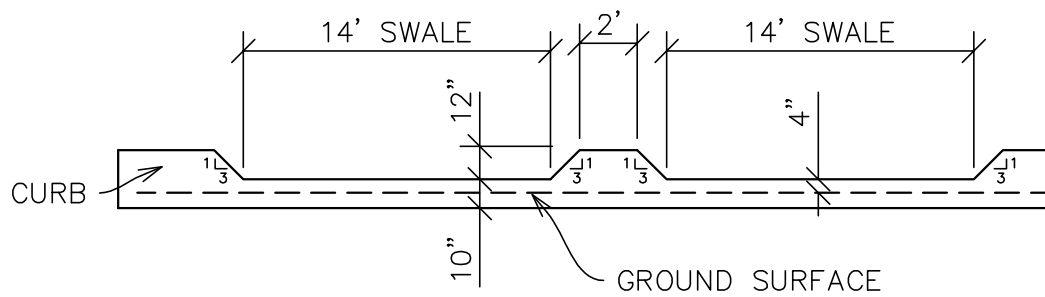
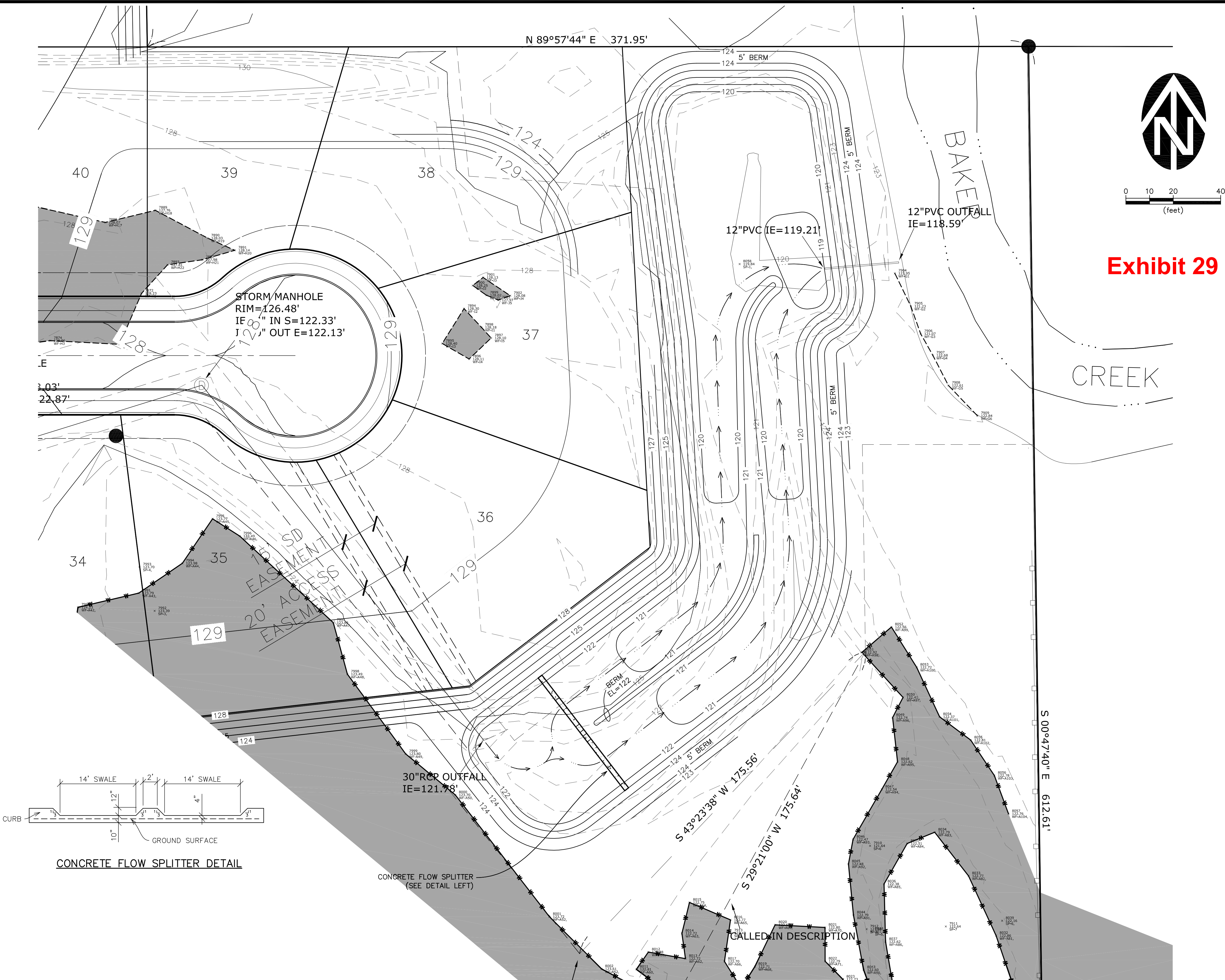
Intersection												
Int Delay, s/veh	1.4											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	3	416	1	2	140	14	0	0	9	35	0	6
Future Vol, veh/h	3	416	1	2	140	14	0	0	9	35	0	6
Conflicting Peds, #/hr	3	0	0	0	0	3	0	0	1	1	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	74	74	74	74	74	74	74	74	74	74	74	74
Heavy Vehicles, %	0	1	0	0	6	0	0	0	0	0	0	0
Mvmt Flow	4	562	1	3	189	19	0	0	12	47	0	8
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	211	0	0	563	0	0	780	788	564	786	779	202
Stage 1	-	-	-	-	-	-	571	571	-	208	208	-
Stage 2	-	-	-	-	-	-	209	217	-	578	571	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1372	-	-	1019	-	-	315	326	529	312	330	844
Stage 1	-	-	-	-	-	-	509	508	-	799	734	-
Stage 2	-	-	-	-	-	-	798	727	-	505	508	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1368	-	-	1019	-	-	310	323	528	302	327	842
Mov Cap-2 Maneuver	-	-	-	-	-	-	310	323	-	302	327	-
Stage 1	-	-	-	-	-	-	507	506	-	793	730	-
Stage 2	-	-	-	-	-	-	788	723	-	491	506	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.1			0.1			12			18		
HCM LOS							B			C		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	528	1368	-	-	1019	-	-	333				
HCM Lane V/C Ratio	0.023	0.003	-	-	0.003	-	-	0.166				
HCM Control Delay (s)	12	7.6	0	-	8.5	0	-	18				
HCM Lane LOS	B	A	A	-	A	A	-	C				
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.6				

Intersection												
Int Delay, s/veh	0.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	208	0	2	378	25	0	0	2	12	0	0
Future Vol, veh/h	1	208	0	2	378	25	0	0	2	12	0	0
Conflicting Peds, #/hr	8	0	4	4	0	8	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	93	93	93	93	93	93	93	93	93	93	93	93
Heavy Vehicles, %	0	1	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	1	224	0	2	406	27	0	0	2	13	0	0
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	441	0	0	228	0	0	654	675	228	659	662	428
Stage 1	-	-	-	-	-	-	230	230	-	432	432	-
Stage 2	-	-	-	-	-	-	424	445	-	227	230	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1130	-	-	1352	-	-	383	378	816	380	385	631
Stage 1	-	-	-	-	-	-	777	718	-	606	586	-
Stage 2	-	-	-	-	-	-	612	578	-	780	718	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1121	-	-	1347	-	-	381	372	813	375	379	626
Mov Cap-2 Maneuver	-	-	-	-	-	-	381	372	-	375	379	-
Stage 1	-	-	-	-	-	-	773	714	-	601	580	-
Stage 2	-	-	-	-	-	-	611	572	-	777	714	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			0			9.4			14.9		
HCM LOS							A			B		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	813	1121	-	-	1347	-	-	375				
HCM Lane V/C Ratio	0.003	0.001	-	-	0.002	-	-	0.034				
HCM Control Delay (s)	9.4	8.2	0	-	7.7	0	-	14.9				
HCM Lane LOS	A	A	A	-	A	A	-	B				
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.1				

HCM 6th TWSC
2: Baker Creek Rd & Oak Ridge Dr

PM Peak Hour - Full Buildout
Oak Ridge Meadows TIA

Intersection												
Int Delay, s/veh	0.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	6	213	2	13	357	30	1	0	8	18	0	5
Future Vol, veh/h	6	213	2	13	357	30	1	0	8	18	0	5
Conflicting Peds, #/hr	5	0	0	0	0	5	1	0	4	4	0	1
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	0	1	0	0	1	0	0	0	0	0	0	0
Mvmt Flow	7	232	2	14	388	33	1	0	9	20	0	5
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	426	0	0	234	0	0	683	701	237	694	686	411
Stage 1	-	-	-	-	-	-	247	247	-	438	438	-
Stage 2	-	-	-	-	-	-	436	454	-	256	248	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1144	-	-	1345	-	-	366	365	807	360	373	645
Stage 1	-	-	-	-	-	-	761	706	-	601	582	-
Stage 2	-	-	-	-	-	-	603	573	-	753	705	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1139	-	-	1345	-	-	357	356	804	347	363	641
Mov Cap-2 Maneuver	-	-	-	-	-	-	357	356	-	347	363	-
Stage 1	-	-	-	-	-	-	756	701	-	594	571	-
Stage 2	-	-	-	-	-	-	589	562	-	737	700	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.2			0.3			10.2			15		
HCM LOS							B			C		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	706	1139	-	-	1345	-	-	385				
HCM Lane V/C Ratio	0.014	0.006	-	-	0.011	-	-	0.065				
HCM Control Delay (s)	10.2	8.2	0	-	7.7	0	-	15				
HCM Lane LOS	B	A	A	-	A	A	-	C				
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.2				



CONCRETE FLOW SPLITTER DETAIL

CONCRETE FLOW SPLITTER
(SEE DETAIL LEFT)

Exhibit 29

VERIFICATION SCALE		DATE: MAR. 2019	
BAR IS ONE INCH ON ORIGINAL DRAWING		NO. 1	
IF NOT ONE INCH ON ORIGINAL DRAWING, SCALES ACCORDINGLY		DATE: MAR. 2019	
DSN.	JW	DRN.	TN
CKD.	JW	DATE	NO.
DESCRIPTION		REVISIONS	
BY		BY	

REVIEW

PROFESSIONAL ENGINEER
REV. 12/2019
WILLIAM J. KELLS
RENEW: 6/30/2020

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

PREMIER DEVELOPMENT

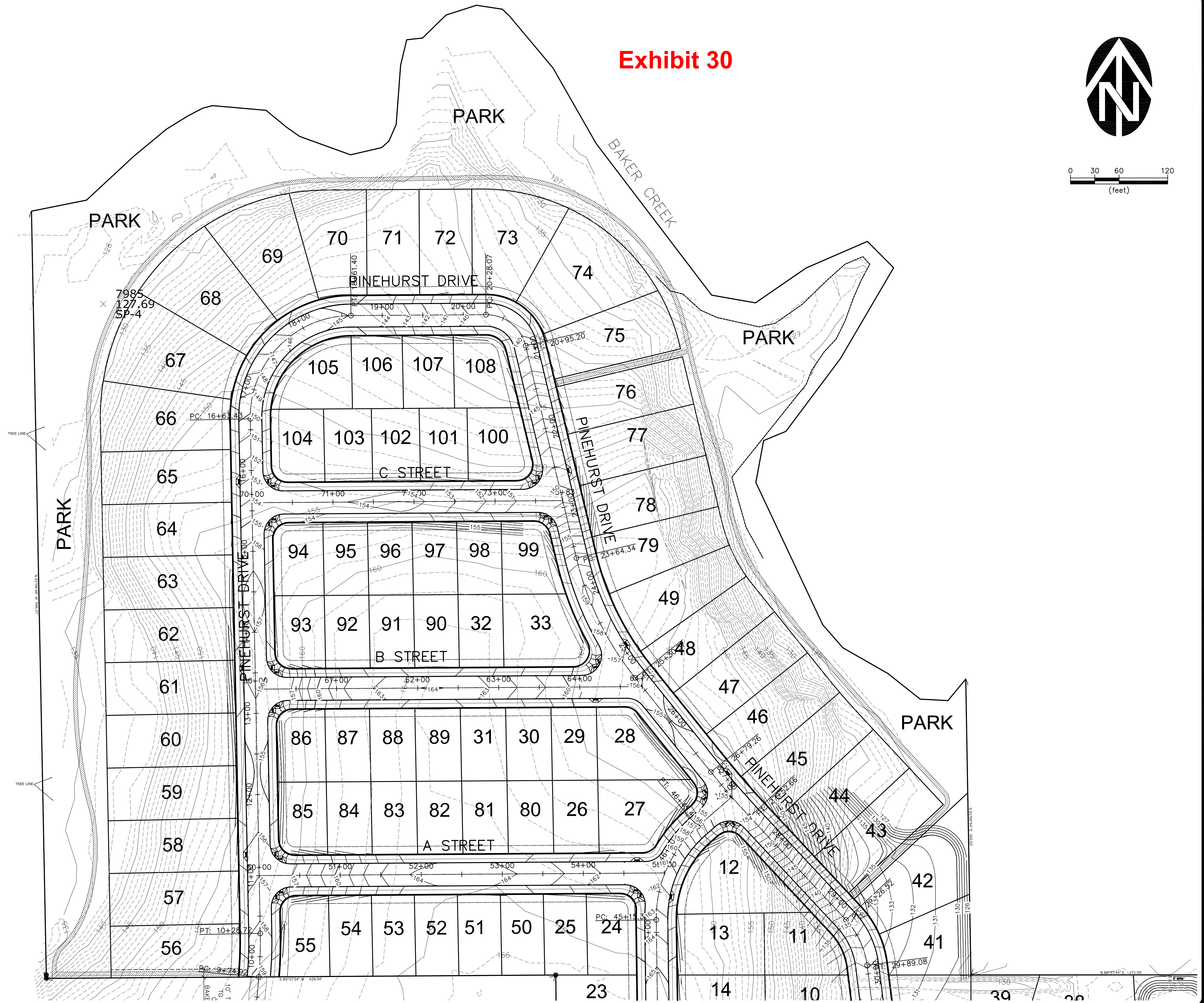
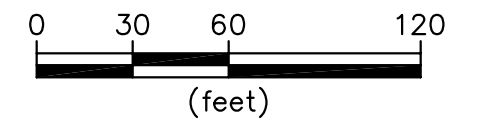
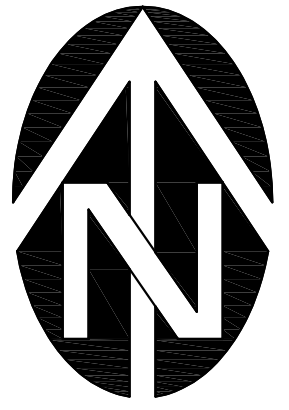
OAK RIDGE MEADOWS-PHASE 1

DETENTION POND
GRADING PLAN

DRAWING
C2.2

JOB NUMBER
2335.4000.0

Exhibit 30



OAK RIDGE MEADOWS—PHASE 1

OVERALL GRADING PLAN

DRAWING
C2.0

JOB NUMBER
335.4000.0

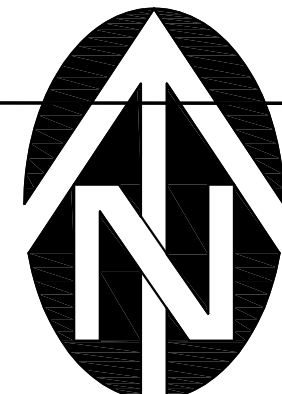
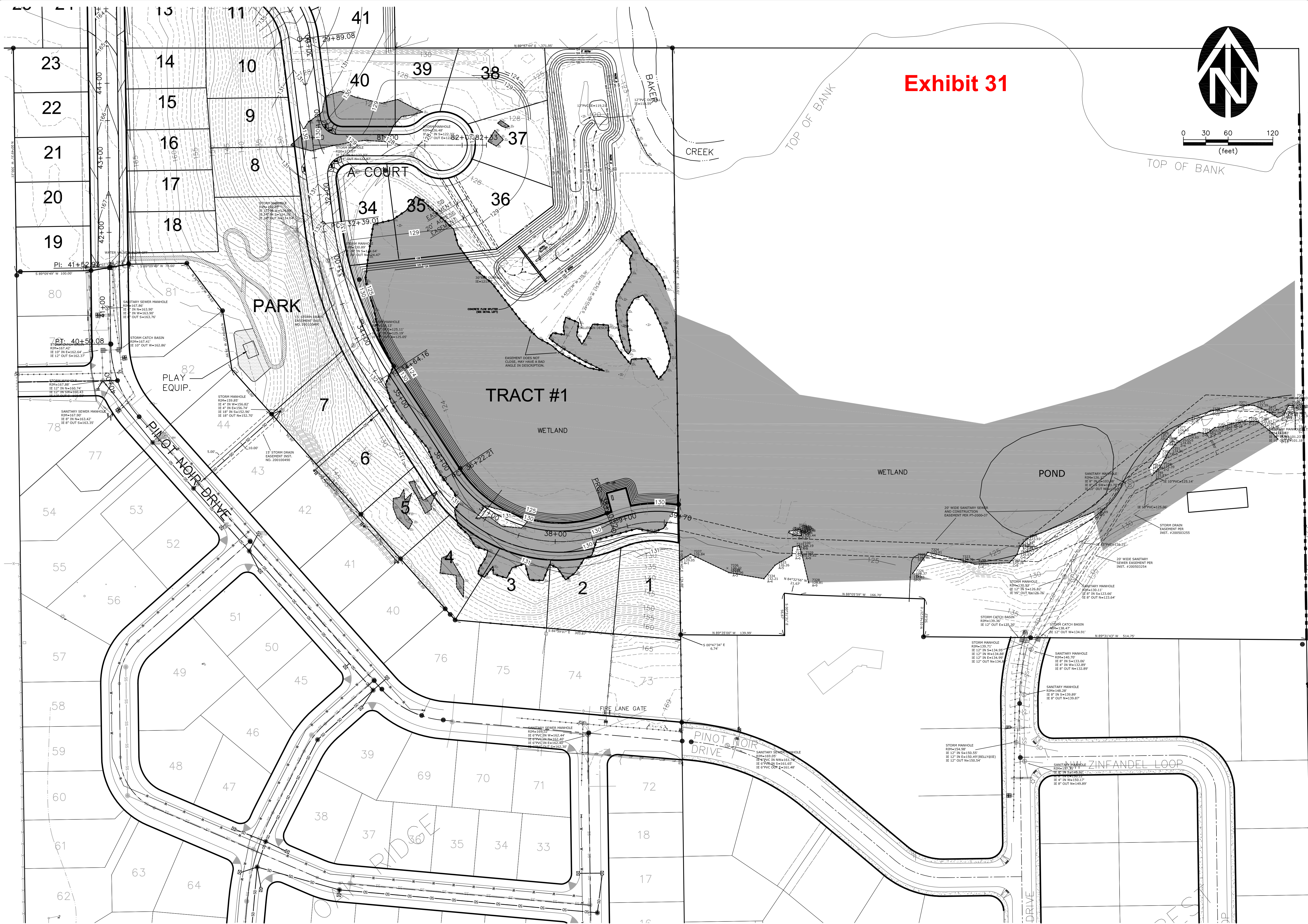
WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

Phone: (505) 363-2174 Fax: (505) 363-3500
E-mail: westech@westech-eng.com

REVIEW

0 1" IF NOT ONE INCH ON ORIGINAL DRAWING

USN.	JW
DRN.	TN
CKD.	JW
DATE: MAR. 2019	

[illegible]

DSN.	JW
DRN.	TN
CKD.	JW
DATE: MAR. 2019	



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS



OVERALL GRADING PLAN

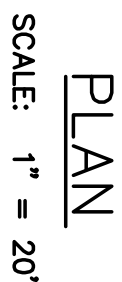
PREMIER DEVELOPMENT

DRAWING

C2.1

JOB NUMBER

2335.4000.0



SCALE: 1" = 20' H
1" = 4' V

2335.4000.0

JOB NUMBER

DRAWING
ST-1

PREMIER DEVELOPMENT

OAK RIDGE MEADOWS—PHASE 1

STREET PLAN & PROFILE

WE

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS


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Phone: (503) 585-2474 Fax: (503) 585-3986
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REGISTERED PROFESSIONAL
ENGINEER
64439
OREGON
NOV. 12, 2008
WILLIAM J. WELLS

