

A G E N D A 8 - 16

1. **Approval of Minutes:** July 21, 2016

2. **Public Hearing (Quasi Judicial)**

♦ **S 2-16**

Request: Approval of a tentative subdivision plan that, if approved, would provide for the platting of 49 single-family lots on a 7.29 acre parcel of land.

Location: North of NE Payton Lane and east of NE Hembree Street, and is more specifically described as a portion of Tax Lot 2100, Section 9, T. 4 S., R. 4 W., W.M.

Applicant: Alan Ruden

3. **Public Hearing (Quasi Judicial)**

♦ **CU 7-16**

Request: Approval of a conditional use permit to allow establishment of a maintenance facility to accommodate a grounds garage, equipment storage building, warehouse and office space.

Location: 1150 NE Lafayette Avenue, and is more specifically described as Tax Lot 202, Section 21, T. 4 S., R. 4 W., W.M.

Applicant: McMinnville School District #40

4. **Public Hearing (Legislative)**

♦ **G 2-16**

Request: The City of McMinnville is proposing an amendment to the McMinnville Zoning Ordinance that, if adopted, would amend McMinnville Zoning Ordinance (ORD No. 3380) Section 17.64 (Marijuana Related Activities) to remove the phrase "state licensed preschool."

Applicant City of McMinnville

5. Old/New Business

Approval of findings for AP 2-16 Planning Commission decision.

6. Adjournment

MINUTES

Members Present: Chair Stassens, Vice Chair Tiedge, Commissioners Hall, Hillestad, Morgan, and Thomas

Members Absent: Commissioners Chroust-Masin, Geary, and Pirisky

Staff Present: Mr. Pomeroy, Mr. Koch, and Ms. Sullivan

1. Approval of Minutes: May 19, 2016 and June 16, 2016

Chair Stassens called the meeting to order at 6:31 p.m., and called for action on the Planning Commission minutes from the May 19, 2016 meeting and the June 16, 2016 meeting. Commissioner Hall MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Thomas. Motion PASSED unanimously.

2. Public Hearing (Quasi Judicial)

♦ **AP 2-16**

Request: Appeal of the McMinnville Planning Director's June 6, 2016 decision that the property at 807 NW Adams Street is prohibited from use for commercial recreational marijuana retail purposes due to its location within 1,000 feet of a public school facility. This decision was made as part of the Director's review of an Oregon Liquor Control Commission "Land Use Compatibility Statement" (LUCS) form submitted by the applicant to the Planning Department offices on June 3, 2016. Local review of LUCS forms are part of the State's licensing and land use coordination requirements for such proposed marijuana activities.

Location: 807 NW Adams Street, and is more specifically described as Tax Lot 8500, Section 20AA, T. 4 S., R. 4 W., W.M.

Applicant: Coleman Risdon

Chair Stassens opened the public hearing at 6:35 pm and called for abstentions, objections to jurisdiction, and disclosures. There were none. She also asked how many commissioners had visited the site. All commissioners present said they did.

Mr. Koch noted that Mr. Geary was abstaining from the meeting because he lives in close proximity to the subject site and within the notification area.

Chair Stassens called for the staff report.

Principal Planner Ron Pomeroy briefly described the application and the purpose of the appeal. He stated the criteria used by the state in determining what constitutes a school facility and required to be buffered from marijuana related uses. Mr. Pomeroy said that based on the evidence and information provided, staff recommends denial of the appeal.

Commissioner Hillestad asked how the 1,000 foot buffer was measured and if just a portion of the property was within the buffer.

Mr. Pomeroy stated the measurement is from property line to property line and that a majority of the site was within the buffer.

Commissioner Tiedge asked for an explanation as to why the map provided as Exhibit 5 to the staff report indicated "not to scale."

Mr. Pomeroy explained that the scale is accurate and internally consistent and generated by the ArcMap program used to determine the buffer. He said that the note is because the graphic is not printed to an architect/engineer scale.

Chair Stassens asked if there were any other questions for staff and reminded the commission of the scope of the appeal and to base their decision on all of the requirements.

City Attorney David Koch explained the City Code that applies to the 1,000 foot buffer established around private and public school facilities. He stated that staff looked to other agencies, such as the Oregon Health Administration (OHA), for guidance as to what constitutes a school facility.

Chair Stassens called for the appellant's testimony.

Mr. Risdon stated that the appeal was not about the 1,000 foot buffer, but the denial of the Land Use Compatibility Statement (LUCS) form. He also inquired about the "not to scale" note on the graphic, and stated that he had a survey completed from the corner of the tennis court block to his property. Mr. Risdon said that survey indicated his property was within 1,000 feet, but if measured to the courts themselves, they were about 1,050 feet from his property.

Mr. Risdon provided the commissioner with additional information for the record, including portions of emails between himself and City Manager Martha Meeker, and Planning Director Doug Montgomery. He then explained the history behind the emails, the building permit process for the property when he had applied for his previous medical marijuana dispensary approval through OHA, and other discussions with staff.