REVIEW

REVIEWED 6/12/2009

VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING



IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

DSN.	JW
DRN.	TN
CKD.	JW
DATE:	MAR 2019

1			
NO.	DATE	DESCRIPTION	BY
		REVISIONS	

Exhibit 34

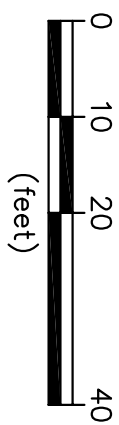
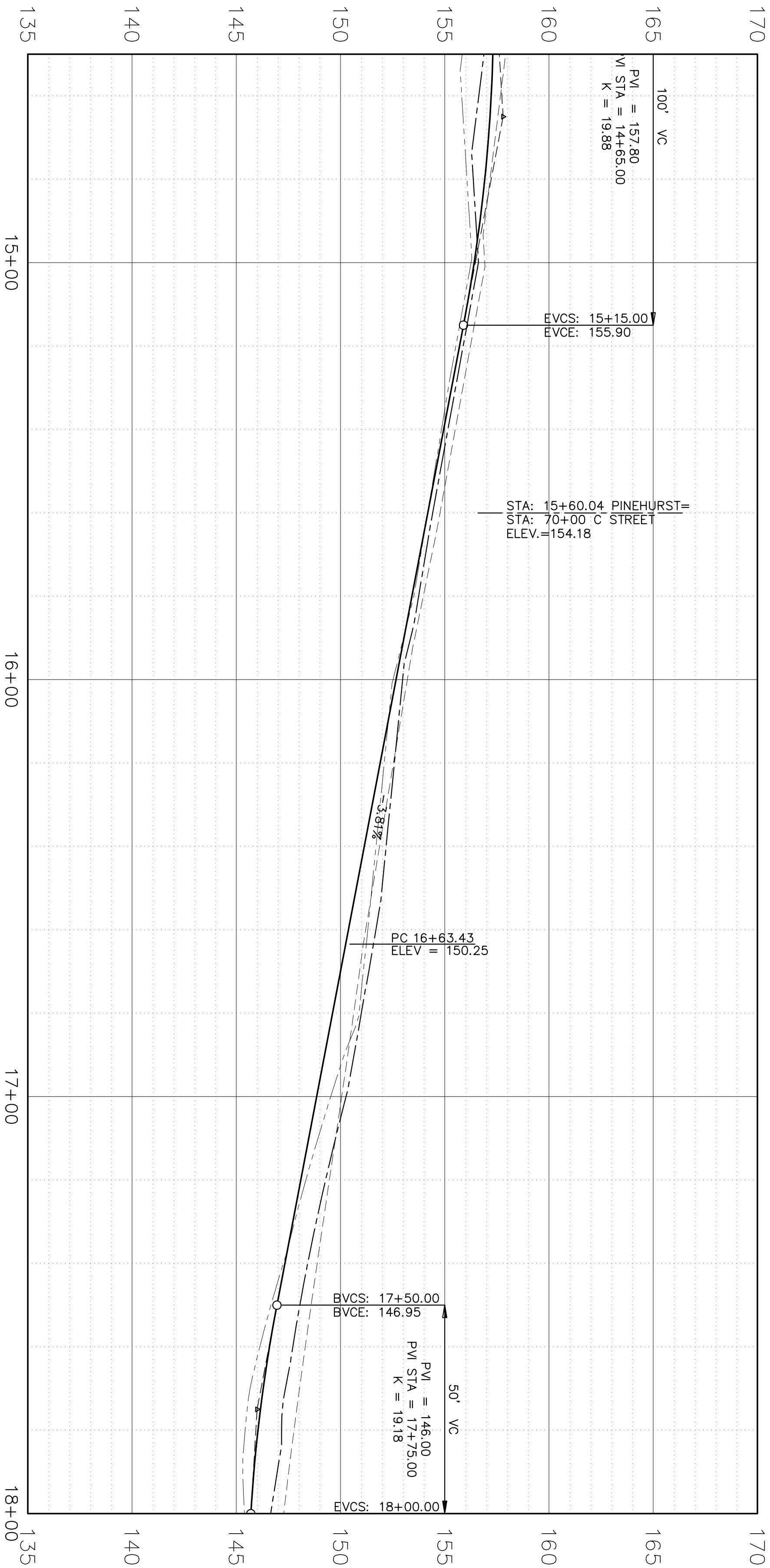
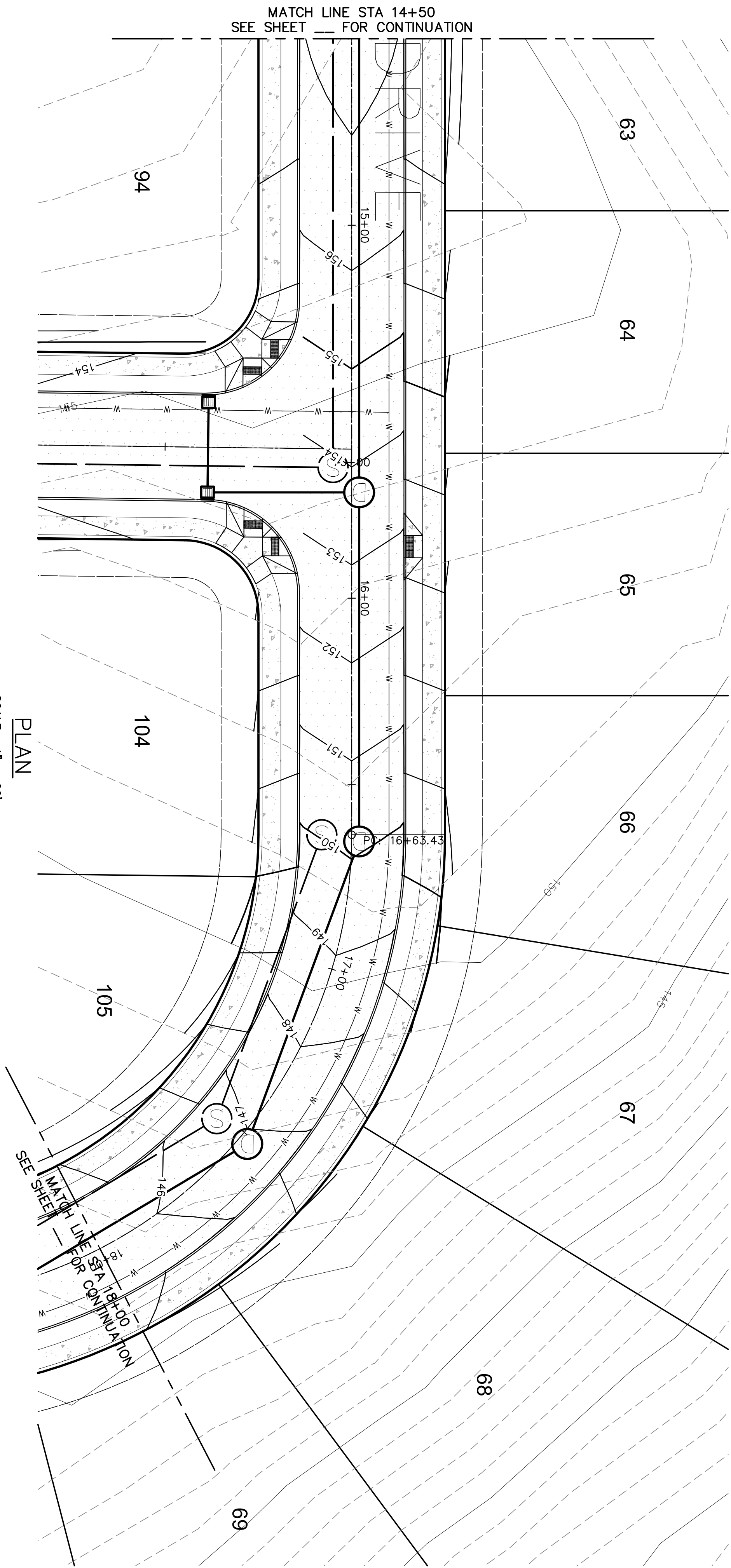
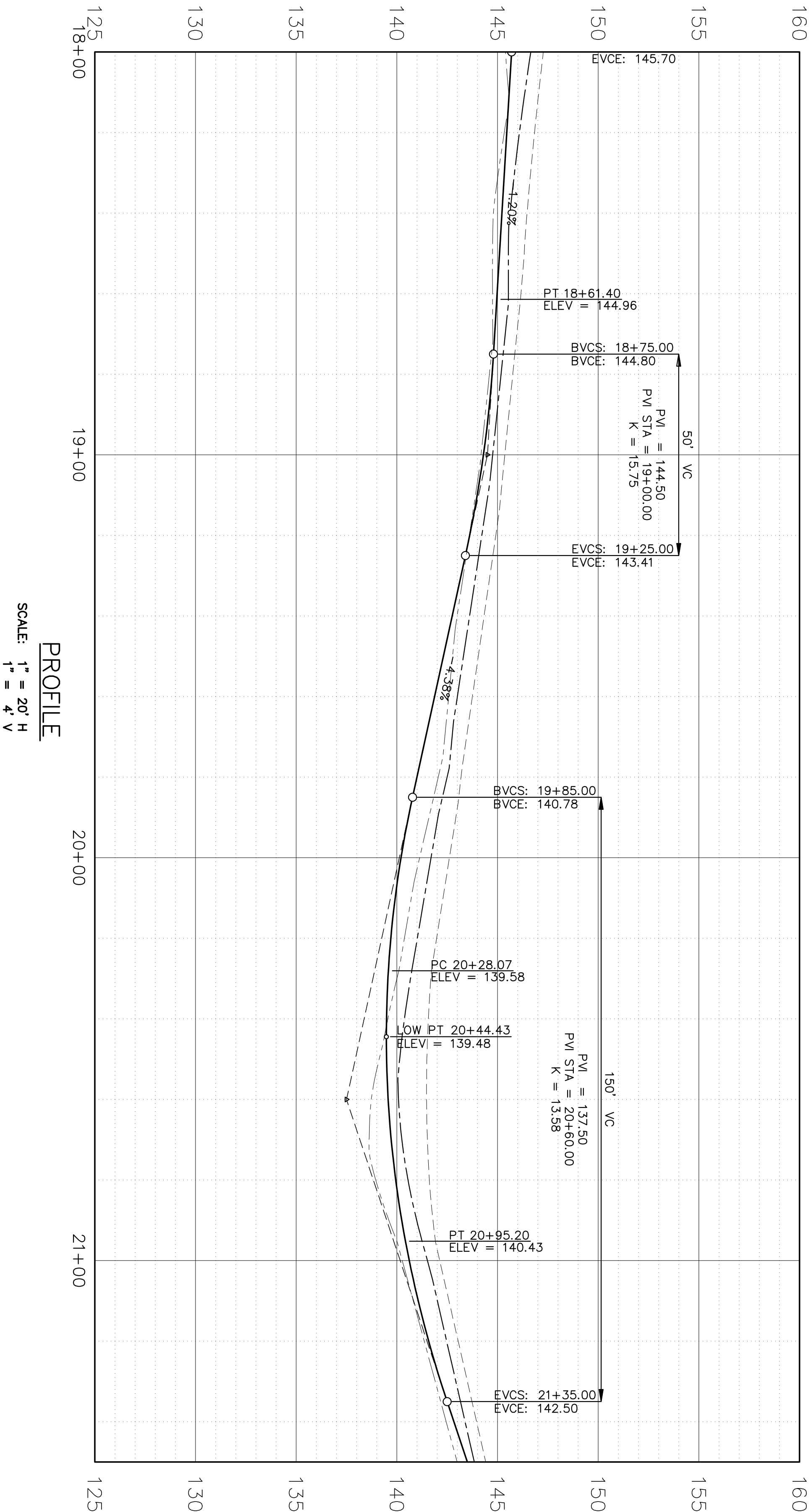
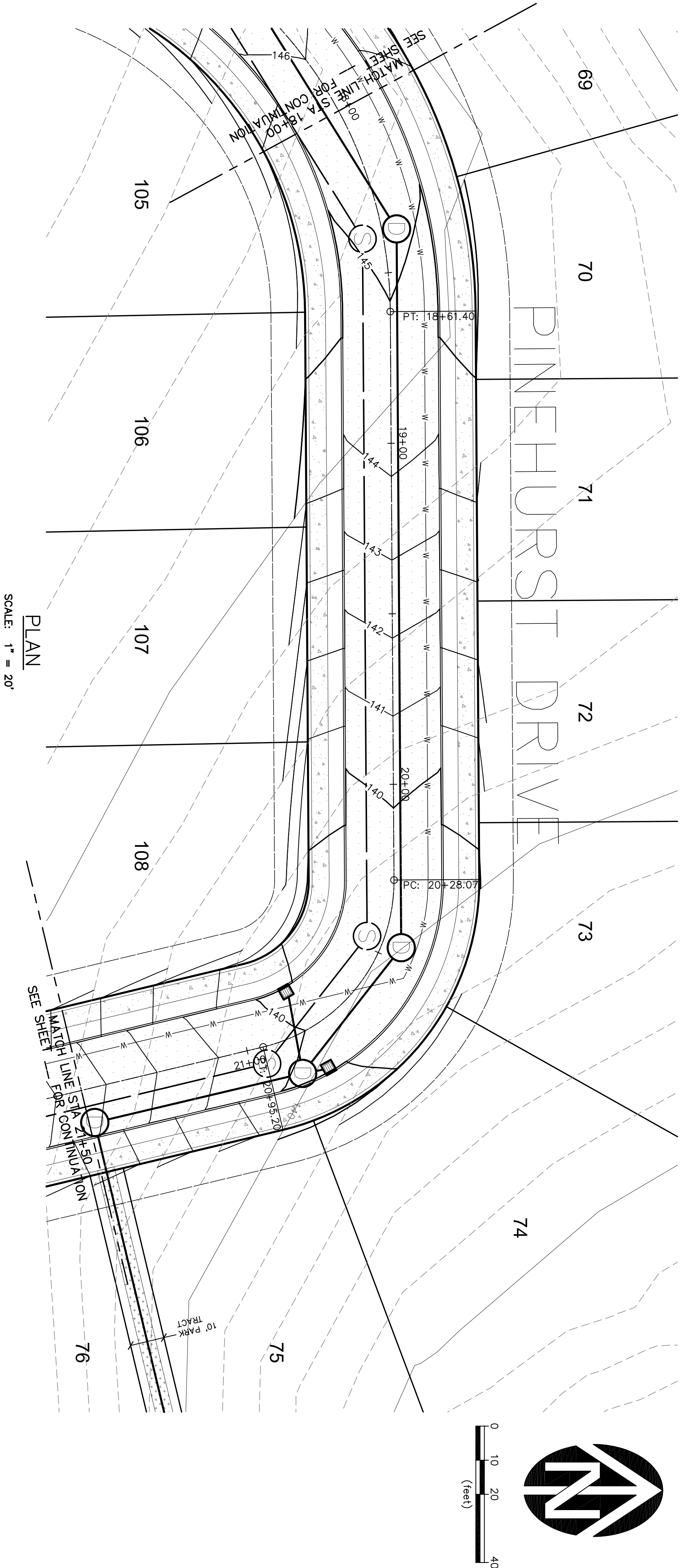


Exhibit 35



DRAWING
ST-3
JOB NUMBER
2335.4000.0

PREMIER DEVELOPMENT
OAK RIDGE MEADOWS-PHASE 1

STREET PLAN & PROFILE



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

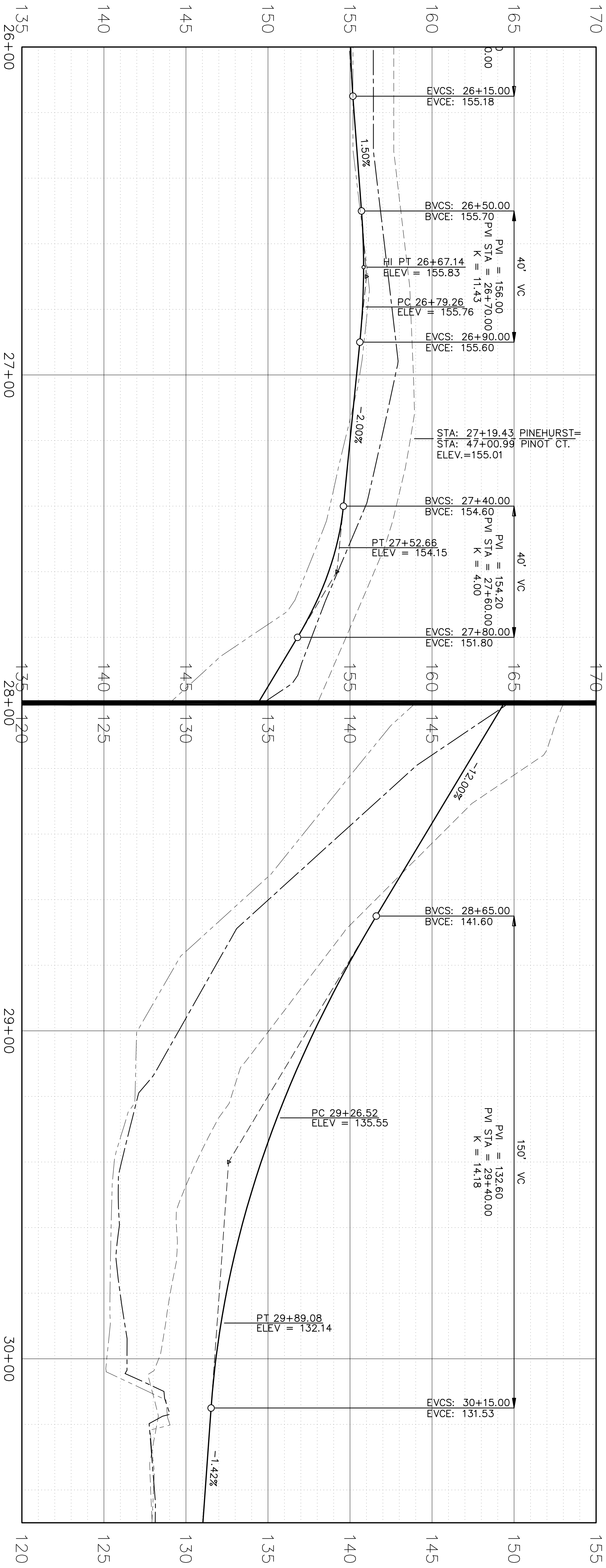
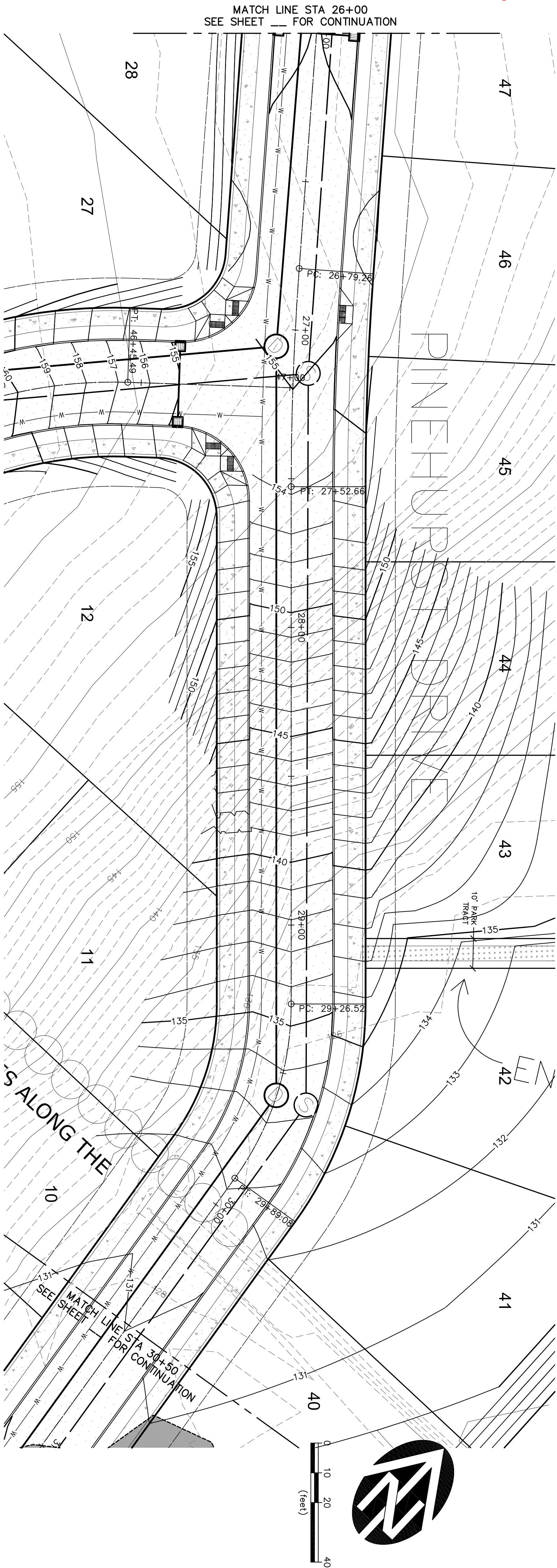
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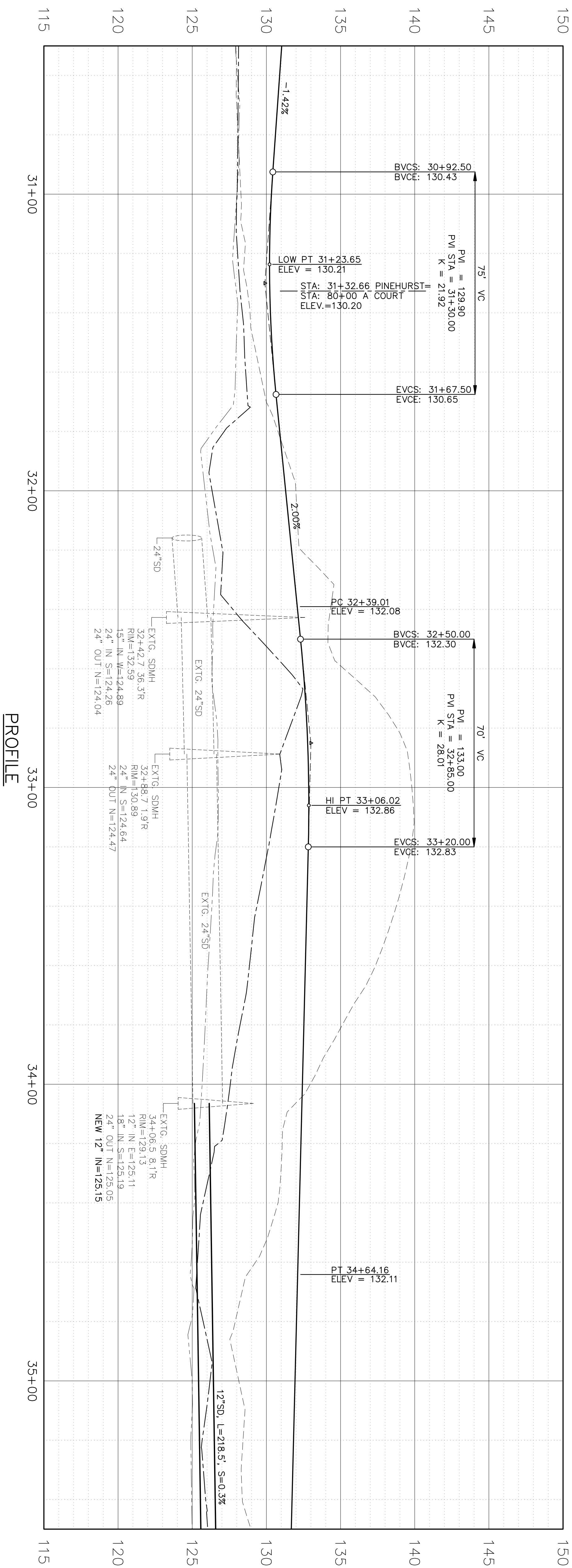
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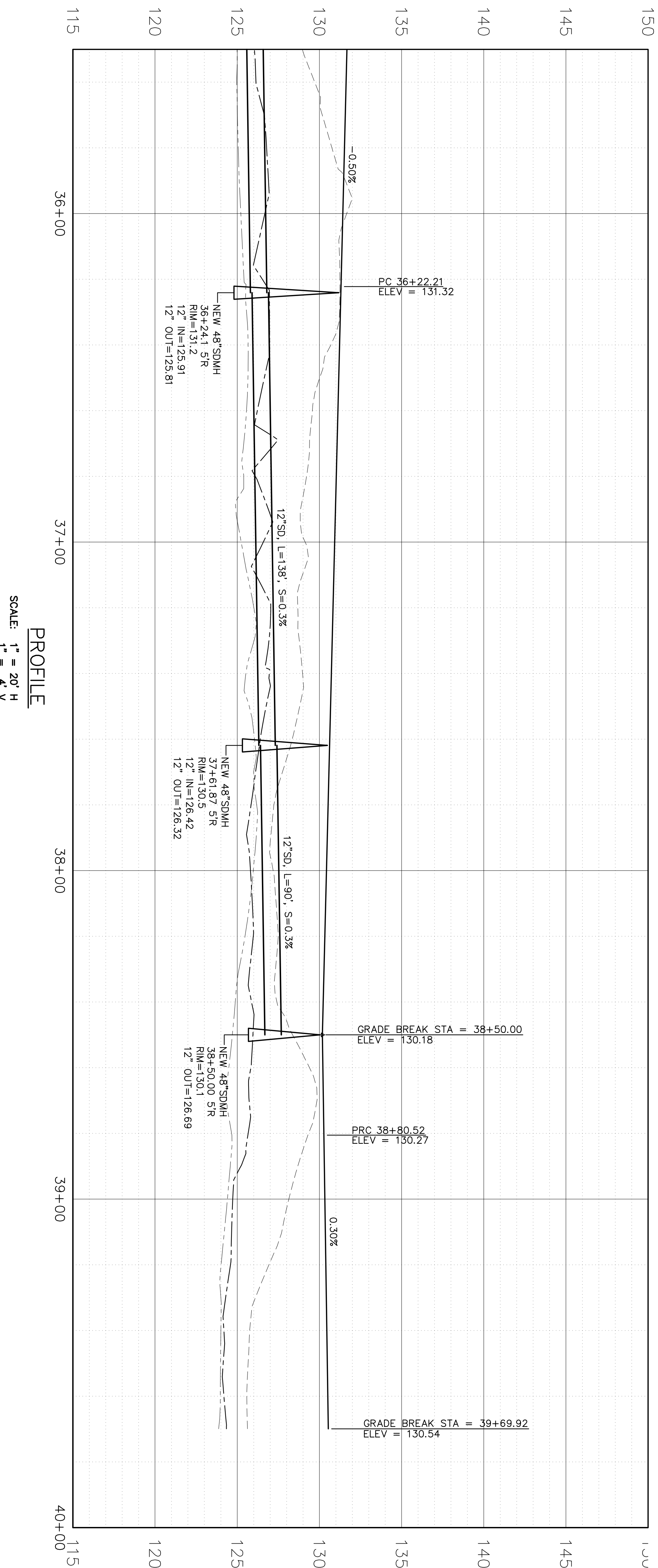
DSN.	JW
DRN.	TN
CKD.	JW
DATE:	MAR. 2019

NO.	DATE	DESCRIPTION	BY
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Exhibit 37







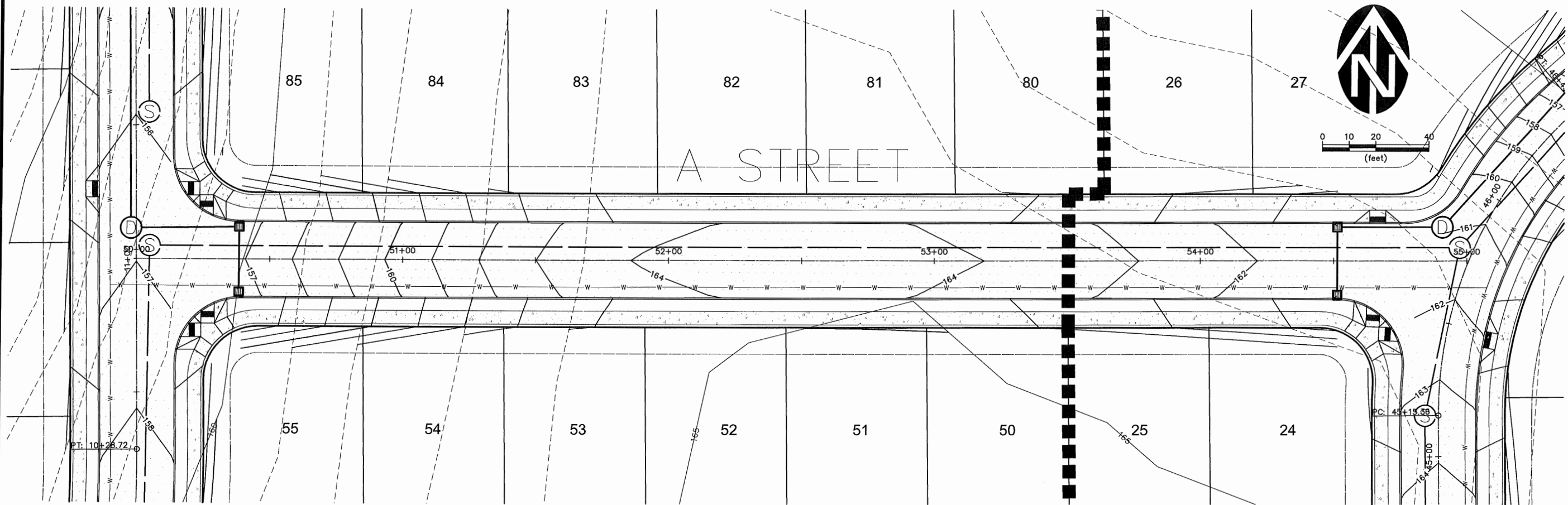
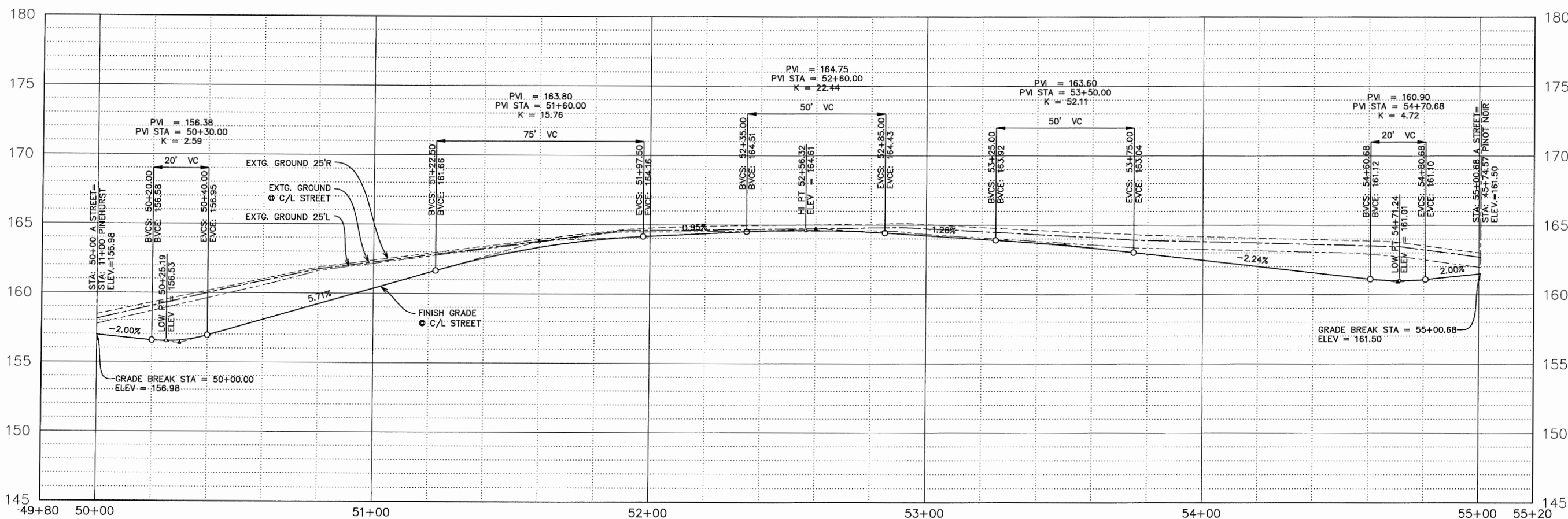


Exhibit 40



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2	TN		
3	JW		

VERIFIED SCALE
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REGISTERED PROFESSIONAL ENGINEER
WILLIAM J. WELLS
No. 17,200
Exp. 12/31/2020

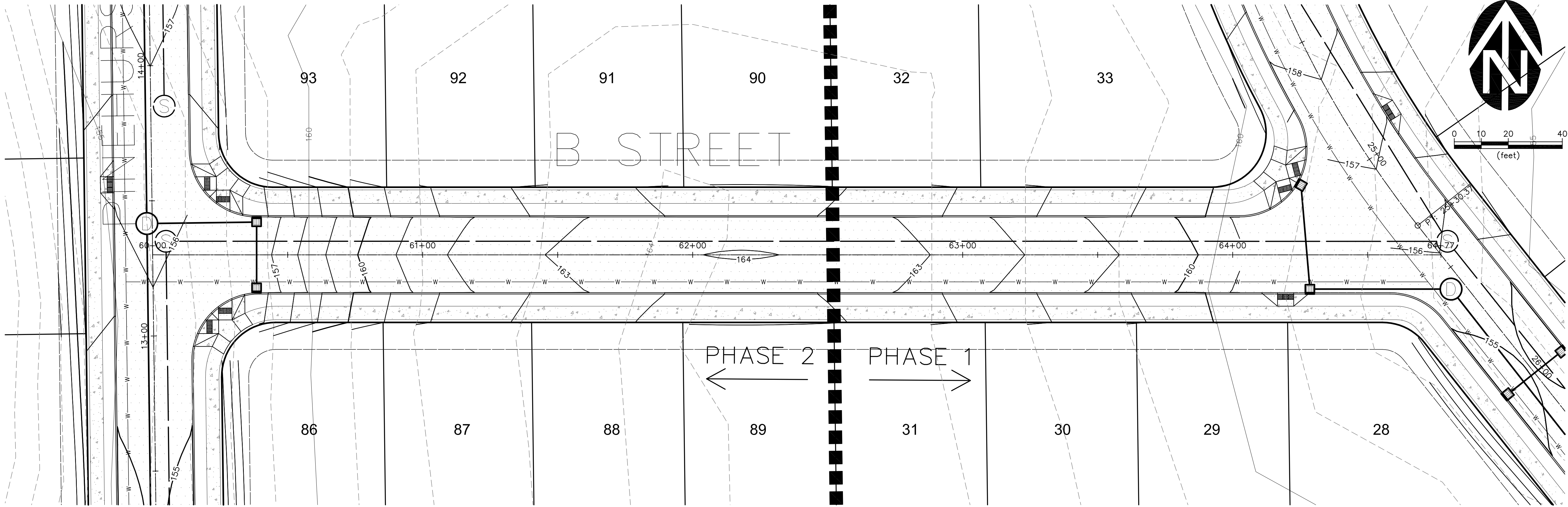
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WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

PREMIER DEVELOPMENT
OAK RIDGE MEADOWS—PHASE 1

STREET PLAN & PROFILE

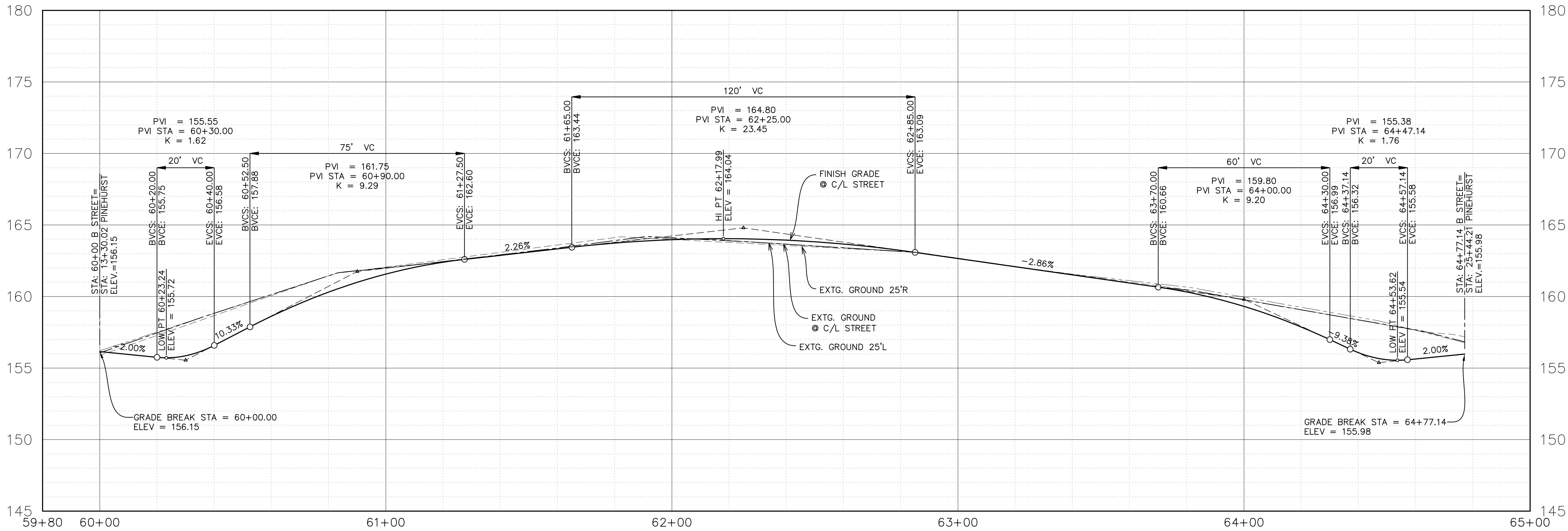
DRAWING
ST-8

JOB NUMBER
2335.4000.0



PLAN
SCALE: 1" = 20'

Exhibit 41



PROFILE
SCALE: 1" = 20' H
1" = 4' V

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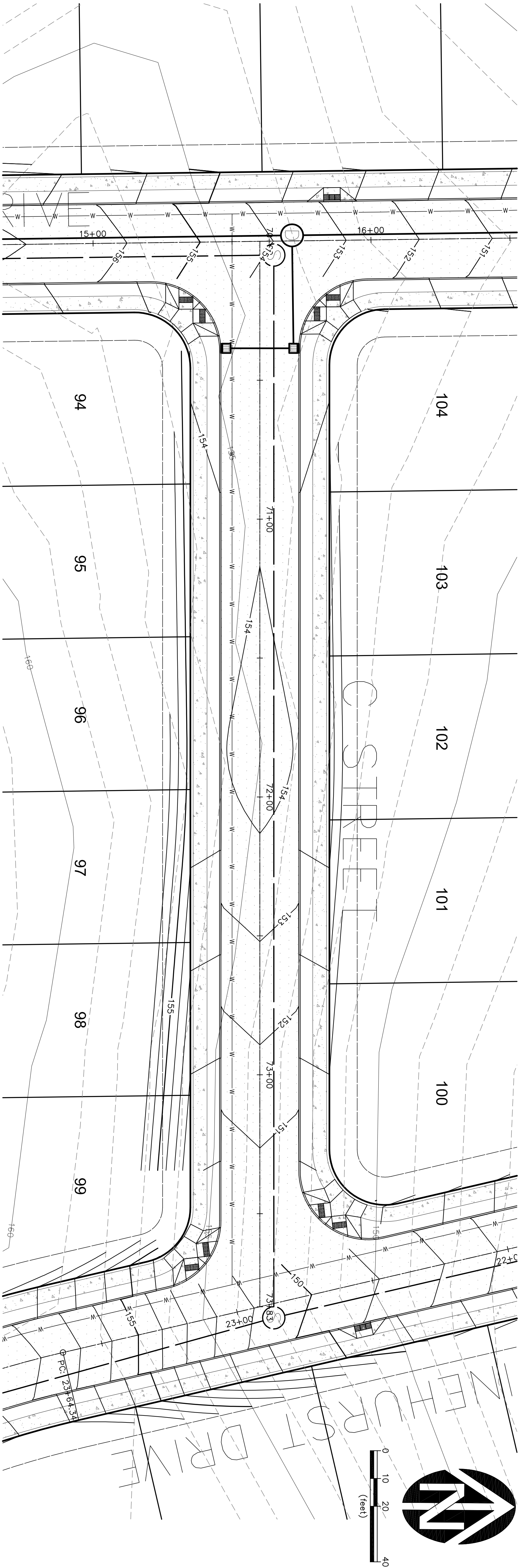
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DATE:	MAR. 2019	

REGISTERED PROFESSIONAL ENGINEER
REVIEW
WILLIAM J. KELLS
REV. 12-2018
REVISIONS: 6/30/2020

WESTTECH 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: westtech@westtech-eng.com