Mr. Risdon then read out loud the guidelines from the Oregon Liquor Control Commission's (OLCC) LUCS form. He restated that the form was to be used to determine zoning and if a use is permitted or not based solely on the zoning regulations.

Mr. Risdon expressed that Mr. Montgomery denied the LUCS form based on the 1,000 foot buffer measured from the tennis court property. He stated that Mr. Montgomery did not deny the form based on the zoning designation, which is what the form is asking for.

Mr. Risdon gave a brief history of the process for obtaining his building permit for the construction of an interior wall, which was required as part of his application process through OHA. He then stated that during that review, Mr. Pomeroy informed him that the tennis courts were a school facility, therefore the building permit would be denied. Mr. Risdon stated he then had conversations with the City Manager and presented subsequent emails from the City Manager and Mr. Montgomery stating that the permit and use for the medical marijuana dispensary would be "grandfathered" in due to the date of his building permit submittal.

Mr. Risdon again expressed to the Commission that Mr. Montgomery denied this current LUCS form based on the buffer issue, not the zoning of the property, since it was previously approved for OHA application. He stated that there was no reason for Mr. Montgomery to deny this current LUCS form.

Mr. Risdon requested that the commission reverse the denial of the OLCC LUCS form based on the written documentation provided.

Commissioner Hillestad asked Mr. Risdon if he had a copy of the survey that was conducted.

Mr. Risdon said he did not have a copy, but that the survey was done from the corner of the block and also the tennis courts themselves.

Chari Stassens asked if there were any questions for Mr. Risdon.

Commissioner Tiedge summarized his understanding of the sequence of events that occurred, from the submittal of building permits to the denial of the OLCC LUCS form.

City Attorney Koch explained that the first permit sought by Mr. Risdon was for a medical marijuana dispensary, which is addressed through OHA and that this current LUCS form was for commercial marijuana retail sales. He stated that the two permits were completely separate from each other. He also stated that his understanding was that the OHA had denied Mr. Risdon's medical dispensary application, and that Mr. Risdon was currently appealing that decision with the State.

Following further discussion by the Commission, Mr. Pomeroy explained that the two applications are separate issues. He stated the application for OHA approval pre-existed the tennis courts being identified as a school facility, which in turn allowed the use to be legally "grandfathered" in, and that request was specific to a medical dispensary and not pertinent to this review. Mr. Pomeroy stated that the current request came after the City established that the tennis courts were a public school facility. The 1,000 foot buffer around the tennis courts location applies to any new OLCC or OHA LUCS form submitted to the Planning Department.

Commissioner Hillestad asked Mr. Koch if there was a hard and fast rule that defined schools or if the Commission could make the determination as to whether the tennis courts were in fact a school facility.

Mr. Koch explained that the commission would have to weigh all of the evidence in the record to determine if the tennis courts are a public school facility. He also advised to evaluate the information provided via email by the school district, as well as any information provided by Mr. Risdon before voting on that determination.

Commissioner Hillestad asked if there was a definitive definition for determining how to measure distance from a property.

Mr. Koch stated, asking Mr. Pomeroy for correction, that we do not provide evidence of the method of measurement and that the state says it measures from the property boundary to the facility. He also noted that the City Council intended for the buffer to be consistent with the state, not to create a different means to measure the 1,000 foot buffer.

Commissioner Hillestad asked if the line went through the building or the parking lot of Mr. Risdon's site.

Mr. Pomeroy explained that the edge of the buffer goes through the building and captures most of the subject property.

Commissioner Hillestad asked Mr. Koch to clarify that, based on what Mr. Risdon said about the minimal use of the tennis courts, they would still qualify as a school facility.

Mr. Koch said that the City uses the same determination as the OHA, which he pointed out denied Mr. Risdon's OHA application on the basis that the tennis courts were in fact a school facility.

Mr. Risdon commented to the Commission that "tennis" was not on the McMinnville High School curriculum, stating that no tennis classes were offered.

Chair Stassens asked if there were any other questions for Mr. Risdon. There were none.

Chair Stassens asked if anyone would like to speak in favor of the appeal. There were none.

Chair Stassens asked if anyone would like to speak in opposition of the appeal. There were none.

Chair Stassens inquired if anyone wished to continue the public hearing. There was no such request.

Chair Stassens asked Mr. Risdon if he wished to waive the seven day period to offer additional testimony.

Mr. Risdon said yes, he wished to waive the seven day period.

Chair Stassens closed the public hearing at 8:12 p.m.

Chair Stassens asked if the commission would like to discuss the material and testimony provided.

Commissioner Morgan stated that based on the information provided, testimony heard, and the issued building permit status for a medical marijuana facility, he felt uncomfortable with the 1,000 foot buffer. He said he was inclined to waive the 1,000 foot buffer requirement until the city clearly defines how the buffer is measured.

Commissioner Tiedge said there are two issues at hand: Are these tennis courts a school and are they within 1,000 feet of the subject site; Is it the courts themselves or property boundary that the measurement is taken from. He stated the question that needed to be answered first was whether or not the tennis courts were considered a school.

Discussion between the Commissioners took place regarding whether the tennis courts should be considered a school facility or not.

Commissioner Tiedge stated that he found the tennis courts were not a school facility.

Commissioner Hillestad also stated that the tennis courts should not be considered a school.

Commissioner Hall indicated that the tennis courts are in fact a school facility, because educational activities occur there.

Commissioner Thomas said that she did not feel that a curriculum was provided; therefore the courts do not meet the definition of a school.

Chair Stassens said that the school provides physical education classes at the tennis courts on a regular basis. She stated that she did not feel any testimony disputed that, therefore; the tennis courts qualify as a school facility.

Commissioner Morgan said he did not think the tennis courts were a school.

Commissioner Hillestad MOVED, based on the determination that the Tennis Courts should not be considered a school, to APPROVE AP 2-16 overturning the prior denial by the Planning Director.

SECONDED by Commissioner Thomas. The motion passed with a 4-2 vote.

3. Old / New Business

Principal Planner Pomeroy stated that there were three items scheduled for the August Planning Commission meeting: 1) a subdivision application from Alan Ruden to develop another phase of the Bungalows at Chegwyn Village; 2) a conditional use permit application from the McMinnville School District to establish a maintenance facility at the former

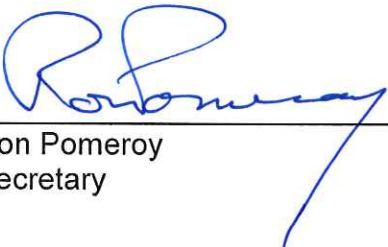
Willamette Graystone location; and 3) a legislative amendment to the Marijuana Activities section of the Zoning Ordinance, to remove the words "state licensed preschool."

Mr. Pomeroy informed the Commission that the new Planning Director, Heather Richards, would be starting with the City on August 1st and that a new Associate Planner, Charles Darnell would be joining the Department August 29th.

Chair Stassens told the Commission she was running for the City Council Ward 1 vacancy and if selected would be stepping down from the Planning Commission at the end of the year.