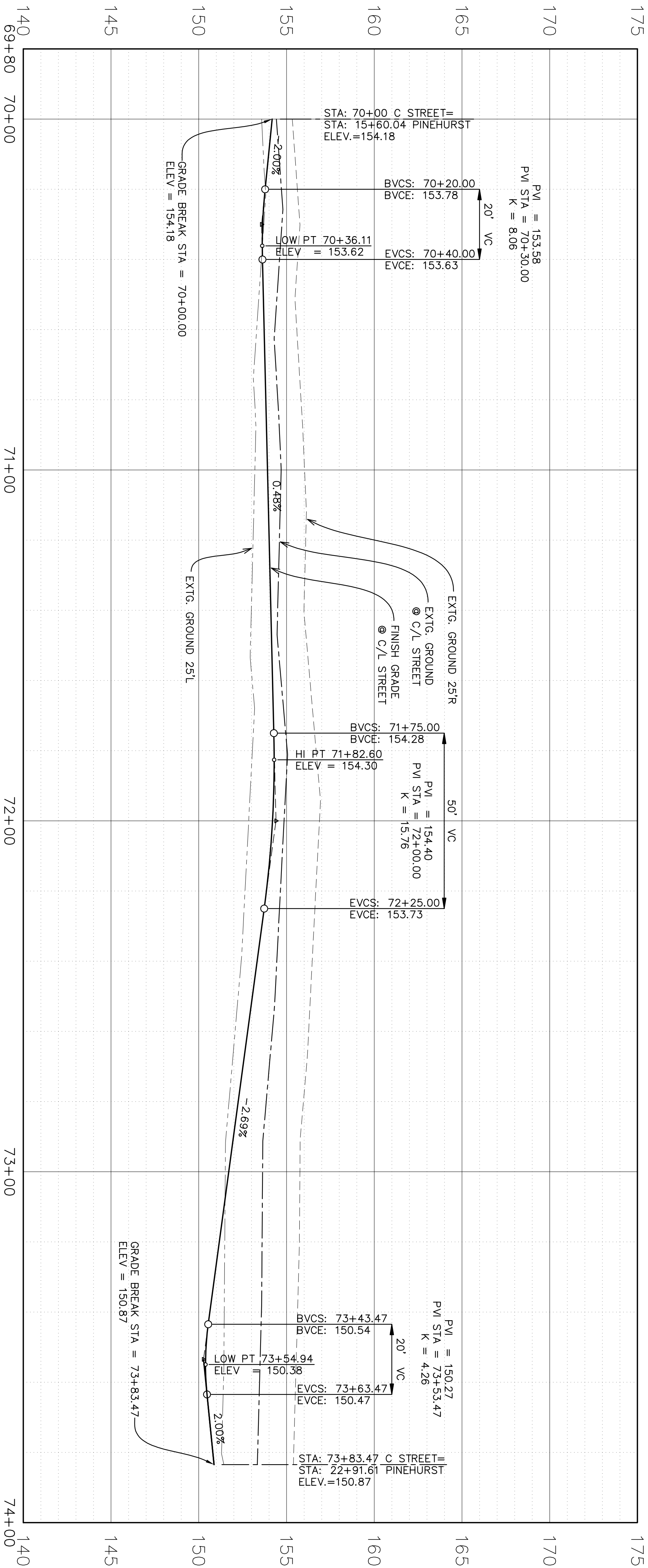
PREMIER DEVELOPMENT
OAK RIDGE MEADOWS-PHASE 1
STREET PLAN & PROFILE

DRAWING
ST-9
JOB NUMBER
2335.4000.0



PLAN
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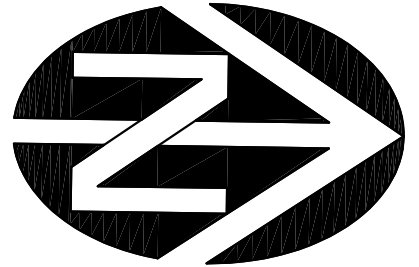
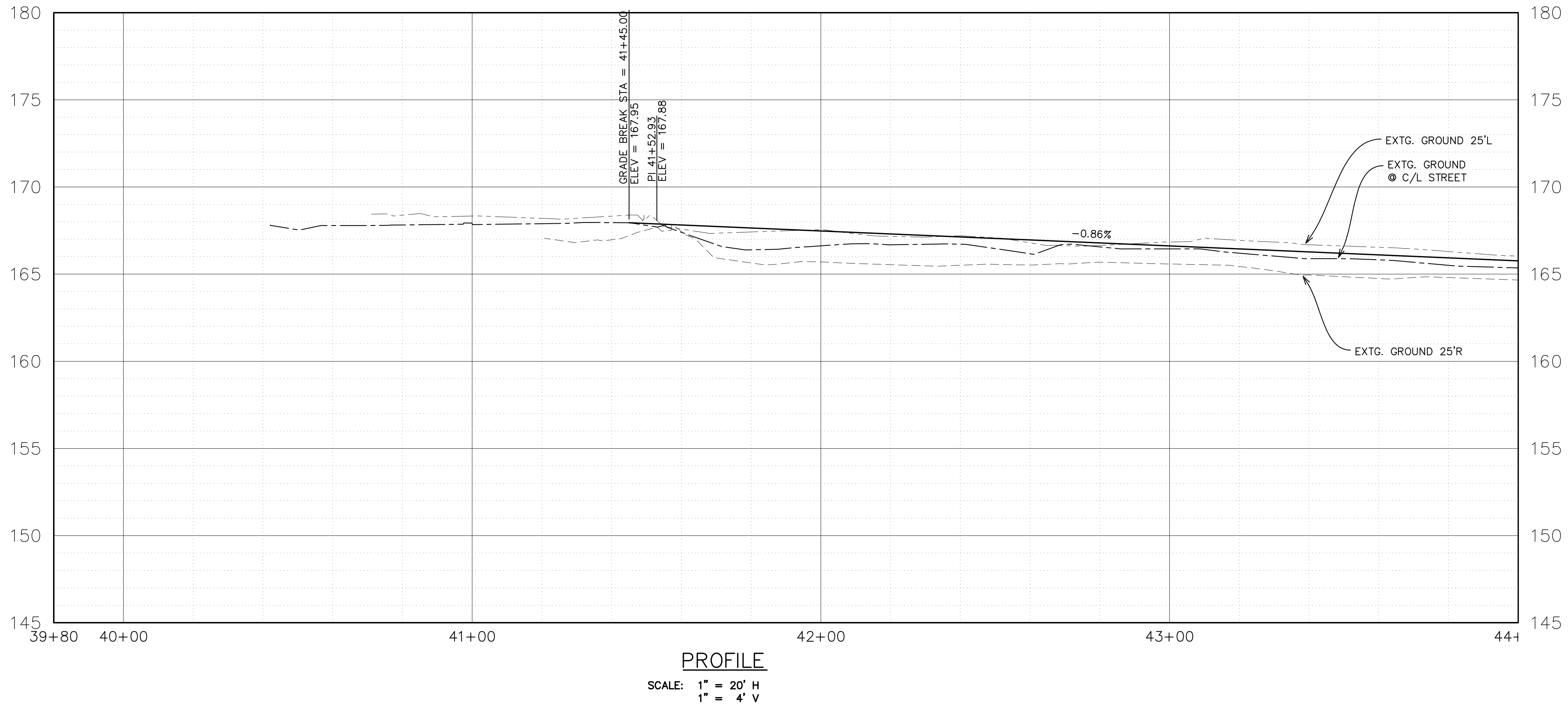
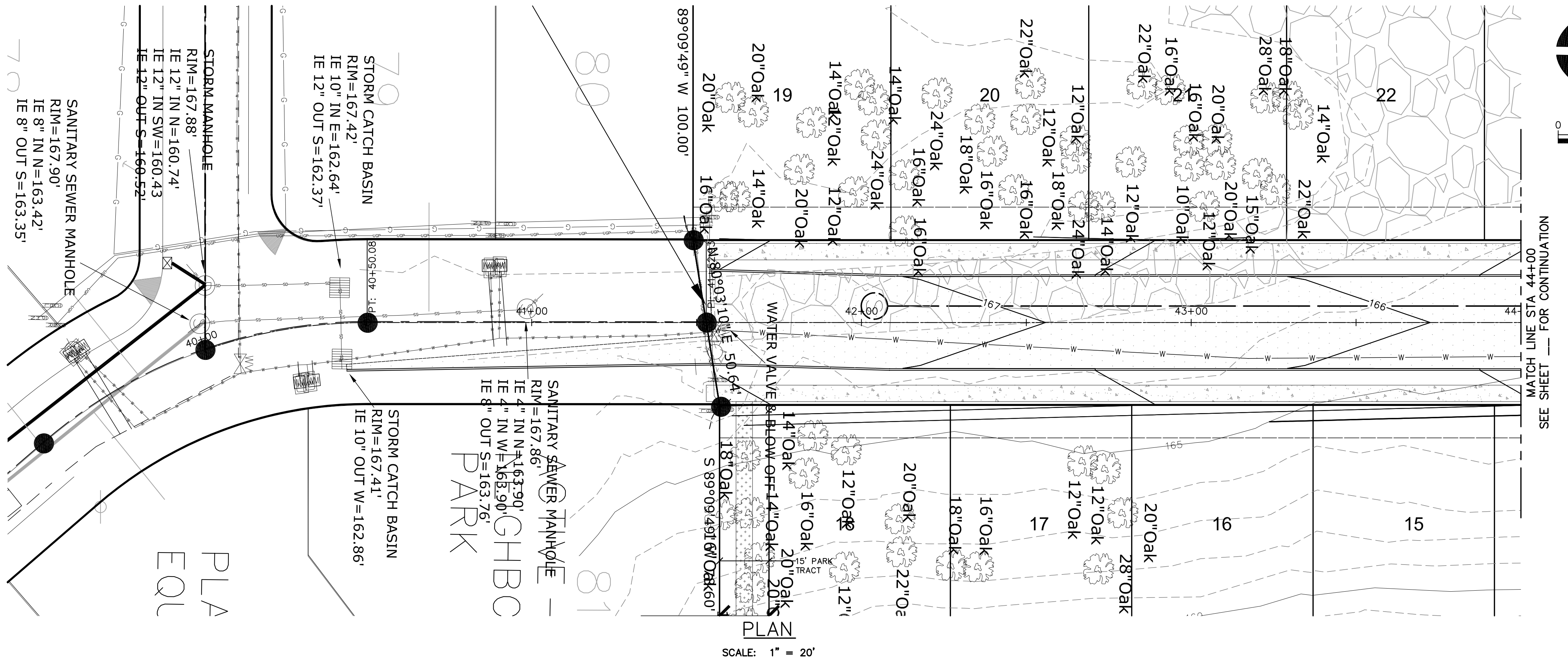
Exhibit 42



PROFILE
SCALE: 1" = 20' H
1" = 4' V

DRAWING ST-10 JOB NUMBER 2335.4000.0	PREMIER DEVELOPMENT OAK RIDGE MEADOWS-PHASE 1 STREET PLAN & PROFILE	 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 RENEWS: 6/30/2020	VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING 0 1" IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	NO. 1 DATE DESCRIPTION REVISIONS	BY
				DSN. JW		
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				CKD. JW		
DATE: MAR. 2019						

Exhibit 43



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MATCH LINE STA 44+00
SEE SHEET ___ FOR CONTINUATION

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					BY
					REVISIONS
					DATE: MAR. 2019



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS



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Phone: (503) 585-2474 Fax: (503) 585-3986
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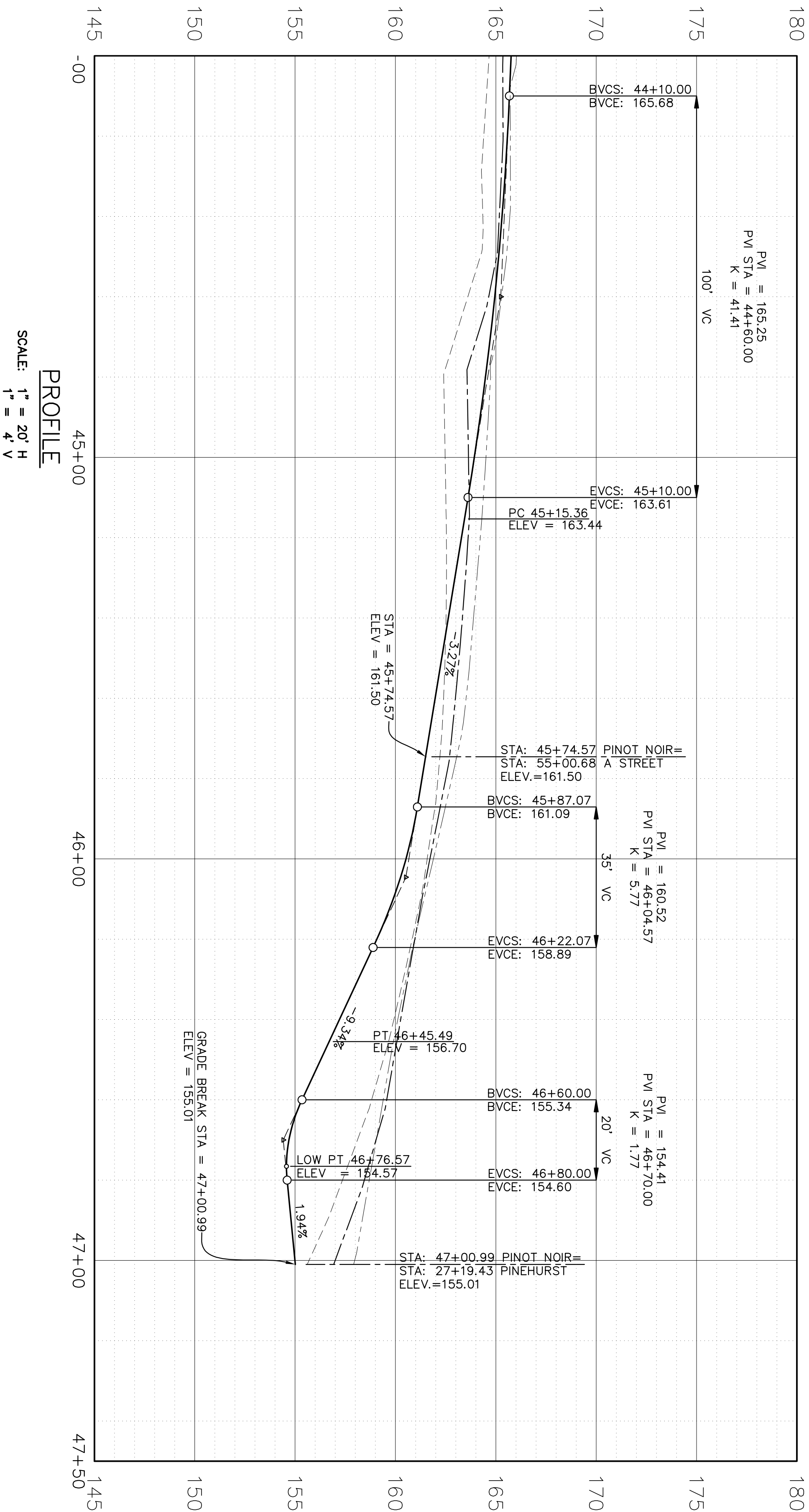
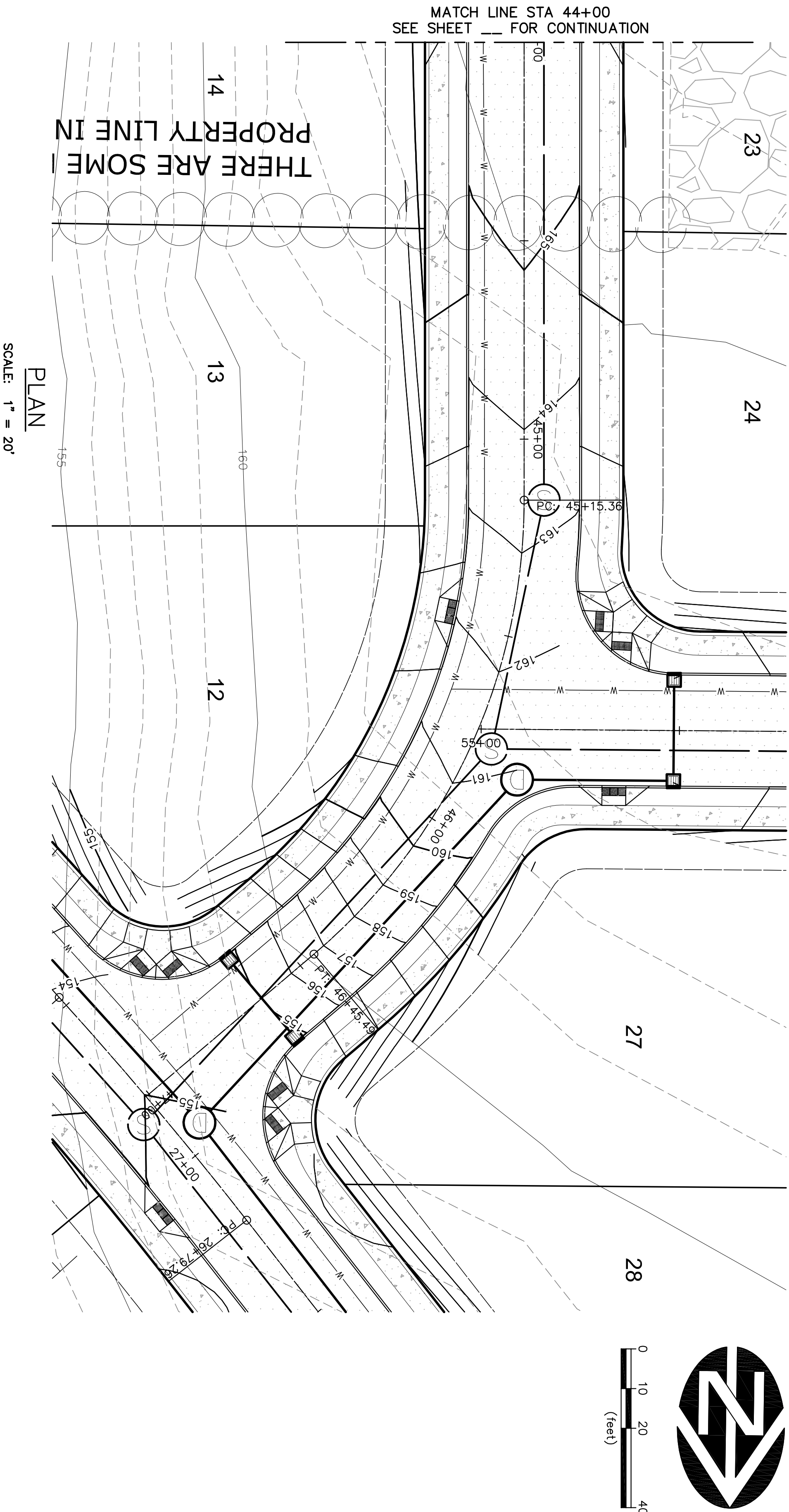
PREMIER DEVELOPMENT
OAK RIDGE MEADOWS—PHASE 1

STREET PLAN & PROFILE

DRAWING
ST-11

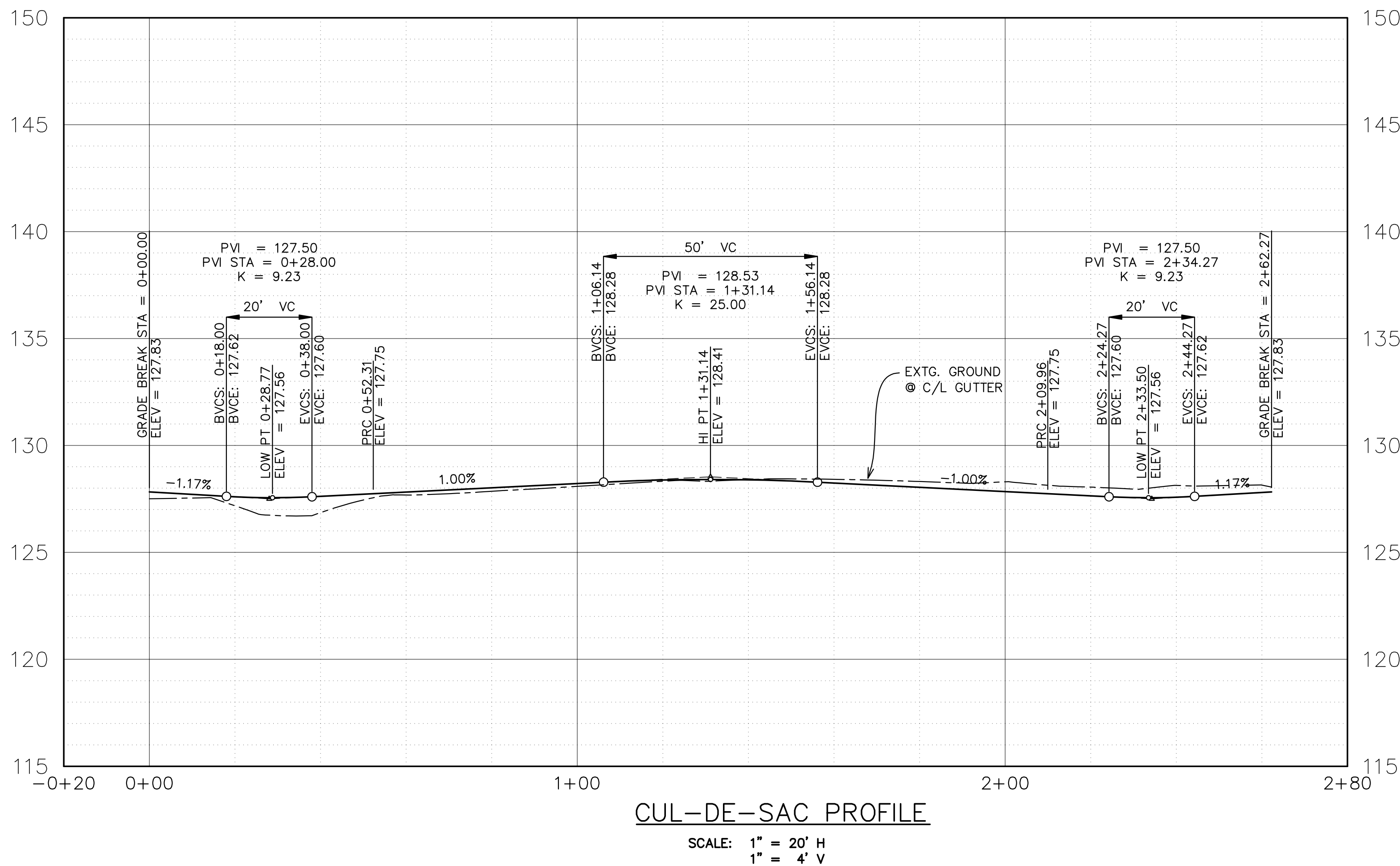
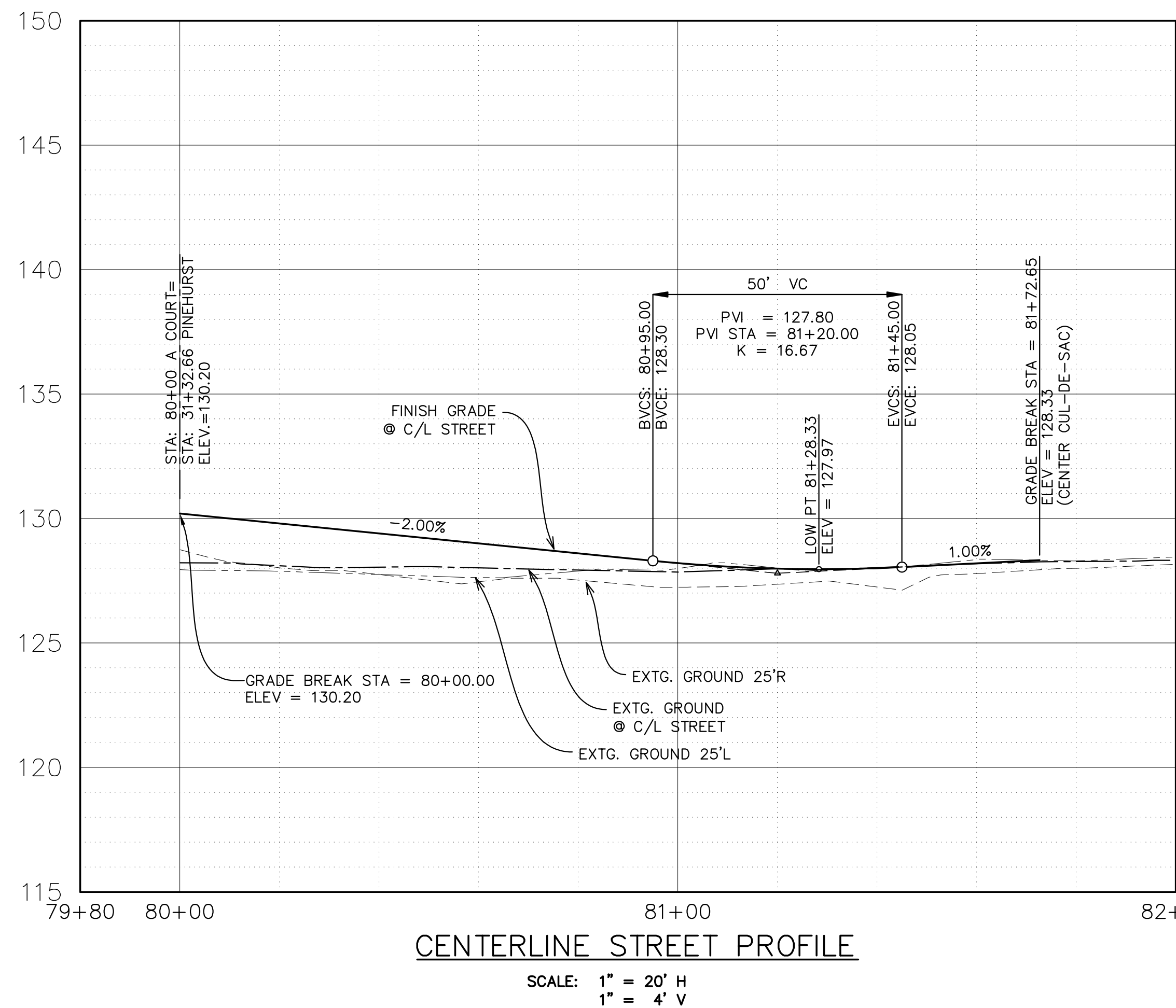
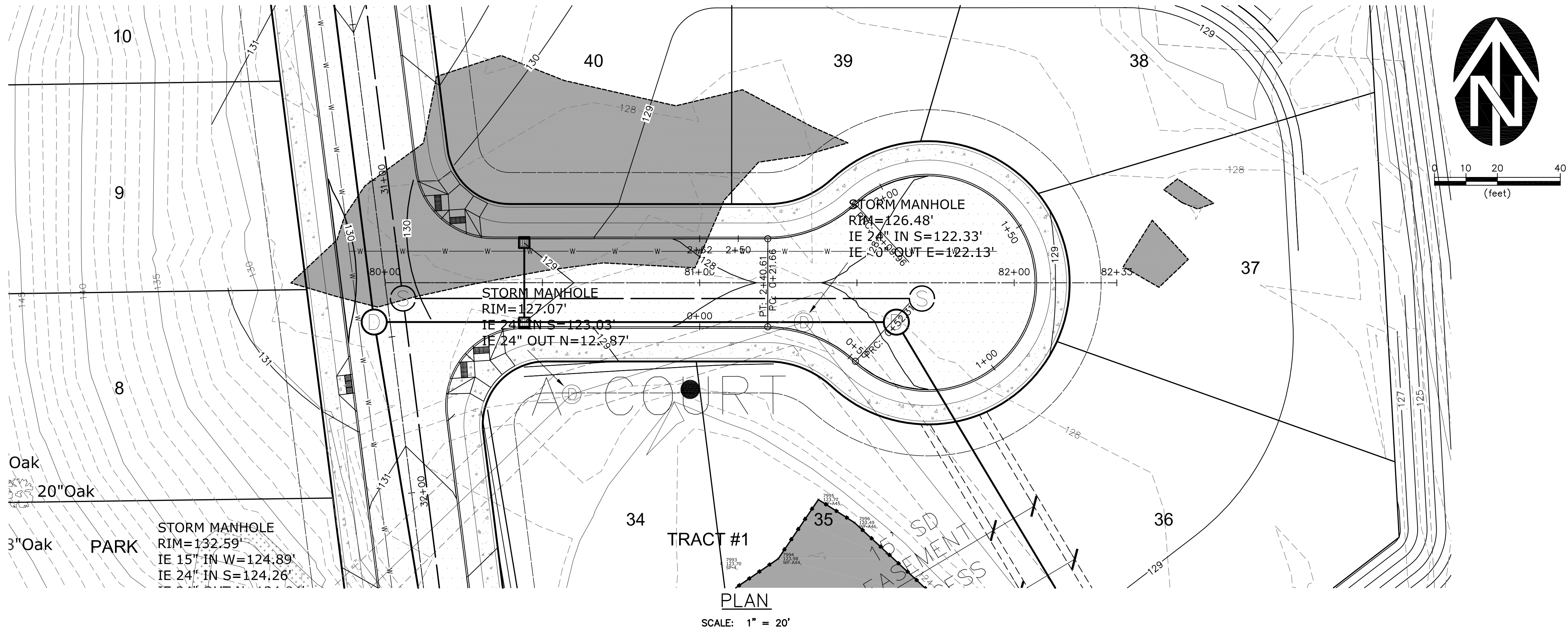
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Exhibit 44



DRAWING ST-12	JOB NUMBER 2335.4000.0	PREMIER DEVELOPMENT OAK RIDGE MEADOWS-PHASE 1	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	REGISTERED PROFESSIONAL ENGINEER WILLIAM J. WELLS NOV. 12, 2008 RENEWS: 6/30/2020	REVIEW	VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	DSN. JW	DRN. TN	CKD. JW	DATE: MAR. 2019	NO. 1	DATE	DESCRIPTION	BY
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Exhibit 45



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VERIFIED PROFESSIONAL ENGINEER
REVIEW
WILLIAM J. WELLS
REV. 12/20/2019
REVISIONS: 6/30/2020

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

PREMIER DEVELOPMENT
OAK RIDGE MEADOWS-PHASE 1
STREET PLAN & PROFILE
DRAWING
ST-13
JOB NUMBER
2335.4000.0

NO.	DATE	DESCRIPTION	BY
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Exhibit 46

HALSTEAD'S ARBORICULTURE CONSULTANTS

David Halstead, Consultant B S

P O Box 1182, Tualatin, OR 97062

Phone (503) 245-1383

*"Specialists in the care and
preservation of trees"*

August 2, 1999

ATTN.: Ms. Lori Zumwalt
Premier Home Builders
PO Box 43
McMinnville, OR 97128

Reference: Tree Assessment
Location: Elk's Park
Subject: All Trees

Per your request we have inspected all of the Oregon White Oak (*Quercus-garryana*) trees for the purpose of determining their health and structural condition and to select those trees that are exceptionally good and those that are structurally unsafe.

The majority of the Oak trees are located within two groves; the south grove which is made up the largest and more stately trees and the north grove which is a thicker somewhat overcrowded grove of tall slender trees. There are approximately 10 Oregon White Oak and three (3) clumps of Black Cottonwood trees outside of the aforementioned groves as well as a Varsity of smaller trees along the west, north and south property line.

All of the trees on this property have been subjected to damage caused by severe winter storms and little or no professional arboriculture care has been taken to ensure their survival. Many of the trees are unsafe and/or marginal in both health and structure.

We have marked five (5) Oak trees with WHITE TAGS that are exceptional in size, health, structure and artistic characteristics, all of which are in the south grove. If preserved, anyone of these trees with proper protection and care would be an outstanding asset to the forthcoming development.

In addition, we RED TAGGED fifty four (54) Oak trees that are unhealthy, structurally hazardous, overcrowded and/or affecting the health and stability of nearby trees of greater value, including the three (3) clumps of Cottonwood trees. Most of the trees red tagged were in the north grove.



Page 2

August 2, 1999

Reference: Tree Assessment

Location: Elk's Park

Subject: All Trees

The remaining Oregon White Oak trees are not tagged and their structure and/or health is marginal and will require therapeutic care in the form of therapeutic fertilization, insect and disease treatment, pruning and cabling for them to survive. Those trees that are subjected to construction trauma will need technical care both above and below ground.

Recommendations:

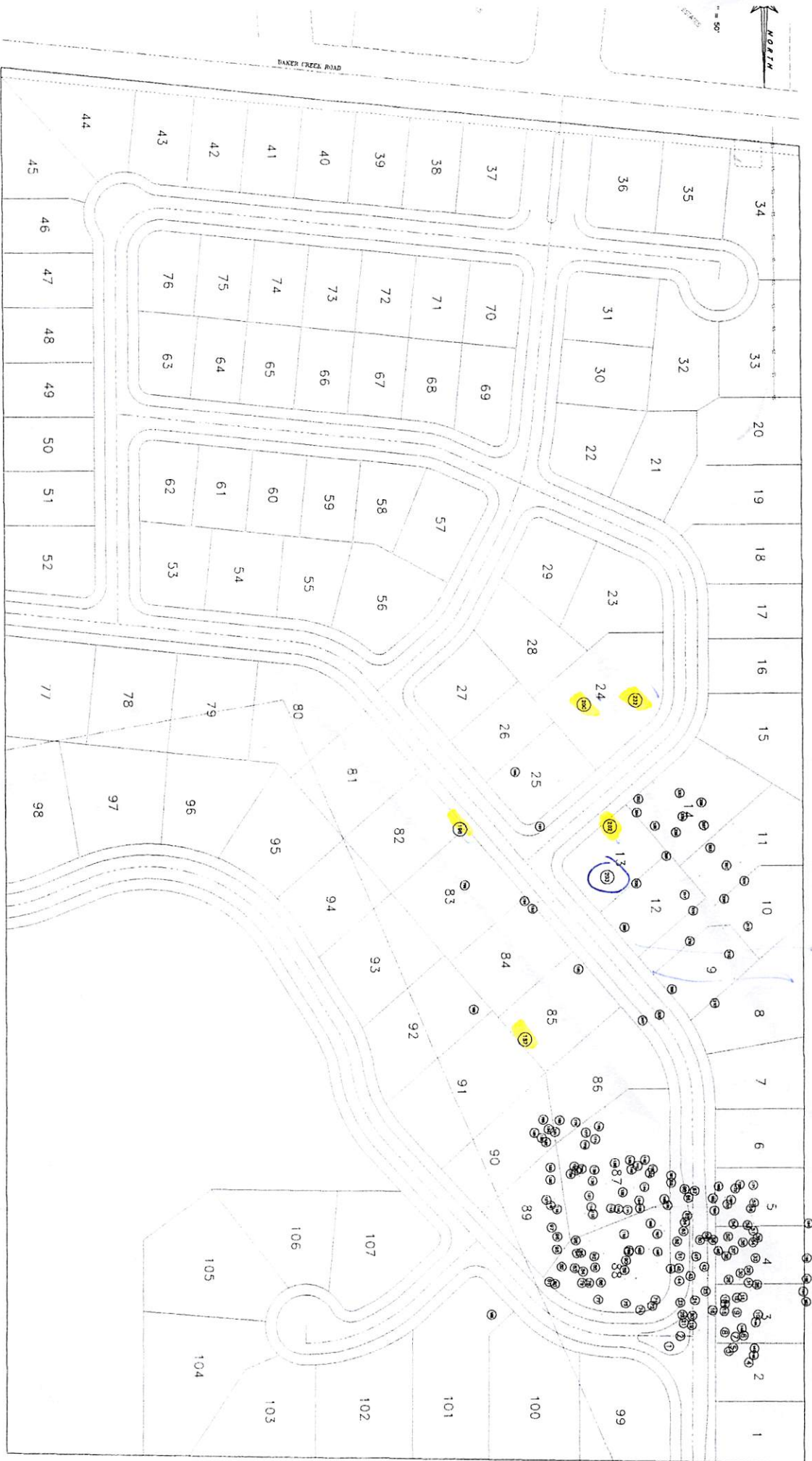
- 1. Trees to be preserved in groves rather than individually. In this way the trees will work as a unit both above and below ground and their protection and therapeutic treatment is more cost affective.*
- 2. Those individual trees outside of the groves that are selected for preservation will need enough root zone in order to survive. The root area will have to be determined on an individual tree bases. Further, these individual trees will require technical therapeutic care on a tree by tree bases before, during and after construction.*
- 3. Once all of the trees have been programmed onto the site plan and you have determined what trees that can be left on site we will inspect the selected trees and make precise recommendations for their survival.*

Enclosed, on separate heading is our THERAPEUTIC CARE AND PROTECTION PROGRAM, PRUNNING GUIDE that we have designed for trees under construction trauma and explains the different aspects of preservation and covers almost everything except the highly technical aspects of tree care. Also enclosed is our Resume.

Sincerely,



David Halstead BS CA
ASCA



NOTES:

- ① REMOVED OR DAMAGED TREES LOCATED BY FIELD REFS. SEE ATTACHED 8 1/2" x 11" SHEETS FOR DET. SPECIES AND NOTES.
- ② TREES TO BE PRESERVED
- ③ REMOVED OR DAMAGED TREES AS IN EXCEPTIONALLY GOOD SHAPE AND SHOULD BE KEPT.

OAK RIDGE SUBDIVISION
TREE IDENTIFICATION MAP

REVISED STREETS AND LOTS 6/21/79

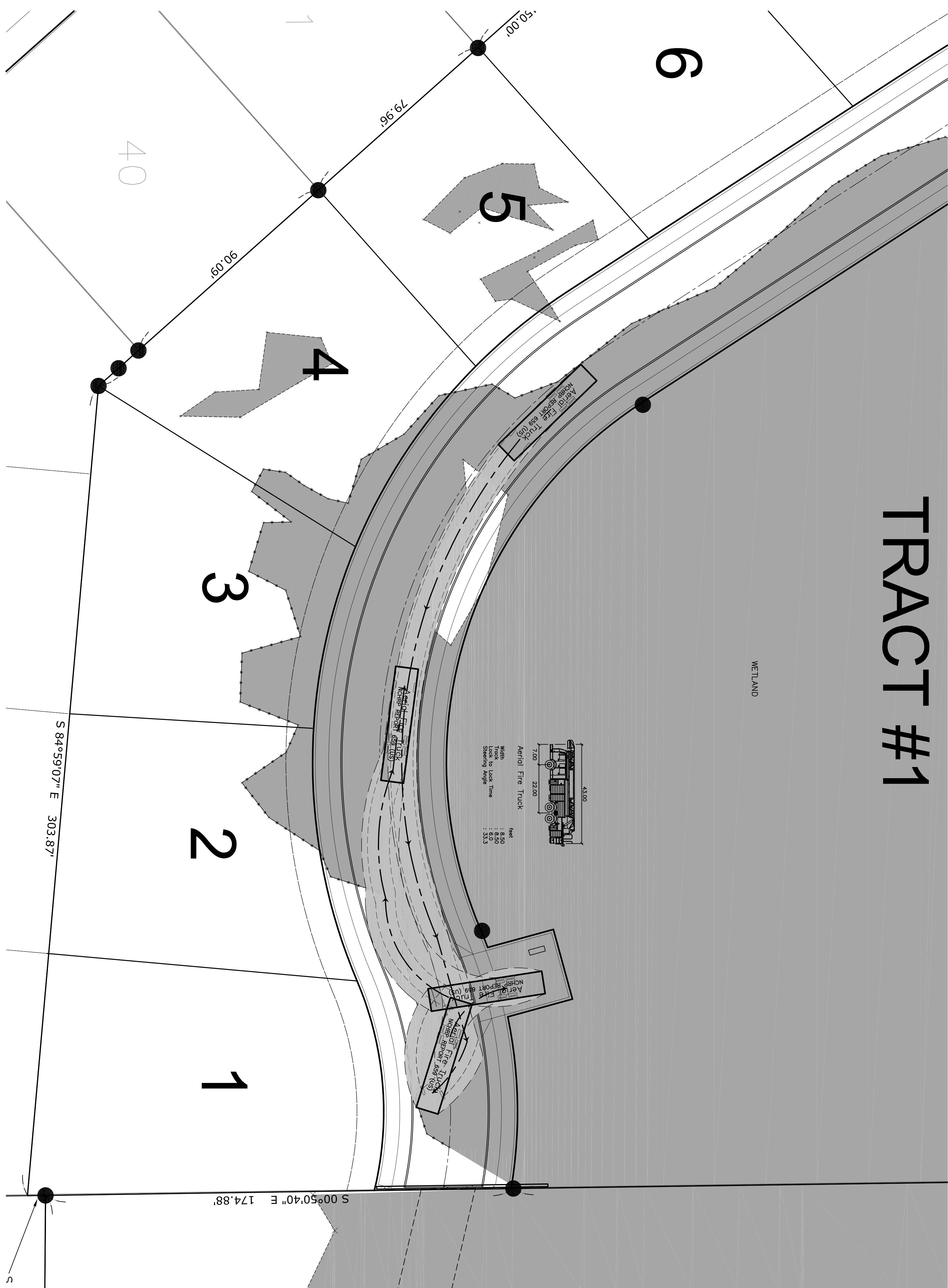
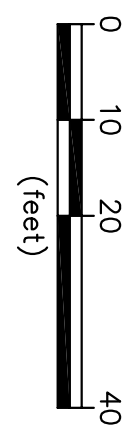
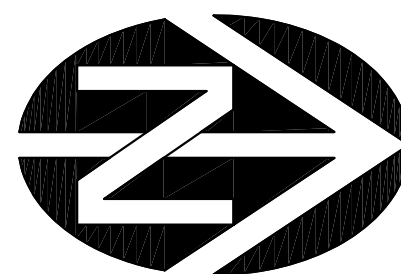



Exhibit 47




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DSN.	JW
DRN.	TN
CKD.	JW
DATE: MAR. 2019	



RENEWS: 6/30/2020



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CONSULTING ENGINEERS AND PLANNERS

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Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

PREMIER DEVELOPMENT
OAK RIDGE MEADOWS—PHASE 1

PINEHURST FIRE TURNAROUND

DRAWING

C3.0

JOB NUMBER

2335.4000.0



Exhibit 48

230 NE Second Street • McMinnville, Oregon 97128 • www.ci.mcminnville.or.us

November 23, 1999

Jeff and Lori Zumwalt
Premier Home Builders, Inc.
P O Box 43
McMinnville OR 97128

Dear Mr. and Mrs. Zumwalt:

This is to advise you that at a meeting of the McMinnville Planning Commission on Thursday, November 18 1999, your applications for annexation (ANX 4-99) of approximately 9.2 acres of land, comprehensive plan amendment (CPA 10-99), zone change (ZC 19-99) on approximately 9.2 acres of continuous land, and a 107-lot single-family residential tentative subdivision plan (S6-99) on the 30.2-acre parent parcel located north of Baker Creek Road, east of the Church of Jesus Christ of Latter Day Saints, and south of Baker Creek; and is further described as a portion of Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M. were presented and carefully studied.

Based on the materials submitted by the applicant, the testimony received, the findings of fact, and the conclusionary findings for approval, the Planning Commission voted to recommend to the City Council that ANX 4-99 be approved and forwarded to a vote of the electorate pursuant to City and State annexation requirements.

Based on the materials submitted by the applicant, the testimony received, the findings of fact, and the conclusionary findings for approval, the Planning Commission voted to recommend to the City Council that CPA 10-99 be approved and that ZC 19-99 be approved subject to the following conditions:

1. That the comprehensive plan map amendment and zone change approvals (for those portions located outside of the current city limits) not take affect until and unless the annexation request is approved by the City Council and the electorate.
2. That the Oak Ridge subdivision tentative plan (or such plan as 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.

Community Development Department
Planning Department (503) 434-7311 FAX (503) 472-4104

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.

3. That the average lot size within the Oak Ridge subdivision shall be a minimum of 7,000 square feet.
4. That building setbacks for Lots 3, 4, 5, 13, 14, 87, 88, and 89 shall be as follows:
Front – 20 feet; however, the front yard setback measured to the open side of a garage or carport shall not be less than eighteen (18) feet.
Rear – 15 feet
Side – 7.5 feet
Exterior Side – 20 feet

The Planning Director is authorized to permit reductions or increases to these standards as may be necessary to provide for the retention of trees greater than nine inches in diameter measured at breast height. In no case, however, may the rear yard setback be reduced less than 5 feet, or the side yard setback to 5 feet, or the exterior side yard setback to 15 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 lot.

5. That existing trees greater than 9 inches in diameter measured 4.5 feet above grade, other than those identified for removal in the submitted arborist's report, shall not be removed without written permission of the McMinnville Planning Director. Trees to be retained shall be protected during all phases of home construction. A plan for the protection of trees to remain on site, and in particular, for the five "exceptional" Oregon white oak trees identified by the applicant's arborist, must be submitted to the City prior to construction of the proposed subdivision. In addition, such a plan shall also accompany any building permit for a lot on which trees are located. The plan must meet with the approval of the City prior to release of construction permits or building permits within the subject site.

Pursuant to the annexation and zoning ordinances of the City of McMinnville, an application approved by the Planning Commission may be appealed within 15 days of such approval to the City Council. If no appeal is filed with the City Recorder on or before December 7, 1999, the City Council will consider your request on December 14, 1999 (unless otherwise notified).

Based on the material submitted by the applicants, the testimony received, the findings of fact, and the conclusionary findings for approval, the Planning Commission voted to approve S 6-99 subject to the following conditions:

1. That the subdivision approval does not take effect until and unless the companion annexation, plan amendment, and zone change applications are approved by the City Council and McMinnville electorate.
2. That the applicant shall secure all required state and federal permits, including if applicable those related to the federal Endangered Species Act, and those required by the Oregon Division of State Lands and U.S. Army Corps of Engineers, and Department of Environmental Quality (applicable storm runoff and site development permits) prior to construction of the proposed subdivision. Copies of the approved permits shall be submitted to the City.
3. 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.
4. 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.
5. That the applicant secure from the Federal Emergency Management Agency appropriate certification to indicate the location and base flood elevation of the Baker Creek floodplain prior to the construction of Phase 3. All proposed development shall be located outside of an identified floodplain consistent with the City's floodplain ordinance.
6. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and grading permit for lot fill and grading from the City Building Division.
7. That restrictive covenants shall be prepared for the development. At a minimum, the covenants shall provide provisions for the continued maintenance of a 10-foot wide landscaped strip along the Baker Creek Road frontage, and landscaped islands within Street "D" and "F", and provisions for tree retention, care, and planting. The proposed covenants must meet with the approval of the Planning Director.
8. That the applicant plant street trees within curbside planting strips along all proposed streets (including the north side of Street "F" unless not permitted by the wetland permit) and the Baker Creek Road frontage 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. 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 addition, street trees shall not be planted within 30 feet of street intersections. 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 that does not meet this standard.

Each year the applicant shall install street trees, from November 1 to March 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. All required trees shall be installed by the applicant prior to final platting, or security equal to 120 percent of the cost of installing the required street trees shall be posted with the City. The amount and form of such security shall be as required by the Planning Director.

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 that may die for one year from the date of planting.

9. That prior to the submittal of the final plat, the names of all proposed streets shall be submitted by the applicant to the City for review and approved by the Planning Director.
10. That 10-foot utility easements shall be provided along the north side of Baker Creek Road and along both sides of all public rights-of-way for the placement and maintenance of required utilities.
11. 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.

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.

12. That the section of Street "E" located immediately south of its intersection with Street "F" may be constructed with a minimum width, measured from curb to curb, of twenty feet. All other streets within the proposed subdivision, other than that section of Street "D" near its intersection with Baker Creek Road, shall be improved with a 28-foot wide paved section, and five-foot wide curbside planting strips located within a 50-foot right-of-way. The southern end of Street "D" shall be improved with two travel lanes each a minimum of eighteen feet in width separated by a landscaped raised median located within a sixty-foot wide right-of-way. Five-foot wide sidewalks shall be constructed within the public right-of-way one-foot from the property line adjacent to both sides of all public streets.

unless otherwise approved. Meandering sidewalks shall be permitted within the north grove and south grove to avoid the removal of existing trees. If the Planning Director should find that significant tree removal is required to accommodate the sidewalk on the west side of "E" Street, then a public sidewalk for this section of street shall not be required.

13. That the intersection of Street "F" and Street "E" be designed in accordance with the requirements of the City Engineer and McMinnville Fire Department. In particular, the intersection must provide a minimum 35-foot centerline turning radii to accommodate turning movement of emergency access vehicles, or as may otherwise be approved by the Fire Marshall
14. That improvements, including curbs, five-foot wide sidewalks, fencing, and landscaping are required along the Baker Creek Road frontage. Plans for the improvement of the Baker Creek Road frontage shall be submitted to the City Engineer and McMinnville Landscape Review Committee, as appropriate, for review and approval prior to their construction. All required improvements shall be installed prior to the filing of the final plat. Fencing shall be of a design that provides vertical and horizontal articulation so as to avoid the creation of a visually monotonous appearance.
15. That direct vehicular access from Baker Creek Road from Lots 34-44 is not allowed. Said restriction shall be noted on the face of the final plat.
16. That direct vehicular access from Street "D" to Lots 36 and 37 is not allowed. Driveways for these lots shall be placed as far possible from the intersection of Street "A" and Street "D" as possible to avoid conflict with other traffic at the intersection. Such limitations shall be noted on the face of the final plat and included in the covenants for the subdivision.
17. That the applicant extend water service to the subject site in accordance with McMinnville Water and Light requirements. Easements as may be required for the extension of water shall also be provided.
18. That approved, working fire hydrants must be installed prior to the issuance of building permits for the subject site.
19. That the area located in the northeast corner of the subject site, outside of any platted lots or public right-of-way (approximately 3.1 acres), be dedicated to the City of McMinnville for public park purposes, unless otherwise restricted due to the terms of a wetland permit issued by the Oregon Division of State Lands or Army Corps of Engineers. Said dedication shall be indicated on the face of the final subdivision plat. The value of this land shall be applied as an offset toward the applicant's park system development charges.
20. That if the property owner wishes a one-year extension of the Commission approval of this tentative plan under the provisions of Section 16 of Ordinance No. 3702, 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.

21. That secondary emergency access shall be provided to the subject site by the applicant prior to the issuance of any building permits. At a minimum the required secondary emergency access must be constructed to include a 12-foot wide travel lane with 20 feet of vertical clearance. Plans for the provision of secondary emergency access for each phase of construction must be submitted to the McMinnville Fire Department for their review and approval prior to release of the final plat.
22. That the applicant dedicate a 10-foot wide strip of land parallel to the north right-of-way of Baker Creek Road, extending from the subject site's eastern border to the western border, for the future improvement of Baker Creek Road to a minor arterial street. Such dedication shall be shown on the face of the final plat.
23. That no on-street parking shall be allowed on either side of proposed 20-foot wide street sections, within 50-feet of intersections on 28-foot wide streets, or on outside turning radii of 28-foot wide streets. The applicant is required to install "no parking" signs in locations as may be required by the City Engineer.
24. That barricades shall be installed by the applicant at the terminus of all public streets as may be required by the City Engineer.
25. That a public street, designed to the standards of a local residential street (26-foot wide paved section, five-foot wide sidewalks, and six-foot wide curbside planting strip within a 50-foot right-of-way), shall be constructed westward from Street "E" to the western property line of the subject site. The location and alignment of this street shall be as required by the City Engineer. Adjustment of the submitted tentative plan are authorized as may be necessary to accommodate the provision of this street.
26. That the proposed street plan for the eastern midsection of the subject site be revised as may be necessary to avoid impact to wetlands within the subject site and those within the adjacent Compton property. At a minimum the eastern terminus of Street "F" shall be turned due south to intersect with the proposed intersection of Street "E" and Street "B" (future connection through the Compton property to Baker Crest Court would then be accomplished through the eastern extension of Street "E").

Street "F" may be constructed in the alignment proposed on the tentative plan only upon submittal of a wetland permit issued by the Oregon Division of State Lands or Army Corps of Engineers that supports the further eastern extension of this street to Baker Crest Court. Such evidence must be submitted prior to the construction of Phase 2 of this project, or the phase lines for Phase 2 shall be amended to remove those lots that may be affected by the southern realignment of Street "F".

27. 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 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.

28. That if technically feasible, (as determined by the City Engineer) the applicant provide a pedestrian easement extending northeast from streets "E" to "F" for access to the proposed public open space. The easement shall be a minimum of fifteen (15) feet in width and shall be improved as required by the City Engineer as part of the required subdivision improvements. If possible, the pedestrian easement should extend northeast from the intersection of streets "E" and "C" or alternatively from the intersection of Streets "E" and "D".

Pursuant to the Land Division Ordinance of the City of McMinnville, applications approved by the Planning Commission may be appealed within fifteen (15) days of the day of such approval to the City Council. If no appeal is filed with the City Recorder on or before December 7, 1999, the decision of the Planning Commission on this matter will be final.

Final approval of the subdivision must conform to the City subdivision regulations and engineering improvement requirements. A final subdivision must also conform to the provisions as established in Chapter 92 of the Oregon Revised Statutes. A list of fees to be paid by the developer and the submittals which are required before the final plat may be recorded are enclosed.

If you have any questions regarding these matters, please contact me at 434-7311.

Sincerely,



Doug Montgomery, AICP
Planning Director

DRM:ral

Enclosure

cc: Rick Highsmith
Dave Haugeberg
Mark Davis



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

EXHIBIT 3 - STAFF REPORT

DATE: April 18, 2019
TO: Planning Commission Members
FROM: Action Item: MP 1-17 (Minor Partition) Approval Extension

STRATEGIC PRIORITY & GOAL:

 GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.	 HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.
--	---

Report in Brief:

This is an action item to consider a request for an extension of a previously approved tentative partition application (MP 1-17). The tentative partition was originally approved by the Planning Director on April 5, 2017. Following the approval of a tentative partition, an applicant has one year to submit a final partition plat that complies with the approved tentative partition plan and any associated conditions of approval. 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 on April 4, 2018. 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.

Background:

The subject site consists of two parcels that are related to the tentative partition application (MP 1-17). The applicant had originally submitted an application for a property line adjustment (BLA 2-17) and an application for a tentative partition (MP 1-17), which were reviewed concurrently. The property line adjustment, as proposed, adjusted the common property line between two existing parcels, and the proposed tentative partition then partitioned the larger of those two parcels into three (3) new parcels.

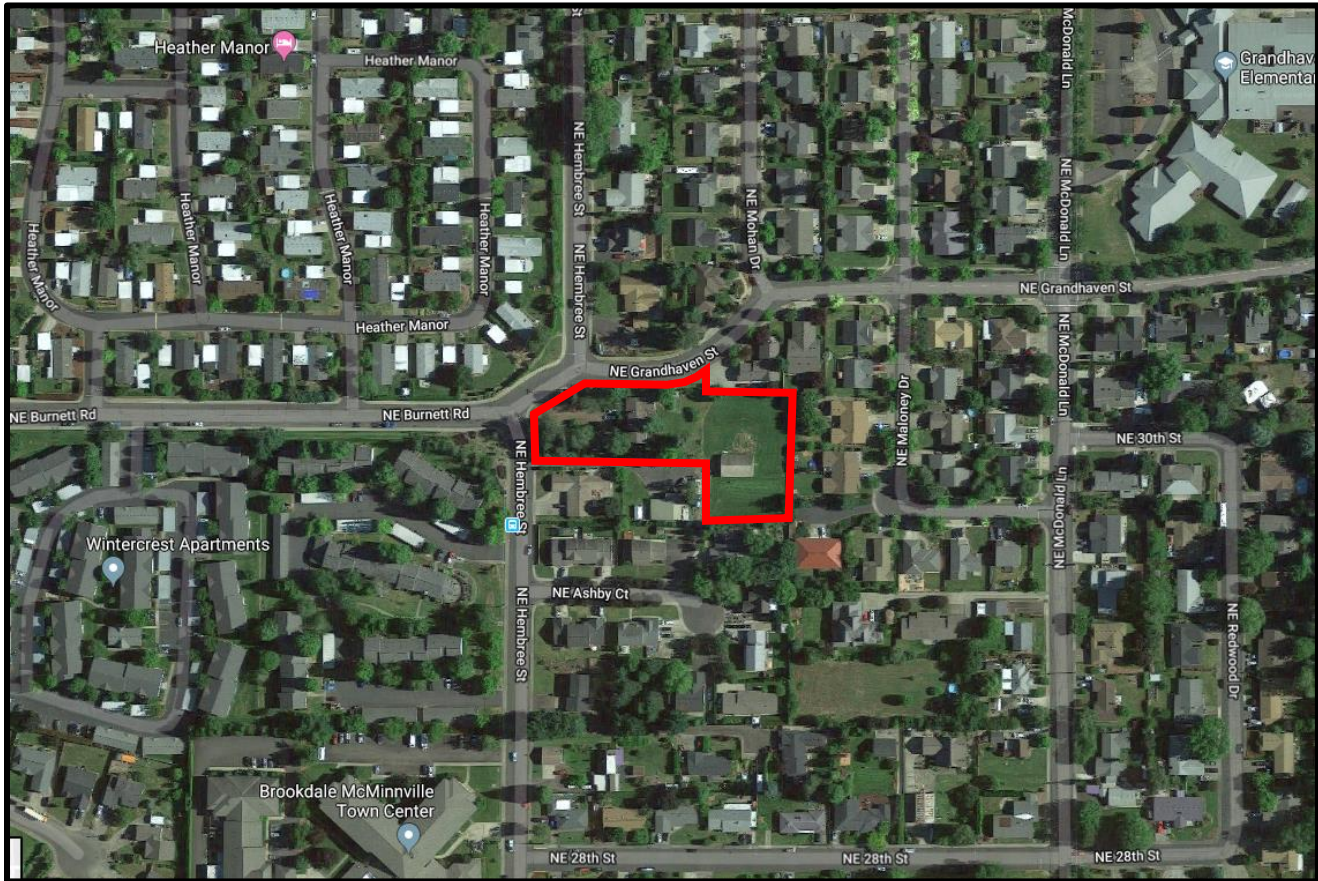
The subject parcels are located at 2950 NE Hembree Street, and are also identified as Tax Lots 800 and 801, Section 9CD, T. 4 S., R. 4 W. The subject parcels are identified as Residential on the McMinnville Comprehensive Plan Map and are zoned R-1 (Single-Family Residential).

Figure 1 and Figure 2 below identify the approximate location of the subject parcels and the tentative partition plan that was approved under docket MP 1-17:

Attachments:

Attachment A: BLA 2-17 and MP 1-17 Approval Letter
Attachment B: BLA 2-17 and MP 1-17 Decision Document
Attachment C: BLA 2-17 and MP 1-17 Extension Approval Letter
Attachment D: MP 1-17 Additional Extension Request Letter
Attachment E: BLA 2-17 Recorded Deeds

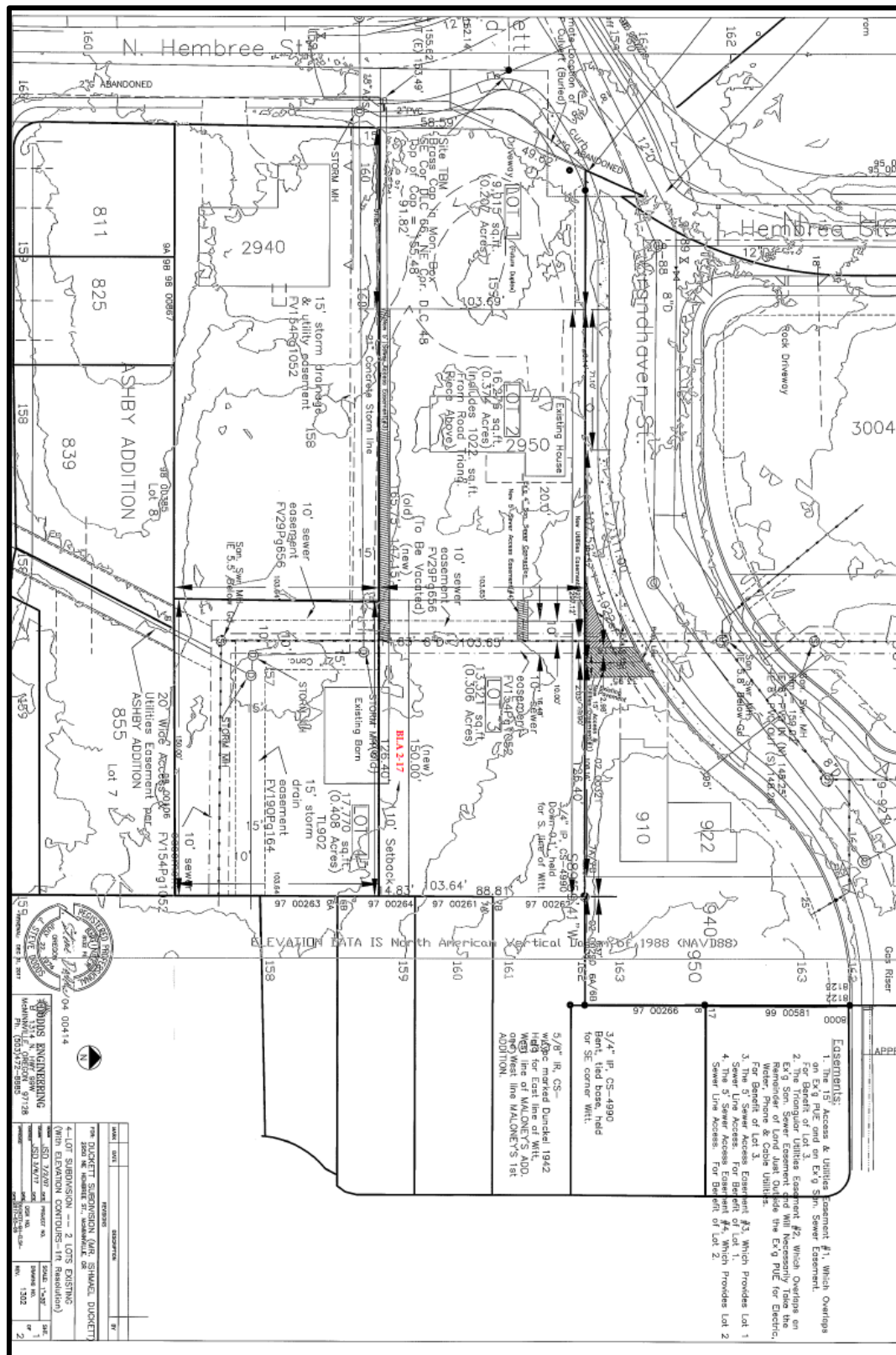
Figure 1. Vicinity Map



Attachments:

- Attachment A: BLA 2-17 and MP 1-17 Approval Letter
- Attachment B: BLA 2-17 and MP 1-17 Decision Document
- Attachment C: BLA 2-17 and MP 1-17 Extension Approval Letter
- Attachment D: MP 1-17 Additional Extension Request Letter
- Attachment E: BLA 2-17 Recorded Deeds

Figure 2. Approved Tentative Partition Plan



Attachments:

Attachment A: BLA 2-17 and MP 1-17 Approval Letter

Attachment B: BLA 2-17 and MP 1-17 Decision Document

Attachment C: BLA 2-17 and MP 1-17 Extension Approval Letter

Attachment D: MP 1-17 Additional Extension Request Letter

Attachment E: BLA 2-17 Recorded Deeds

The property line adjustment (BLA 2-17) and tentative partition (MP 1-17) applications were originally approved by the Planning Director on April 5, 2017 under the review process described in Section 17.72.110 (Applications – Director’s Review with Notification) of the McMinnville Municipal Code (MMC). The original approval letter and decision document are included in Attachments A and B to the staff report.

Following the approval of a tentative partition, an applicant has one year to submit a final partition plat that complies with the approved tentative partition plan and any associated conditions of approval, per Section 17.53.060(D) of the MMC. 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 on April 4, 2018. As allowed Section 17.53.060(D) of the MMC, that one year extension request was approved by the Planning Director with a new deadline of April 5, 2019. The Planning Director’s extension approval letter is included in Attachment C to the staff report.

Due to extenuating circumstances, the applicant was still not able to complete the required conditions of approval, and has requested an additional extension of the tentative partition approval to June 30, 2019. The original applicant, Ish Duckett - who was also the property owner, passed away within the last year. Mr. Duckett’s surviving wife and son, who are still the owners of the property, have submitted the additional extension request on behalf of the late applicant, Ish Duckett.

Section 17.53.060(D) of the MMC requires that additional extensions beyond one year be approved the Planning Commission, which has resulted in the action item before the Planning Commission with the additional extension request to June 30, 2019.

The applicant did complete the property line adjustment (BLA 2-17) within the last year, which increased the size of the southernmost parcel and decreased the size of the larger parcel that is located immediately adjacent to NE Hembree Street and NE Grandhaven Drive. The recorded deeds that complete this property line adjustment are attached to this staff report in Attachment E. This shift in the common property line is identified in Figure 3 below:

Attachments:

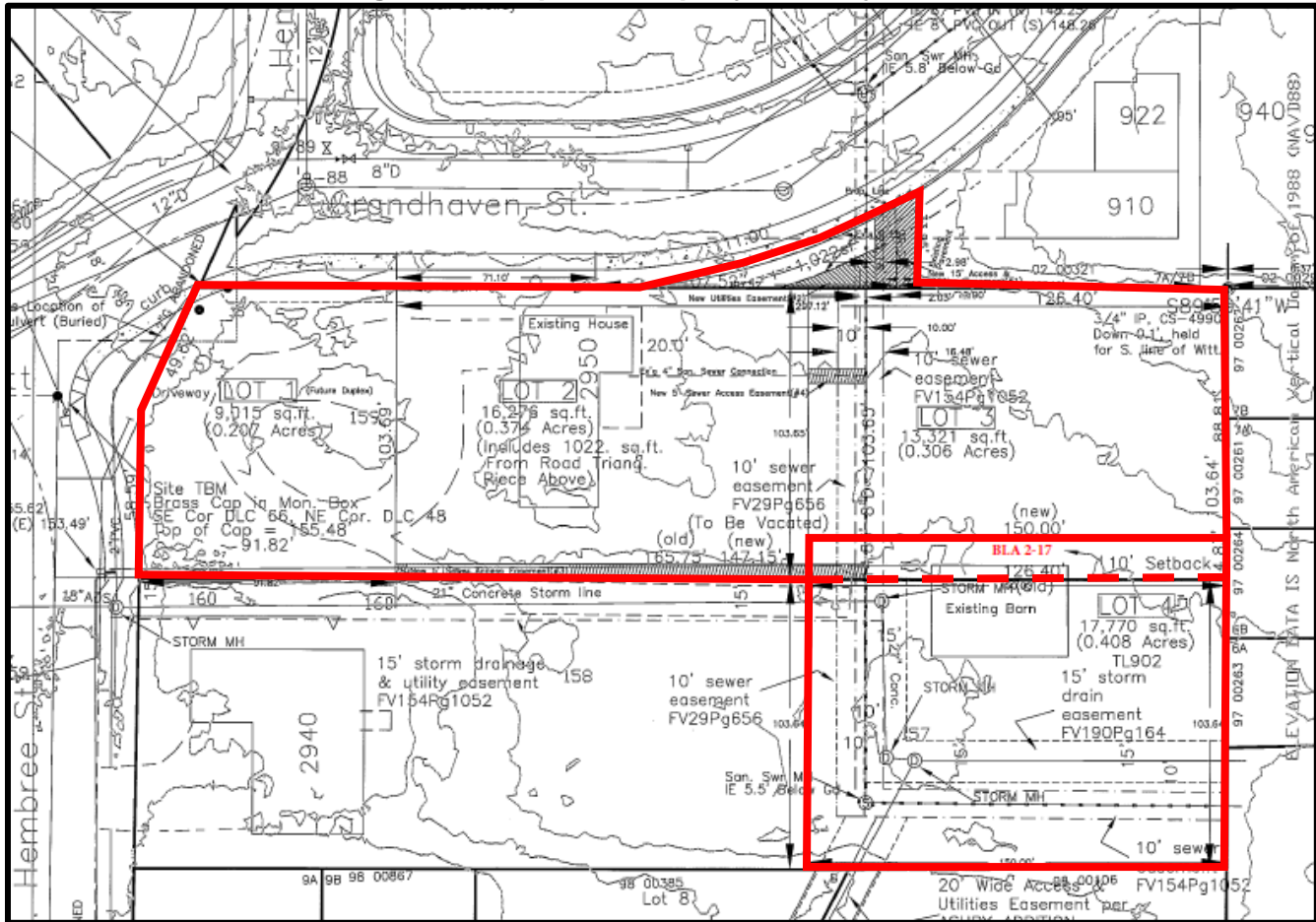
Attachment A: BLA 2-17 and MP 1-17 Approval Letter

Attachment B: BLA 2-17 and MP 1-17 Decision Document

Attachment C: BLA 2-17 and MP 1-17 Extension Approval Letter

Attachment D: MP 1-17 Additional Extension Request Letter

Attachment E: BLA 2-17 Recorded Deeds

Figure 3. Completed Property Line Adjustment

**Note – Dashed line represents previous common property line. Solid lines represent existing property lines after the property line adjustment (BLA 2-17) was completed.*

The tentative partition plan that was approved would result in the creation of three (3) new parcels, which would be approximately, 9,015 square feet, 16,276 square feet, and 13,321 square feet in size. The new parcels would all be above the minimum lot size in the underlying R-1 (Single Family Residential) zone, which is 9,000 square feet (Section 17.12.030 of the MMC). The tentative partition plan includes a note that Lot 1, which is the westernmost lot on the corner of NE Hembree Street and NE Grandhaven Street may be used as a duplex. Duplexes are permitted in the R-1 zone, but only on corner lots with at least 9,000 square feet, and the underlying plat must designate the lot as allowing a duplex (Section 17.12.010(B)). Therefore, the final plat could include that note and would then allow for a duplex to be constructed on Lot 1. The tentative partition plan also included necessary easements to provide access and utilities to serve each of the new parcels.

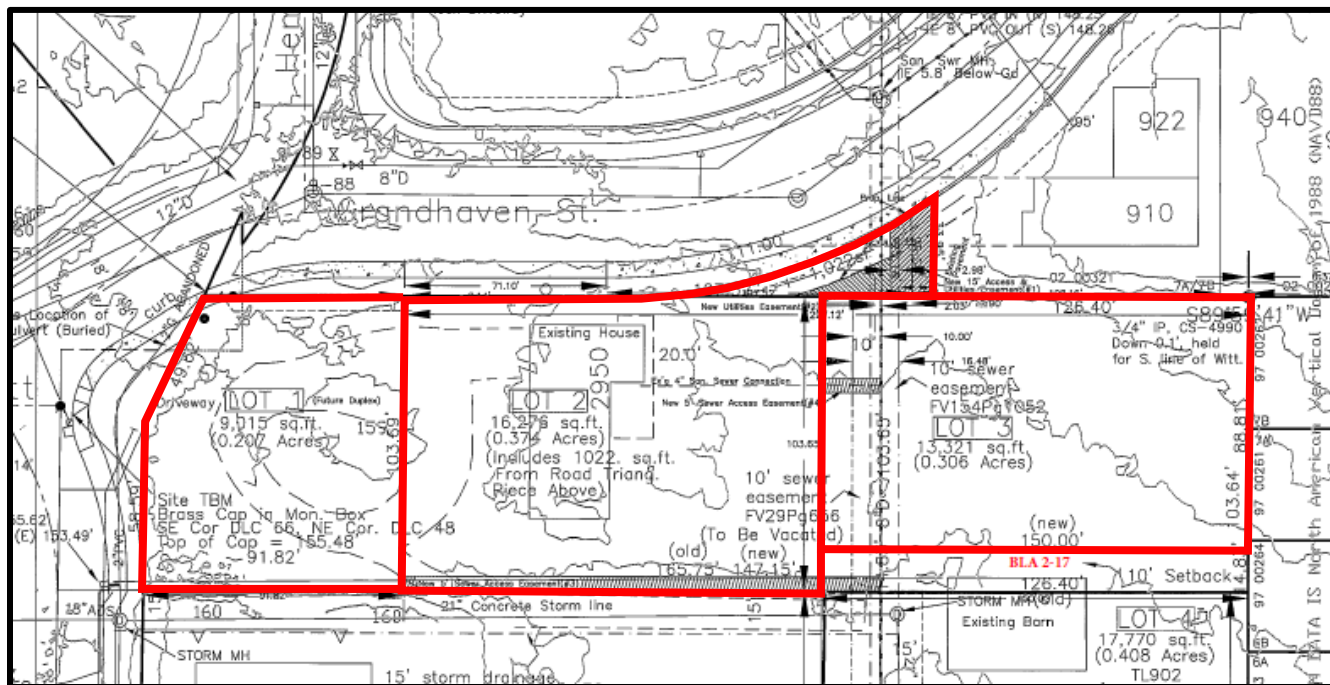
An existing house is present on Lot 2, which is proposed to remain. Lots 1 and 3 are vacant, and would be available for new development of any uses permitted in the R-1 zone. The southernmost lot that was increased through the property line adjustment, which is now identified as Tax Lot 801 after the recently property line adjustment deeds were recorded, has an existing barn on the property, which is required by MP 1-17 condition # 12 to be demolished prior to any building permit being issued for the property.

Attachments:

- Attachment A: BLA 2-17 and MP 1-17 Approval Letter
- Attachment B: BLA 2-17 and MP 1-17 Decision Document
- Attachment C: BLA 2-17 and MP 1-17 Extension Approval Letter
- Attachment D: MP 1-17 Additional Extension Request Letter
- Attachment E: BLA 2-17 Recorded Deeds

The location of the proposed lots are identified in Figure 4 below:

Figure 4. Lots in Tentative Partition Plan



Discussion:

As discussed in more detail above, the applicant did complete the property line adjustment (BLA 2-17) within the last year. The recorded deeds that complete this property line adjustment are attached to this staff report in Attachment E.

Therefore, the final partition plat needs to be submitted, and will need to be consistent with the approved tentative partition plan and any required conditions of approval. The conditions of approval from the tentative partition approval (MP 1-17) are identified in the original approval letter (Attachment A), decision document (Attachment B), and again in the Planning Director's extension approval letter (Attachment C). Some of the conditions are related to items that need to be addressed and shown on the final plat, and others are related to infrastructure or other site improvements. The conditions of approval are listed below, with notes on whether they have been completed and notes on the additional action that is still required. Actions that are listed in ***bold and italicized*** are actions that need to be completed prior to the City approving and signing the final partition plat.

Condition of Approval	Completed?	Necessary Action
1. Grandhaven Street is designated as a major collector (74' right-of-way) in the City's Transportation System Plan (TSP). The street was constructed prior to the adoption of the TSP (2010), and was built to the minor collector standard contained in the 1994 Transportation Master Plan (36' of paved surface, and 5' sidewalks within a 60' right-of-way). The existing right-of-way width	No	Updates to be Shown on Final Plat

Attachments:

Attachment A: BLA 2-17 and MP 1-17 Approval Letter

Attachment B: BLA 2-17 and MP 1-17 Decision Document

Attachment C: BLA 2-17 and MP 1-17 Extension Approval Letter

Attachment D: MP 1-17 Additional Extension Request Letter

Attachment E: BLA 2-17 Recorded Deeds

<p>adjacent to the proposed partition lots does not meet the current standard of 37' from centerline. Therefore, the final partition plat shall reflect the dedication of additional right-of-way, equaling 37' total from centerline, along the site's Grandhaven Street frontage.</p> <p>The completion of MP 1-17 will not necessitate an upgrade/widening of Grandhaven Street to meet the major collector requirements.</p>		
<p>2. Hembree Street is designated as a local street (50' right-of-way) in the City's Transportation System Plan (TSP). The street was constructed prior to the adoption of the TSP (2010), and was built to the minor collector standard contained in the 1994 Transportation Master Plan (36' of paved surface, and 5' curbside sidewalks within a 60' right-of-way) adjacent to the subject site. No additional improvements to Hembree Street are required.</p>	N/A	None Required
<p>3. The proposed shared driveway for Parcel 3 and Lot 7 of Witt Addition is acceptable. The necessary access easements shall be granted on the final partition plat, and at the time of building permits for Parcel 3, the existing driveway shall be upgraded to meet current ADA standards.</p>	No	<p>Updates to be Shown on Final Plat</p> <p>Improvements Prior to Building Permits</p>
<p>4. The access for Parcel 1 and Parcel 2 shall be limited to a joint driveway access onto Hembree Street, and the final plat shall reflect no access to Grandhaven Street for Parcel 1 and Parcel 2.</p>	No	Updates to be Shown on Final Plat
<p>5. The existing driveway onto Grandhaven Street for the existing house (2950 NE Hembree Street) on Parcel 2 shall be removed prior to the City's approval of the final plat</p>	No	Driveway To be Removed (or Work Bonded For) Prior to Final Plat Approval
<p>6. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to the public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. All required utilities, including</p>	No	Utilities To be Installed (or Work Bonded For) Prior to Final Plat Approval

Attachments:

Attachment A: BLA 2-17 and MP 1-17 Approval Letter

Attachment B: BLA 2-17 and MP 1-17 Decision Document

Attachment C: BLA 2-17 and MP 1-17 Extension Approval Letter

Attachment D: MP 1-17 Additional Extension Request Letter

Attachment E: BLA 2-17 Recorded Deeds

the proposed sewer lateral to serve Parcel 1, shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.		
7. City records do not indicate how the existing house (2950 NE Hembree Street) is served by sanitary sewer, but it is likely that it is connected to the existing 8" public sewer main in the eastern portion of the site. The applicant shall identify the location of the existing sewer lateral and provide the City Engineering Department with a copy of a televised report of the condition of the existing lateral. If necessary, the lateral will need to be repaired or replaced so that it is in compliance with the City's sewer ordinance prior to the City's approval of the final plat.	No	Sewer Scope Required Prior to Final Plat Approval Potentially: Sewer Lateral Repaired or Replaced Prior to Final Plat Approval
8. The map submitted with the partition application indicates that the existing public sewer easement (recorded as Film Volume 29 Page 656) on Parcel 3 is "to be vacated." There is an existing 8" public sewer main within that easement. Therefore, the easement will need to remain, and shall be reflected on the final partition plat.	No	Updates to be Shown on Final Plat
9. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.	No	Updates to be Shown on Final Plat
10. The applicant shall submit a draft copy of the partition 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 partition 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.	No	Final Plat Mylars to be Submitted for Review and Approval
11. The applicant shall record the boundary line adjustment for the common property line between Tax Lot 800 and Tax Lot 902 with Yamhill County, as approved in docket BLA 2-17, prior to submitting the final plat.	Yes	None
12. That, prior to the release of building permits for Parcel 4 (Tax Lot 902), the existing structure shall be demolished. A demolition permit shall be obtained prior to demolishing the existing structure.	No	Improvements Prior to Building Permits

Attachments:

Attachment A: BLA 2-17 and MP 1-17 Approval Letter

Attachment B: BLA 2-17 and MP 1-17 Decision Document

Attachment C: BLA 2-17 and MP 1-17 Extension Approval Letter

Attachment D: MP 1-17 Additional Extension Request Letter

Attachment E: BLA 2-17 Recorded Deeds

13. That approval of this tentative plat will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same time period, the applicant must resubmit a tentative plat for further consideration and comply with regulations and conditions applicable at that time.	No	None Additional Extension Request Under Review
--	----	---

Commission Options:

- 1) **APPROVE** the additional extension of the tentative partition plan approval, granting the requested extension to June 30, 2019.
- 2) **APPROVE** the additional extension of the tentative partition plan approval, granting an extension to a different date than the June 30, 2019 deadline requested by the applicant.
- 3) **DENY** the additional extension of the tentative partition plan approval, thereby requiring a new tentative partition application to be submitted and approved prior to any future partitioning of the property in question.

Recommendation:

Staff recommends that the Planning Commission approve the extension of the tentative partition approval. Staff did discuss with the applicant whether additional time beyond the June 30, 2019 deadline would be helpful to ensure that the necessary work be completed prior to the submittal of the final plat. The applicant did state that they are intending to complete the necessary work by June 30, 2019, but would appreciate any additional time that could be granted.

Due to the extenuating circumstances associated with the property owners, staff would recommend that the extension be granted for one more additional year, to April 5, 2020. This would ensure that adequate time is provided for the partition to be completed, without the potential for another short extension if work is not completed in the next couple of months.

MOTION FOR MP 1-17 EXTENSION:

I MOVE THAT THE PLANNING COMMISSION APPROVE THE ADDITIONAL EXTENSION OF THE TENTATIVE PARTITION PLAN APPROVAL TO APRIL 5, 2020.

Attachments:

Attachment A: BLA 2-17 and MP 1-17 Approval Letter

Attachment B: BLA 2-17 and MP 1-17 Decision Document

Attachment C: BLA 2-17 and MP 1-17 Extension Approval Letter

Attachment D: MP 1-17 Additional Extension Request Letter

Attachment E: BLA 2-17 Recorded Deeds



PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128
www.mcminnvilleoregon.gov

April 5, 2017

Ishmael Duckett
2950 NE Hembree Street
McMinnville, OR 97128

Re: Dockets BLA 2-17 / MP 1-17

Dear Mr. Duckett:

This is to advise you that the McMinnville Planning Department has received and carefully studied your applications (BLA 2-17 / MP 1-16) to adjust the property line between two existing parcels and also partition an approximately 0.89 acre parcel of land into three (3) parcels approximately 0.21 acres, 0.37 acres, and 0.31 acres in size. The subject site is located at 2950 NE Hembree Street and is more specifically described as Tax Lots 800 and 902, Section 9CD, T. 4 S., R. 4 W., W.M. The Planning Department reviewed your applications against the criteria of Section 17.53.053 (Review and Tentative Approval Process) and Section 17.53.060 (Submission of Tentative Partition Plan) of the McMinnville Zoning Ordinance for compliance.

Under the provisions of Section 17.72.110(A) (Applications – Director's Review with Notification) of the McMinnville Zoning Ordinance, notice of the proposed partition was provided to property owners within 100 feet of the subject site.

Based on the material submitted and the Engineering Department and Planning Department evaluations, I have approved your requests for a boundary line adjustment (BLA 2-17) and a minor partition (MP 1-17), subject to conditions.

Attached are the land-use decisions with the findings of fact and conditions of approval for your records. The conditions of approval are also outlined below:

Conditions of Approval for BLA 2-17:

1. That copies of the amended deeds shall be submitted to our office after they have been recorded in the Yamhill County Clerk's office so that we may officially update our maps and records.

Page 2

2. That approval of this boundary line adjustment will expire 12 (twelve) months after the date of issuance of this letter. If a copy of the recorded documents have not been submitted to our office prior to the expiration date, the applicant must resubmit an application for further consideration.

Conditions of Approval for MP 1-17:

TRANSPORTATION

1. Grandhaven Street is designated as a major collector (74' right-of-way) in the City's Transportation System Plan (TSP). The street was constructed prior to the adoption of the TSP (2010), and was built to the minor collector standard contained in the 1994 Transportation Master Plan (36' of paved surface, and 5' sidewalks within a 60' right-of-way). The existing right-of-way width adjacent to the proposed partition lots does not meet the current standard of 37' from centerline. Therefore, the final partition plat shall reflect the dedication of additional right-of-way, equaling 37' total from centerline, along the site's Grandhaven Street frontage.

The completion of MP 1-17 will not necessitate an upgrade/widening of Grandhaven Street to meet the major collector requirements.

2. Hembree Street is designated as a local street (50' right-of-way) in the City's Transportation System Plan (TSP). The street was constructed prior to the adoption of the TSP (2010), and was built to the minor collector standard contained in the 1994 Transportation Master Plan (36' of paved surface, and 5' curbside sidewalks within a 60' right-of-way) adjacent to the subject site. No additional improvements to Hembree Street are required.
3. The proposed shared driveway for Parcel 3 and Lot 7 of Witt Addition is acceptable. The necessary access easements shall be granted on the final partition plat, and at the time of building permits for Parcel 3, the existing driveway shall be upgraded to meet current ADA standards.
4. The access for Parcel 1 and Parcel 2 shall be limited to a joint driveway access onto Hembree Street, and the final plat shall reflect no access to Grandhaven Street for Parcel 1 and Parcel 2.
5. The existing driveway onto Grandhaven Street for the existing house (2950 NE Hembree Street) on Parcel 2 shall be removed prior to the City's approval of the final plat.

UTILITIES

6. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to the public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of

Page 3

the final plat. All required utilities, including the proposed sewer lateral to serve Parcel 1, shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.

7. City records do not indicate how the existing house (2950 NE Hembree Street) is served by sanitary sewer, but it is likely that it is connected to the existing 8" public sewer main in the eastern portion of the site. The applicant shall identify the location of the existing sewer lateral and provide the City Engineering Department with a copy of a televised report of the condition of the existing lateral. If necessary, the lateral will need to be repaired or replaced so that it is in compliance with the City's sewer ordinance prior to the City's approval of the final plat.
8. The map submitted with the partition application indicates that the existing public sewer easement (recorded as Film Volume 29 Page 656) on Parcel 3 is "to be vacated." There is an existing 8" public sewer main within that easement. Therefore, the easement will need to remain, and shall be reflected on the final partition plat.

MISCELLANEOUS

9. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
10. The applicant shall submit a draft copy of the partition 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 partition 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.
11. The applicant shall record the boundary line adjustment for the common property line between Tax Lot 800 and Tax Lot 902 with Yamhill County, as approved in docket BLA 2-17, prior to submitting the final plat.
12. That, prior to the release of building permits for Parcel 4 (Tax Lot 902), the existing structure shall be demolished. A demolition permit shall be obtained prior to demolishing the existing structure.
13. That approval of this tentative plat will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same time period, the applicant must resubmit a tentative plat for further consideration and comply with regulations and conditions applicable at that time.


Ishmael Duckett
April 5, 2017
Re: Dockets BLA 2-17 / MP 1-17

Page 4

Please note that the construction of utilities and other required infrastructure to serve the partitioned parcels will be at the owner's expense and that sewer assessment charges and other applicable system development charges must be paid at the time of building permit application, unless otherwise noted. If you have any questions concerning this matter, please contact the Engineering Department at (503) 434-7312.

This letter shall act as official notification of my decision. An appeal of this decision may be made to the Planning Commission if notice of intent to appeal is filed in the Planning Department no later than April 20, 2017. If no appeal is filed by this date, the decision shall be considered final.

Sincerely,



Heather Richards, PCED
Planning Director

HR:sjs

c: Mike Bisset, Community Development Director
Bob Poskin, Building Official

Attachments: *DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A BOUNDARY LINE ADJUSTMENT AT 2950 NE HEMBREE STREET (Docket BLA 2-17) and DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A MINOR PARTITION AT 2950 NE HEMBREE STREET. (Docket MP 1-17)*



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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A MINOR PARTITION AT 2950 NE HEMBREE STREET.

DOCKET: MP 1-17 (Minor Partition)

REQUEST: The applicant is requesting a minor partition to separate an approximately 0.89 acre parcel of land into three (3) parcels approximately 0.21 acres, 0.37 acres, and 0.31 acres in size.

LOCATION: The property is located at 2950 NE Hembree Street and is more specifically described as Tax Lot 800, Section 9CD, T. 4 S., R. 4 W.

ZONING: The subject site's current zoning is R-1 (Single Family Residential).

APPLICANT: Ishmael Duckett

STAFF: Chuck Darnell, Associate Planner

HEARINGS BODY: McMinnville Planning Director

DATE & TIME: April 5, 2017.

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; and Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION AND CONDITIONS OF APPROVAL

Based on the findings and conclusions, the Planning Director **APPROVES** the minor partition (MP 1-17) **subject to the conditions of approval provided in this document.**

////////////////////////////////////
DECISION: APPROVAL WITH CONDITIONS
////////////////////////////////////

Planning Department: _____
Heather Richards, Planning Director

Date: 4/5/17

Application Summary:

The applicant is requesting a minor partition to separate an approximately 0.89 acre parcel of land into three (3) parcels approximately 0.21 acres, 0.37 acres, and 0.31 acres in size.

CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

MP 1-17 is approved subject to the following conditions:

TRANSPORTATION

1. Grandhaven Street is designated as a major collector (74' right-of-way) in the City's Transportation System Plan (TSP). The street was constructed prior to the adoption of the TSP (2010), and was built to the minor collector standard contained in the 1994 Transportation Master Plan (36' of paved surface, and 5' sidewalks within a 60' right-of-way). The existing right-of-way width adjacent to the proposed partition lots does not meet the current standard of 37' from centerline. Therefore, the final partition plat shall reflect the dedication of additional right-of-way, equaling 37' total from centerline, along the site's Grandhaven Street frontage.

The completion of MP 1-17 will not necessitate an upgrade/widening of Grandhaven Street to meet the major collector requirements.

2. Hembree Street is designated as a local street (50' right-of-way) in the City's Transportation System Plan (TSP). The street was constructed prior to the adoption of the TSP (2010), and was built to the minor collector standard contained in the 1994 Transportation Master Plan (36' of paved surface, and 5' curbside sidewalks within a 60' right-of-way) adjacent to the subject site. No additional improvements to Hembree Street are required.
3. The proposed shared driveway for Parcel 3 and Lot 7 of Witt Addition is acceptable. The necessary access easements shall be granted on the final partition plat, and at the time of building permits for Parcel 3, the existing driveway shall be upgraded to meet current ADA standards.
4. The access for Parcel 1 and Parcel 2 shall be limited to a joint driveway access onto Hembree Street, and the final plat shall reflect no access to Grandhaven Street for Parcel 1 and Parcel 2.
5. The existing driveway onto Grandhaven Street for the existing house (2950 NE Hembree Street) on Parcel 2 shall be removed prior to the City's approval of the final plat.

UTILITIES

6. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to the public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. All required utilities, including the proposed sewer lateral to serve Parcel 1, shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.

7. City records do not indicate how the existing house (2950 NE Hembree Street) is served by sanitary sewer, but it is likely that it is connected to the existing 8" public sewer main in the eastern portion of the site. The applicant shall identify the location of the existing sewer lateral and provide the City Engineering Department with a copy of a televised report of the condition of the existing lateral. If necessary, the lateral will need to be repaired or replaced so that it is in compliance with the City's sewer ordinance prior to the City's approval of the final plat.
8. The map submitted with the partition application indicates that the existing public sewer easement (recorded as Film Volume 29 Page 656) on Parcel 3 is "to be vacated." There is an existing 8" public sewer main within that easement. Therefore, the easement will need to remain, and shall be reflected on the final partition plat.

MISCELLANEOUS

9. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
10. The applicant shall submit a draft copy of the partition 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 partition 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.
11. The applicant shall record the boundary line adjustment for the common property line between Tax Lot 800 and Tax Lot 902 with Yamhill County, as approved in docket BLA 2-17, prior to submitting the final plat.
12. That, prior to the release of building permits for Parcel 4 (Tax Lot 902), the existing structure shall be demolished. A demolition permit shall be obtained prior to demolishing the existing structure.
13. That approval of this tentative plat will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same time period, the applicant must resubmit a tentative plat for further consideration and comply with regulations and conditions applicable at that time.

ATTACHMENTS

1. MP 1-17 Application and Attachments

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police 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, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

McMinnville Engineering Department:

We have reviewed proposed MP 1-17, and offer the following comments and suggested conditions of approval. Those suggested conditions of approval have been included above.

McMinnville Building Department:

What guarantee do we have that the barn will be removed in 30 days. I feel in order to approve the demo needs to be completed prior to approval.

Yamhill County Public Works:

I have reviewed the subject request and find that County Public Works has no conflicts with this request.

FINDINGS OF FACT

1. Ishmael Duckett is requesting a minor partition to separate an approximately 0.89 acre parcel of land into three (3) parcels approximately 0.21 acres, 0.37 acres, and 0.31 acres in size. The property is located at 2950 NE Hembree Street and is more specifically described as Tax Lots 800, Section 9CD, T. 4 S., R. 4 W.
2. The site is currently zoned R-1 (Single Family Residential), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police 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, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. The Building Department submitted a comment in opposition, and a condition of approval has been included to address the Building Department concerns.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS

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

Land Division Standards – Partition:

17.53.060 Submission of Tentative Partition Plan. An application to partition land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:

- A. There shall be submitted to the Planning Department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:

1. The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;
 2. Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;
 3. Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;
 4. For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;
 5. Outline and location of existing buildings to remain in place;
 6. Parcel layout showing size and relationship to existing or proposed streets and utility easements;
 7. Location and dimension of any existing or planned curb-side planting strip which may border the subject site. (Amended 12/9/97 by Ordinance 4654B.)
 8. A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.
 9. Contour lines related to City datum and having minimum intervals of two (2) feet.
 10. Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.
 11. Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.
 12. Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.
 13. Such additional information as required by the Planning Director.
- B. Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.
- C. The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.
1. If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.
 2. Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.
 3. For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).
 4. The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.
- D. Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.

Finding: The proposed partition, along with the conditions of approval, conforms with the requirements of a tentative partition and with the requirements of the underlying R-1 (Single Family Residential) zoning district in terms of lot size and setback requirements. A condition of approval has been included to ensure that the boundary line adjustment, as approved by docket BLA 2-17, is completed prior to submission of the final plat. The proposed partition is based on the fact that Tax Lot 800 has been reduced in size, as proposed on the partition plat and approved through docket BLA 2-17.

CD:sjs



PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128
www.mcminnvilleoregon.gov

June 13, 2018

Ish Duckett
2950 NE Hembree Street
McMinnville, OR 97128

Re: Dockets BLA 2-17/MP 1-17 Extension Request

Dear Mr. Duckett:

On April 4, 2018, the McMinnville Planning Department received a note from you, requesting a one-year extension of the approval period of Property Line Adjustment (BLA 2-17) and Minor Partition (MP 1-17), both of which were set to expire on April 5, 2018. Per Section 17.53.060(D) of the McMinnville Zoning Ordinance, a one-year extension of the approval may be granted, upon request. After reviewing your request, the expiration date of BLA 2-17 and MP 1-17 are being extended through 5:00 p.m., **April 5, 2019**, allowing you to complete the approved boundary line adjustment and minor partition process, subject to the same conditions as granted in the original approval, as follows: Please note the new expiration date is one-year from the original expiration date.

Conditions of Approval for BLA 2-17:

1. *That copies of the amended deeds shall be submitted to our office after they have been recorded in the Yamhill County Clerk's office so that we may officially update our maps and records.*
2. *That approval of this boundary line adjustment will expire 12 (twelve) months after the date of issuance of this letter. If a copy of the recorded documents have not been submitted to our office prior to the expiration date, the applicant must resubmit an application for further consideration.*

Conditions of Approval for MP 1-17:

TRANSPORTATION

1. *Grandhaven Street is designated as a major collector (74' right-of-way) in the City's Transportation System Plan (TSP). The street was constructed prior to the adoption of the TSP (2010), and was built to the minor collector standard contained in the 1994 Transportation Master Plan (36' of paved surface, and 5' sidewalks within a 60' right-of-way). The existing right-of-way width adjacent to the proposed partition lots does not meet the current standard of 37' from centerline. Therefore, the final partition plat shall reflect the dedication of additional right-of-way, equaling 37' total from centerline, along the site's Grandhaven Street frontage.*

The completion of MP 1-17 will not necessitate an upgrade/widening of Grandhaven Street to meet the major collector requirements.

- 2. Hembree Street is designated as a local street (50' right-of-way) in the City's Transportation System Plan (TSP). The street was constructed prior to the adoption of the TSP (2010), and was built to the minor collector standard contained in the 1994 Transportation Master Plan (36' of paved surface, and 5' curbside sidewalks within a 60' right-of-way) adjacent to the subject site. No additional improvements to Hembree Street are required.*
- 3. The proposed shared driveway for Parcel 3 and Lot 7 of Witt Addition is acceptable. The necessary access easements shall be granted on the final partition plat, and at the time of building permits for Parcel 3, the existing driveway shall be upgraded to meet current ADA standards.*
- 4. The access for Parcel 1 and Parcel 2 shall be limited to a joint driveway access onto Hembree Street, and the final plat shall reflect no access to Grandhaven Street for Parcel 1 and Parcel 2.*
- 5. The existing driveway onto Grandhaven Street for the existing house (2950 NE Hembree Street) on Parcel 2 shall be removed prior to the City's approval of the final plat.*

UTILITIES

- 6. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to the public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. All required utilities, including the proposed sewer lateral to serve Parcel 1, shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.*

City records do not indicate how the existing house (2950 NE Hembree Street) is served by sanitary sewer, but it is likely that it is connected to the existing 8" public sewer main in the eastern portion of the site. The applicant shall identify the location of the existing sewer lateral and provide the City Engineering Department with a copy of a televised report of the condition of the existing lateral. If necessary, the lateral will need to be repaired or replaced so that it is in compliance with the City's sewer ordinance prior to the City's approval of the final plat.

- 7. The map submitted with the partition application indicates that the existing public sewer easement (recorded as Film Volume 29 Page 656) on Parcel 3 is "to be vacated." There is an existing 8" public sewer main within that easement. Therefore, the easement will need to remain, and shall be reflected on the final partition plat.*

MISCELLANEOUS

- 8. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.*
- 9. The applicant shall submit a draft copy of the partition 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,*

Page 3

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 partition 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.

- 10. The applicant shall record the boundary line adjustment for the common property line between Tax Lot 800 and Tax Lot 902 with Yamhill County, as approved in docket BLA 2-17, prior to submitting the final plat.*
- 11. That, prior to the release of building permits for Parcel 4 (Tax Lot 902), the existing structure shall be demolished. A demolition permit shall be obtained prior to demolishing the existing structure.*
- 12. That approval of this tentative plat will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same time period, the applicant must resubmit a tentative plat for further consideration and comply with regulations and conditions applicable at that time.*

Please note that the construction of utilities and other required infrastructure to serve the partitioned parcels will be at the owner's expense and that sewer assessment charges and other applicable system development charges must be paid at the time of building permit application, unless otherwise noted. If you have any questions concerning this matter, please contact the Engineering Department at (503) 434-7312.

If the approved property line adjustment and minor partition cannot be completed by April 5, 2019, then your applications will expire and new applications would need to be submitted at the time when the process can be completed in a timely manner.

If you have any questions concerning this matter, please contact me at (503) 434-7311.

Sincerely,



Heather Richards, PCED
Planning Director

HR:sjs

c: Mike Bisset, Community Development Director
McMinnville Water and Light

April 5, 2019

McMinnville Planning Department
231 NE 5th St.
McMinnville, OR 97128

RECEIVED

APR 05 2019

COMMUNITY DEVELOPMENT
CENTER

RE: Dockets BLA 2-17/MP 1-17 Extension Request

Dear Planning Department,

Ishmael Duckett received a one year extension for a Property Line Adjustment (BLA 2-17) and Minor Partition (MP 1-17) that expires April 5, 2019. Ish passed away after a lengthy illness in October 2018. His wife Twila Duckett and son Terry Duckett intend to finish both projects and request a Special Circumstances Extension of the deadline to June 30, 2019.

Please contact Terry Duckett for any needed additional information.

Thank you for your consideration,



Twila Duckett



Terry Duckett

Contact Information for Terry Duckett

Phone: 503-434-1085

email: terryduckett@yahoo.com

Mailing Address: PO Box 61
McMinnville, OR 97128

Property Address: 2950 NE Hembree St.
McMinjnvile, OR 97128

COPY

ATTACHMENT E

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Twila J. Duckett
2950 NE Hembree St
McMinnville, OR 97128

Until a change is requested all tax statements
shall be sent to the following address:

Same as above

Date: April 3, 2019

Yamhill County Official Records **201904122**
DMR-DDMR
Stn=3 SUTTONS **04/05/2019 02:54:00 PM**
3Pgs \$15.00 \$11.00 \$5.00 \$60.00 **\$91.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.

Brian Van Bergen - County Clerk

STATUTORY BARGAIN AND SALE DEED

TWILA J. DUCKETT, surviving spouse of Ishmael L. Duckett, Grantor, conveys to TWILA J. DUCKETT, Grantee, the following described real property:

See Exhibit "A" attached.

The true consideration for this conveyance is: None. Lot Line Adjustment.

This Deed is being recorded to effect a property line adjustment as approved by City of McMinnville Planning Department under Docket No. BLA2-17 / MP 1-17. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 5th day of April, 2019.

Twila J. Duckett
Twila J. Duckett

STATE OF Oregon)
)ss.
County of YAMHILL)

This instrument was acknowledged before me on this 5 day of April, 2019.
By **Twila J. Duckett.**



Donna Marie Befus
Notary Public for Oregon
My commission expires: 2/16/2020

Exhibit "A"

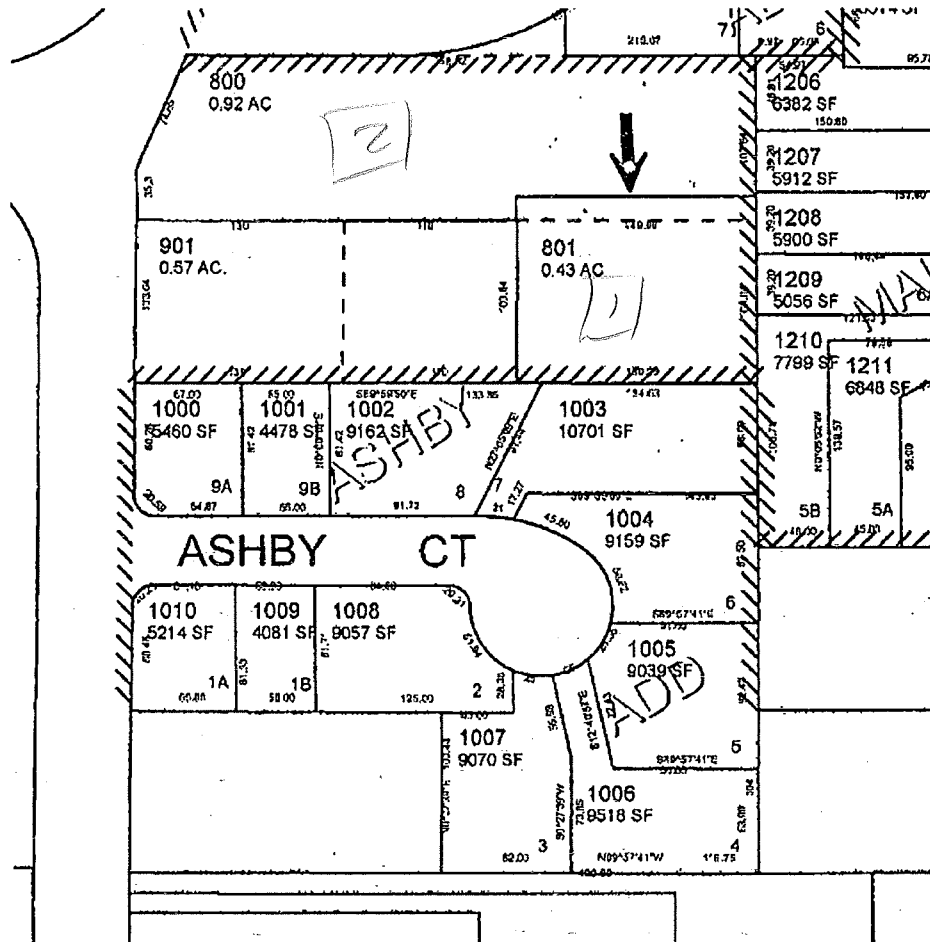
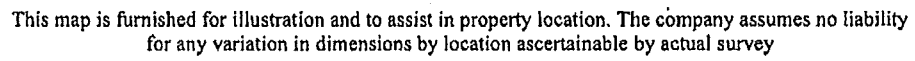
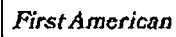
23 July 2017

Ish Duckett - Legal Description of New TL 4409CD-800

A tract of land in Section 9, Township 4 South, Range 4 West, City of McMinnville, Yamhill County, Oregon, and being more particularly described as follows:

Beginning at the southwest of that tract of land described in deed from ROBERT C. ANDERSON and JOAN M. ANDERSON to ISHMAEL L. DUCKETT and TWILA J. DUCKETT and recorded in Film Volume 74 Page 014, Yamhill County Deed Records which is South 00°44'00" West 64.72 feet and South 89°57'39" East 30.00 feet from the John G. Baker Donation Land Claim No. 46; thence South 89°57'39" East 240.00 feet along the south line of said DUCKETT tract; thence North 05°15'52" West 14.85 feet to an iron rod; thence South 89°58'37" East 150.00 feet to an iron rod on the east line of said DUCKETT tract; thence North 00°01'23" East 88.81 feet to the northeast corner of said tract; thence North 89°57'05" West 118.11 feet along the north line of said tract to an iron rod at the southeast corner of that tract of land described in deed from JOHN BOERSMA and JUDITH BOERSMA to ISHMAEL L. DUCKETT and TWILA J. DUCKETT and recorded in Instrument No. 200720768; thence North 00°51'23" West 29.34 feet to a brass screw and washer set on the southerly margin of Grandhaven Street at the northeast corner of said tract; thence Westerly 112.34 feet along said southerly margin which is a curve concave to the north having a radius of 210.00 feet (chord=South 74°43'25" West 111.00 feet); thence North 89°57'05" West 131.55 feet along said southerly margin to the east margin of Hembree Street; thence South 23°50'00" West 76.93 feet along said east margin to an iron pipe; thence South 00°44'00" West 33.31 feet along said margin to the point of beginning.

Leland MacDonald
Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 503-472-7904
E-Mail: lee@macdonaldsurveying.com



1 = 2017/14211

Re-Rec 2012/14424 - LIA

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ماریشاس



After recording return to:
Ishmael L. Duckett and Twila J.
Duckett
2950 NE Hembree Street
McMinnville, OR 97128

Until a change is requested all tax
statements shall be sent to the
following address:

Ishmael L. Duckett and Twila J.
Duckett
2950 NE Hembree Street
McMinnville, OR 97128

File No.: 1031-2819134 (MWG)
Date: August 31, 2017

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records **201714424**
DMR-DDMR
Stn=0 SUTTONS **09/06/2017 01:58:00 PM**
5Pgs. \$25.00 \$11.00 \$5.00 \$20.00 **\$61.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.

Brian Van Bergen - County Clerk

Yamhill County Official Records **201714211**
DMR-DDMR
Stn=0 MILLSA **09/01/2017 09:13:00 AM**
3Pgs \$15.00 \$11.00 \$5.00 \$20.00 **\$51.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.

Brian Van Bergen - County Clerk

STATUTORY BARGAIN AND SALE DEED

**Ishmael L. Duckett and Twila J. Duckett, as tenants by the entirety, Grantor, conveys to
Ishmael L. Duckett and Twila J. Duckett, as tenants by the entirety, Grantee, the following
described real property:**

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **\$None - this deed is to perfect a lot line adjustment
pursuant to McMinnville Planning Dept Docket No.s BLA 2-17/MP 1-17.** (Here comply with
requirements of ORS 93.030)

This document being re-recorded to correct legal description.

2819134
FIRST AMERICAN TITLE

16



After recording return to:
Ishmael L. Duckett and Twila J.
Duckett
2950 NE Hembree Street
McMinnville, OR 97128

Until a change is requested all tax
statements shall be sent to the
following address:
Ishmael L. Duckett and Twila J.
Duckett
2950 NE Hembree Street
McMinnville, OR 97128

File No.: 1031-2819134 (MWG)
Date: August 31, 2017

THIS SPACE RESERVED FOR RECORDER'S USE

STATUTORY BARGAIN AND SALE DEED

**Ishmael L. Duckett and Twila J. Duckett, as tenants by the entirety, Grantor, conveys to
Ishmael L. Duckett and Twila J. Duckett, as tenants by the entirety, Grantee, the following
described real property:**

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **\$None - this deed is to perfect a lot line adjustment
pursuant to McMinnville Planning Dept Docket No.s BLA 2-17/MP 1-17.** (Here comply with
requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

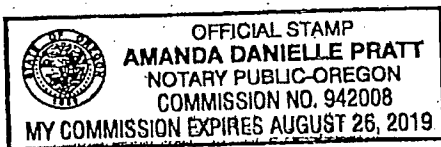
Dated this 31 day of August, 2017.

Ishmael L. Duckett
Ishmael L. Duckett

Twila J. Duckett

STATE OF Oregon)
)ss.
County of Yamhill)

This instrument was acknowledged before me on this 31 day of August, 2017
by **Ishmael L. Duckett and Twila J. Duckett.**





 Notary Public for Oregon
 My commission expires: 8/20/19

EXHIBIT "A"

Date: 27 February 2017

Ish Duckett - Legal Description of New TL
(17,770 sq.ft. more or less total)

For Lot Line Adjustment Application:

A tract of land in Section 9, Township 4 South, Range 4 West, City of McMinnville, Yamhill County, Oregon, being that tract of land described in deed from SELMA O. RUSSEL to ISHMAEL L. DUCKETT and TWILA J. DUCKETT and recorded in Film Volume 288 Page 212, Yamhill County Deed Records and being more particularly described as follows:

Beginning at the northeast corner of the John G. Baker Donation Land Claim, thence South $00^{\circ}44'$ West 64.72 feet; thence East 30.00 feet to the east margin of N. Hembree Steet; thence East 240.00 feet to the northwest corner of said DUCKETT tract as described in deed recorded in Film Volume 288 Page 212, and the TRUE POINT OF BEGINNING; thence East 148.96 feet to the northeast corner of said tract; thence South 103.64 feet to the southeast corner of said tract; thence West 105.23 feet to the southwest corner of said tract; thence North $00^{\circ}44'$ East 103.64 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a portion of that tract of land described in deed from ROBERT C. ANDERSON and JOAN M. ANDERSON to ISHMAEL L. DUCKETT and TWILA J. DUCKETT and recorded in Film Volume 74 Page 014, and being more particularly described as follows: Beginning on the east line of that tract of land described in deed from ROBERT C. ANDERSON and JOAN M. ANDERSON to ISHMAEL L. DUCKETT and TWILA J. DUCKETT and recorded in Film Volume 74 Page 014, Yamhill County Deed Records, at a point that is South 88.81 feet from the east line of said DUCKETT tract; thence West 150.00 feet; thence South 14.83 feet to the south line of said tract; thence East 150.00 feet along said south line to the southeast corner of said tract; thence North along 14.83 feet to the point of beginning.

CORRECTED

EXHIBIT "A"

Date: 23 July 2017

Ish Duckett - Legal Description
(17,665 sq.ft. more or less total)

A tract of land in Section 9, Township 4 South, Range 4 West, City of McMinnville, Yamhill County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of that tract of land described in deed from SELMA O. RUSSEL to ISHMAEL L. DUCKETT and TWILA J. DUCKETT and recorded in Film Volume 288 Page 212, Yamhill County Deed Records, said northwest corner being South $00^{\circ}44'00''$ West 64.72 feet and South $89^{\circ}57'39''$ East (previous deed East) 270.000 feet from the northeast corner of the John G. Baker Donation Land Claim; thence North $05^{\circ}15'52''$ West 14.85 feet to an iron rod; thence South $89^{\circ}58'37''$ East 150.00 feet to an iron rod on the east line of that tract of land described in deed from ROBERT C. ANDERSON and JOAN M. ANDERSON to ISHMAEL L. DUCKETT and TWILA J. DUCKETT and recorded in Film Volume 74 Page 014; thence South $00^{\circ}01'23''$ West 14.83 feet to the northeast corner of said DUCKETT tract described in deed recorded in Film Volume 288 Page 212; thence South $00^{\circ}01'23''$ West 103.54 feet to the southeast corner of said tract; thence North $89^{\circ}57'25''$ West 149.90 feet to the southwest corner of said tract; thence North $00^{\circ}44'00''$ East 103.54 feet along the west line of said tract to the point of beginning.

Leland MacDonald
Leland MacDonald & Assoc., LLC
Land Surveyors
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McMinnville, OR 97128
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First American



This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey