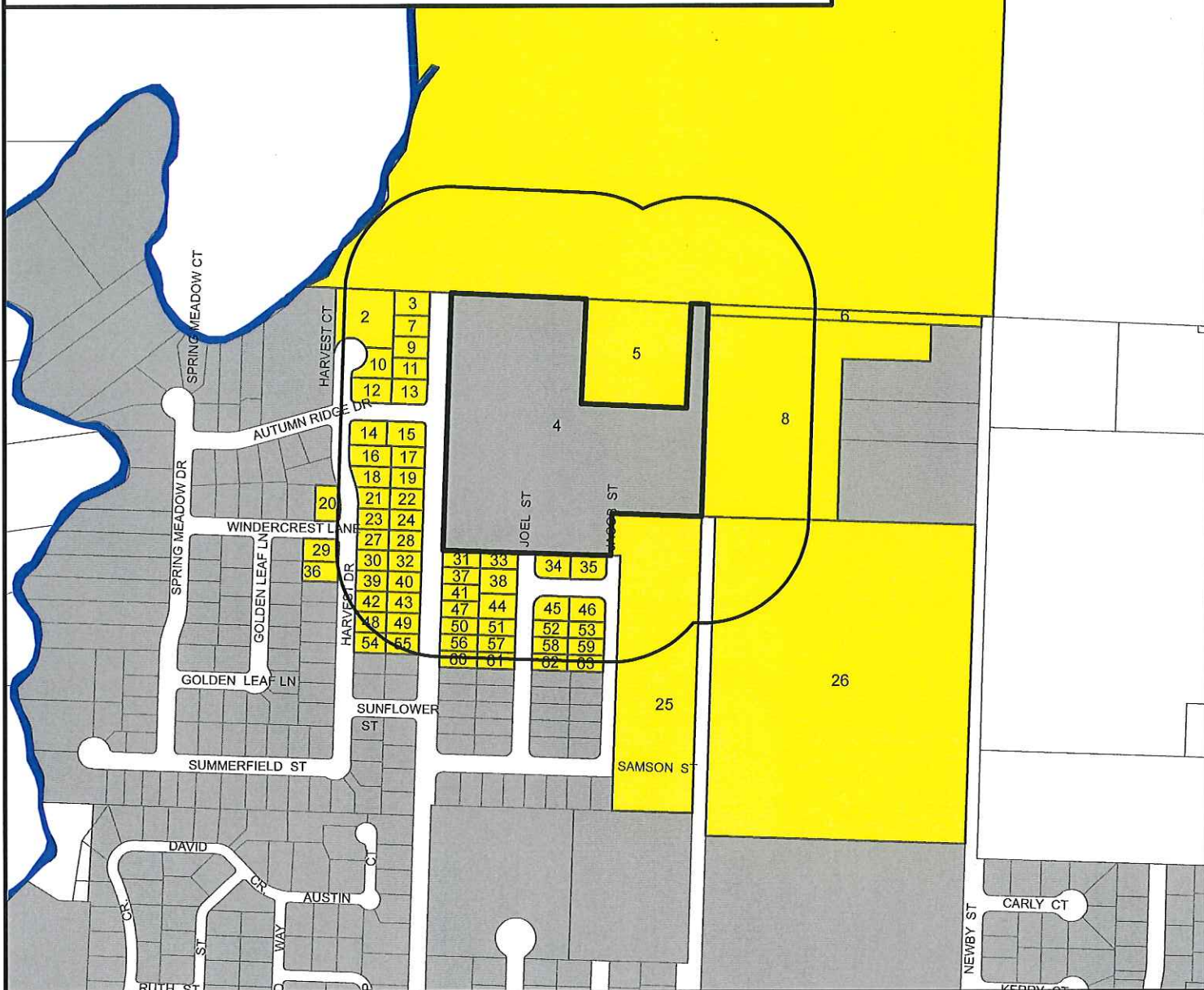
4. Adjournment

Commissioner Hillestad MOVED to adjourn the meeting; SECONDED by Commissioner Morgan. Motion PASSED unanimously and Chair Stassens adjourned the meeting at 8:32 p.m.



Ron Pomeroy
Secretary

Notification Map



S 2-16

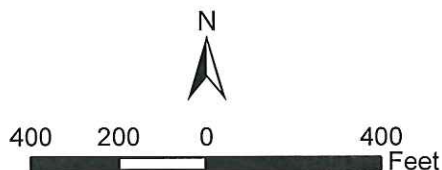
Alan Ruden Construction Inc. is requesting approval of a tentative subdivision plan that, if approved, would provide for the platting of 46 single-family lots on a 7.29 acre parcel of land.

Recorded Owner:
Chegwyn Village LLC
c/o Mark Smith
PO Box 6614
Portland, OR 97228



APPROVED BY: PLANNING COMMISSION
CITY COUNCIL

ATTESTED TO BY: _____



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

Request: Approval of a tentative subdivision plan that, if approved, would provide for the platting of 49 single-family lots on a 7.29 acre parcel of land.

Location: North of NE Payton Lane and east of NE Hembree Street, and is more specifically described as a portion of Tax Lot 2100, Section 9, T. 4 S., R. 4 W., W.M.

Applicant: Alan Ruden Inc.

EXHIBITS

1. Staff Report and Findings of Fact
2. S 2-16 Application and Fact Sheets
3. Additional materials submitted by the applicant:
 - a. Existing Conditions Plan
 - b. Revised Tentative Subdivision Plan (The Bungalows at Chegwyn Village Phase III)
 - c. Tentative Subdivision Plan (The Bungalows at Chegwyn Village Phase III)
 - d. Overall (future development) plan
 - e. Housing Plan
 - f. Warranty Deed
 - g. Preliminary Title Report
 - h. Autumn Ridge and Westside Pump Station Hydraulic Analysis for the Bungalows Phase III Development – Prepared by CH2M, dated July 20, 2016
4. Vicinity Sketch
5. Affidavit of Publication
6. List of property owners to whom notice was sent
7. Referrals
8. Planned Development Ordinance Nos. 4953, 4978, and 4990
9. Letter from Residents of the Bungalows at Chegwyn Village Phases I and II dated August 8, 2016

SUBJECT SITE

The subject site comprises approximately 7.29 acres, is nearly square in shape, and absent any built improvements. The site is located north of NE Payton Lane and borders the northern edge of the recently constructed “Bungalows at Chegwyn Village Phase II” residential subdivision. Hembree Street defines the site’s western edge, beyond which is a portion of the Autumn Ridge residential subdivision. To the east of the site is land currently maintained as a filbert orchard and planned for future multi-family residential housing as part of a future phase of this applicant’s development. The site’s northern edge is marked by an overhead, high voltage electric transmission line and towers, beyond which is active farmland.

Topographically, the subject site exhibits a gradual downward slope to the south within the southernmost portion of the site, and a similar grade slope to the north and northwest within the balance of the site. There is a large mound of dirt some 15 feet in height located within the site’s southern portion; this mound was created as a result of the construction of the adjacent Bungalows at Chegwyn Village Phase I and Phase II development. This will be removed as part of the platting of the subject site.

The site's history has been exclusively agricultural and most recently used for grass seed production. The property not impacted by the previously described mound of dirt remains in grass production. A small portion of the site east of the proposed Alley "Y" is covered by a portion of a larger filbert orchard that extends farther east to McDonald Lane.

The subject site is zoned R-4 PD (Multifamily Residential Planned Development) and abuts single-family residential uses to the south and west on property also zoned R-4 PD. Adjacent land to the east is also zoned R-4 PD and remains as a filbert orchard. Land to the north is zoned EF-80 (Exclusive Farm Use – 80-acre minimum) and is outside the McMinnville city limits and urban growth boundary.

OBSERVATIONS

- The Planning Commission's responsibility regarding this tentative subdivision application is to approve, approve with conditions, or deny the application.
- By way of brief history, in May, 2012, the City Council approved zone change ZC 2-12, rezoning this property from EF-80 to R-4 PD and adopting an "Overall Plan" (master plan) for the 22.26-acre site that includes the subject site of this current application. A copy of the adopted master plan is attached to this report and identified as Exhibit 3(d). In summary, the master plan envisions a residential development that, at full buildout, would provide approximately 101 single-family lots and 64 multi-family housing units. To date, nearly half of those single-family lots have been platted through subsequent land use and development approvals (S 1-12, ZC 1-14/S 1-14, and ZC 2-15).
- As part of the planned development overlay for this property, certain setback requirements were adopted that extend throughout the site in order to help implement the developer's concept for this development project. Specifically, building setbacks applicable to the overall site are 10 feet from the front yard property line, 20 feet from the rear yard property line, 15 feet from an exterior side yard property line, six (6) feet from an interior side yard property line, and zero feet for interior side yard setbacks adjacent to a detached garage.
- This is the fourth phase of a multi-phase development for the 22.26 acre property. Two of those phases were approved by the City in May 2012 and in May 2014 respectively. An additional phase proposing a four-lot tentative subdivision plan was reviewed and approved by City staff (S 2-15) and is not currently platted; subdivisions proposing a total of ten or fewer lots are reviewed administratively.
- The applicant has submitted a proposal seeking approval of a 49-lot residential tentative subdivision tentative plan on 7.29 acres of land. The submittal originally proposed the creation of 46 lots and provided land for the installation of a sanitary-sewer pump station in the northwest corner of the site. The applicant has since proposed alternate sanitary sewer designs to eliminate the need for the pump station and has slightly adjusted proposed lot lines yielding the 49-lot proposal currently before you. This modification resulted in updated lot numbers for land north of the proposed easterly extension of NE Autumn Ridge Drive; while not identified as such on the modified tentative plan, the lot proposed in the northwestern corner of the site should be referenced as Lot 100.

The proposed lots range in size from 3,780 square feet to 8,991 square feet in size. Proposed development would be exclusively single-family housing with vehicular access provided to each lot by a rear yard alley. The average residential density is calculated at 6.7 dwelling units per acre. The applicant estimates an August 2016 start and December 2016 completion date for the construction of all utilities to serve the subdivision, if approved. This tentative subdivision plan is referred to in the application, and this report, as “The Bungalows at Chegwyn Village Phase III.”

The applicant proposes an average lot size of 4,999 square feet for the proposed subdivision. While the R-4 zone requires a minimum average lot size of 5,000 square feet, Section 2 (3) of Ord. No. 4953 that governs this site (Exhibit 8) provides that minor changes to the details of the adopted plan may be approved by the Planning Director and that it shall be the Planning Director’s decision as to what constitutes a major or minor change. Staff suggests that the reduction in average lot size by one (1) square foot below the required 5,000 square feet average constitutes a minor modification and is allowed at the Planning Director’s discretion.

- Prior to the submittal of this application, the applicant and his engineer met on several occasions with City staff to review and discuss options for providing sanitary sewer service to the subject site. Of most concern to City staff is the manner in which lots in the northwest portion of the site would be provided such service, given the direction that this area slopes (to the northwest) and lack of capacity in the downstream pump station to accommodate these additional properties. To address this, the applicant has provided a Pump Station Hydraulic Analysis (Exhibit 3(h)) that has been reviewed by the City Engineer; comments and suggested conditions of approvals are provided further below in this section.
- The master plan adopted in 2012 for the larger site proposed single-family housing within the western two-thirds of the property and multi-family housing to be located on the site’s eastern portion fronting NE McDonald Lane, across from the existing Grandhaven Elementary school and future middle school site. Public streets were shown to extend through this larger property in a grid-like pattern. As noted previously, the first two phases of that master plan have been constructed consistent with the adopted plan. The tentative subdivision plan that is the subject of this review is also consistent with the master plan’s overall concept, and furthers the design of the existing Bungalows at Chegwyn Village residential development. For further details of this master plan, please refer to the applicant’s submitted “Overall Plan” (Exhibit 3(d)).
- The proposed subdivision is an additional phase of the Overall Plan for the 22.26-acre site and is a northerly extension of the prior two phases of this planned development. With this proposal, NE Jacob Street and NE Joel Street would be extended to the northern property line of the site, providing for future connection to properties that lay farther north. (Note: NE Joel Court, as noted on the applicant’s submitted tentative subdivision plan, will need to be renamed NE Joel Street on the final plat to reflect this street being designed to serve future development north of the site.) The series of alleys that are part of this development’s design would also extend to the north, paralleling the north-south alignment of the public street system. Autumn Ridge Drive would be constructed through the site’s midsection aligning on its western end with the existing Hembree Street and Autumn Ridge Drive intersection and connecting eventually to the east to McDonald Lane. All streets within the proposed development would be constructed to the standards of a local residential street, with one exception as follows:

- NE Jacob Street would be constructed within a 39.5 foot wide right-of-way where it abuts the future proposed multi-family development to the east. The remaining 10.5 feet of which (to total the required 50 foot wide right-of-way) would be provided at the time the adjacent multi-family component to the east is constructed. The required public sidewalk and street tree planting on the eastern street edge of NE Jacob Street would also occur at that time.

Cross sections for each of the proposed streets are provided on the applicant's submitted tentative subdivision plan.

- The proposed private alleys would be constructed to a 20-foot width to match the prior alleys' dimensional standard. Alley "Z" would be slightly wider at 22-feet to accommodate a proposed evergreen hedge that would help provide some screening from the proposed electric substation to be located northeast of the subject site.
- That portion of Hembree Street directly adjacent to the west edge of the site was constructed in 2003 in conjunction with the Autumn Ridge subdivision (located west of the street). At that time, the west side of Hembree Street was fully constructed to the minor collector standard and the developer constructed 12 feet of traveled way east of centerline, for a total improvement width of 30 feet.

The preliminary plans for this current request indicate that the developer will complete the improvements to Hembree Street adjacent to the site, including the construction of six additional feet of pavement width, curb and gutter, and a curbside planter strip. Additionally the developer is proposing to construct a meandering sidewalk adjacent to the subject site to match the sidewalk design implemented as part of Phase I and Phase II of the Bungalows and Chegwyn Village development. Upon completion of the improvements, Hembree Street adjacent to the site will be fully constructed to the City's minor collector standard.

The existing right-of-way for Hembree Street adjacent to the site measures 60 feet, and the plans indicate that the developer will dedicate an eight-foot-wide public access easement adjacent to the Hembree Street right-of-way to accommodate the proposed meandering sidewalk.

- Phase III of this overall development plan will result in a residential density of approximately 6.7 dwelling units per acre; as compared with a residential density of 6.2 dwelling units per acre in Phases I and II. The dwelling units are proposed to be single-family bungalow-style homes with front porches placed a minimum of 10 (ten) feet from the front property line. Also, all garages are proposed to be rear-facing onto the mid-block alleys. The main focus of the design is to create a strong relationship between the residences and the street, hence the garages placed behind the residence and the deviation from the typical front-yard setback of fifteen (15) feet in the R-4 zone. As in the previous phases of the adjacent Bungalows at Chegwyn Village development, the applicant feels this will result in a safe, pedestrian-friendly development as opposed to one that is auto dominated.

- The standard side-yard setback in the R-4 zone is six (6) feet for an interior side yard and 15 (fifteen) feet for an exterior side yard. As proposed, garages would be constructed to the interior side property line resulting in zero lot line construction, allowing a larger and more usable backyard. Staff notes that with zero lot line development, a maintenance agreement shall be required for such lots to ensure that structures built to the property line can be maintained on the zero lot line side which, in some instances, will require the home owner to access the neighbor's property; this is the same as approved for previous phases of this development.

Garages facing the rear of the property and accessed through a shared alley continues the design approved for Phase I and Phase II of the approved master plan.

- The applicant has submitted a "Housing Plan" (Exhibit 3(e)) that provides a general idea of how the residences could be laid out in this subdivision. The conceptual layout of these residences and two-car garages is very similar and complementary to those in Phase I and Phase II of the Bungalows at Chegwyn Village development.
- As in prior phases of this development, covenants for this phase would need to be developed to include a prohibition of parking within both of the alleys. It is recommended that the applicant submit to the Planning Director for approval, covenants for the subdivision clearly illustrating the restrictions with regard to alley access and parking, and who will oversee the enforcement of such covenants. This was a requirement of Phase I and II and, for consistency and clarity, should be continued for this phase of the development.

In addition, the covenants for prior phases of the neighborhood require that placement of trash and recycling containers be allowed only on the adjacent lots and their driveways to the alleys. Such containers are not to be stored anywhere within the 20-foot-wide alleyway at any time. As the current proposal includes both extension of alleys and creation of new alleys in the manner of Phases I and II, those same covenant restrictions relative to trash and recycling containers shall be required of this proposed subdivision.

Finally, staff notes that the covenants should address the placement and design of rear-yard fencing to ensure that sight lines are maintained for the driveway approaches to the alley. At a minimum, fencing standards (placement and design) will need to be addressed as part of the private covenants for the subdivision, similar to what is in place for prior phases of this development. In addition, to mitigate any future vision clearance issues and safety concerns for pedestrians and motorists, staff is recommending that fencing be placed no closer to the access easement (alley) than the nearest building line of the garage. (Staff notes that the zoning ordinance allows the Planning Director to make such adjustments to fence setbacks, provided clear vision is maintained.)

- Copies of this application and requests for comment were forwarded to the City of McMinnville Fire Department, Engineering Department, Building Department, Parks Department, Police Department, 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 Cable; and Northwest Natural Gas. As of the writing of this report, comments were received from the City Engineering Department, and McMinnville Water and Light which are provided below.

McMinnville Engineering DepartmentTRANSPORTATION

- The proposed subdivision is located adjacent to and east of Hembree Street, just north of the recently completed Bungalows at Chegwyn Village Phase II subdivision. The preliminary plans for S 2-16 indicate that the developer will complete the improvements to Hembree Street adjacent to the site, including the construction of six (6) additional feet of pavement; curb and gutter; and a curbside planter strip. Additionally the developer is proposing to construct a meandering sidewalk adjacent to the subject site. Upon completion of the improvements, Hembree Street adjacent to the site will be fully constructed to the minor collector standard.
- The existing right-of-way for Hembree Street adjacent to the site measures 60-feet, with 30-feet of right-of-way on either side of centerline. Additionally, the developer will dedicate an 8-foot public access easement adjacent to the Hembree Street right-of-way to accommodate the proposed meandering sidewalk.
- As proposed, the interior streets (Jacob St, Joel St, Joel Ct, and Autumn Ridge Dr) in the subdivision will be constructed to the City's adopted Local Residential street standard.
- Suggested conditions of approval related to transportation include:
 1. The final plat shall reflect that access to Hembree Street for lots 76 – 82 and 95 – 100 is not allowed.
 2. Hembree Street adjacent to the development shall be improved with a total of 18-feet of pavement east of centerline, a curbside planting strip, and a five-foot-wide sidewalk. The saw-cut location for the proposed street widening shall be as directed by the City Engineer.
 3. If the applicant proceeds with the proposed meandering sidewalk along Hembree Street, the final plat shall reflect the dedication of an eight-foot-wide public access easement adjacent to the Hembree Street right-of-way on lots 76 – 82 and 95 – 100.
 4. The interior streets shall be improved with a 28-foot wide paved section, five-foot-wide curbside planting strips, and five-foot-wide sidewalks placed one (1) foot from the property line within a 50-foot right-of-way, as required by Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance for local residential streets.
 5. The applicant shall install a barricade at the terminus of proposed NE Joel Court and at the terminus of proposed NE Autumn Ridge Drive, consistent with City standards. The barricades shall include signage with text stating: "This street is planned for extension to serve future development."
 6. On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns. Additionally, on-street parking will not be permitted adjacent to where the private alleys intersect NE Autumn Ridge Drive.

7. 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.
8. That the final plat shall include the appropriate access easements for the lots served by the proposed alleys. The private alleys shall have private maintenance agreements which must be approved by the City prior to the City's approval of the final plat.

SANITARY SEWER

- The subdivision narrative indicates several different options to service the development with sanitary sewer. The City's adopted Sanitary Sewer Conveyance System Master Plan (CH2M Hill, October 2008) anticipated that the subject property would be served by a new pump station located to the north of the site.
- Option #3 included in the subdivision narrative proposed draining all, or a portion of, the subdivision lots to the west to the Autumn Ridge Subdivision, which is served by the Autumn Ridge pump station and the Westside pump station. Subsequent to the submittal of the subdivision application, CH2M Hill was engaged to review the capacity of the Autumn Ridge pump station and the Westside pump station to determine if option #3 was feasible.
- CH2M Hill prepared the attached Technical Memorandum outlining the results of the "*Autumn Ridge and Westside Pump Station Hydraulic Analysis for the Bungalow Phase III Development*." The report concluded that, based on the analysis, the flows from all the lots from the proposed development could be managed by the Autumn Ridge and Westside pump stations. The report further recommended that, given the potential that flows could increase over time as the system ages, the gravity system for the Bungalows Phase III development should be designed such that the flows could be diverted north to a new pump station in the future.
- Suggested conditions of approval related to sanitary sewer service include:
 1. That a detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, and the recommendations of the CH2M Hill Technical Memorandum entitled "*Autumn Ridge and Westside Pump Station Hydraulic Analysis for the Bungalow Phase III Development*" (CH2M Hill; July 20, 2016) must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved sanitary sewage plan must be reflected on the final plat. Any offsite public easements must be dedicated to and accepted by the City prior to the City's approval of the final plat.

STORM DRAINAGE

- As proposed, the storm drainage from the development will tie to the existing public storm drainage system in Hembree Street at Autumn Ridge Drive. The applicant will need to prepare and submit an engineering analysis and associated calculations that demonstrate that the existing storm drainage system has the capacity to carry the additional run-off from the proposed development.

- Suggested conditions of approval related to storm drainage include:
 1. That a detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan, and that demonstrates that the existing downstream storm drainage system has adequate capacity, 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.
 2. If the final storm drainage plan incorporates the use of backyard collection systems and easements, including those in the proposed alleys, such systems must be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat.
 3. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
 4. No additional storm drainage runoff shall be conveyed onto any adjacent property without the appropriate public and/or private storm drainage easements. Copies of recorded private easements must be provided to the City prior to the City's approval of the final plat. Any offsite public easements must be dedicated to and accepted by the City prior to the City's approval of the final plat.

MISCELLANEOUS

- Additional suggested conditions of approval include:
 1. The final plat shall include 10-foot public utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
 2. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
 3. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any 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.
 4. That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
 5. 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.
 6. 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 (2) 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 Water and Light

- An Extension Agreement shall be required for water and electric services to the site which shall include development fees and engineered/approved drawings. The applicant shall contact McMinnville Water and Light for details.
- Notice of this request was mailed to property owners located within 300 feet of the subject site. As of the date this report was written, one letter has been received (Exhibit 9). The letter, dated August 1, 2016, and received by the Planning Department on August 8, 2016, and was signed by a number of residents of the Bungalows at Chegwyn Village Phases I and II.

While the full text of this letter is provided as an attachment to this report, their numbered points are generally summarized below in order to provide staff response:

1. Placement of temporary, *emergency access only*, barricades to be located at the current north end of NE Jacob and Joel Streets as well as at the current north end of Alley X and Alley Y until all homes in the proposed subdivision have been constructed.

Staff response:

NE Jacob and NE Joel Streets are streets dedicated as public rights-of-way. When new streets are constructed and the plat recorded, as occurred in The Bungalows at Chegwyn Village Phases I and II, use of those streets is provided to the general public (including construction traffic). The City does not limit the lawful purposes or members of the public that may use public streets. Alternatively, this may be achieved by private agreement between those making the request and the developer.

2. Construction and delivery traffic on alleys:

Staff response:

Alley X and Alley Y, the two north-south mid-block alleys in the Bungalows at Chegwyn Village Phases I and II (and proposed to be extended through Phase III) are private alleys. The recorded plats for these two subdivision phases grant legal access for the use those alleys for the balance of the site (which includes land to be developed as Phase III). Neither staff nor the Planning Commission has the authority to deny or restrict such access. However, this restriction may alternatively be achieved by private agreement between those making the request and the developer.

3. Construction days and hours be limited.

Staff response:

Construction days and hours are set by existing City ordinance (Section 9.32.050(D)) of the McMinnville Municipal Code) which states:

“The construction, including excavation, demolition, alteration or repair of a building or other thing other than between the hours of seven a.m. and eight p.m., except upon special permit granted by appropriate authority;”

This Section of the McMinnville Municipal Code allows lawful construction activity to occur between the hours of 7:00 a.m. and 8:00 p.m. and does not limit the days of the week that such construction may occur. Neither staff nor the Planning Commission has the authority to reduce that which is permitted by the Municipal Code. Alternatively, this may be achieved by private agreement between those making the request and the developer.

4. Vehicles related to the removal of the dirt berm located on the southwest portion of the site should not travel across any portion of the Bungalows at Chegwyn Village Phase I or Phase II subdivisions.

Staff response:

Similar to the staff responses in items 1 and 2 above, the City does not limit the lawful purposes or members of the public that may use public streets, and cannot limit such use on private alleys where, in this specific instance, their use is provided for as recorded on the respective subdivision plats. Alternatively, this may be achieved by private agreement between those making the request and the developer.

- The findings of fact and conclusionary findings are attached to this report as Exhibit "A" and are, by this reference, incorporated herein.

RECOMMENDATION (DECISION AND CONDITIONS OF APPROVAL)

Based upon staff's review of the materials provided in the record as of the date this report went to print, and after considering carefully the policies and plans contained in the applicable McMinnville comprehensive plan policies, it is our conclusion that the applicant has satisfied the requirements for approval of this tentative subdivision request.

Therefore, based on the materials submitted by the applicant, the findings of fact, and the conclusionary findings for approval, staff recommends that S 2-16 be approved subject to the following conditions:

TRANSPORTATION

1. The final plat shall reflect that access to Hembree Street for lots 76 – 82 and 95 – 100 is not allowed.
2. Hembree Street adjacent to the development shall be improved with a total of 18-feet of pavement east of centerline, a curbside planting strip, and a five-foot wide sidewalk. The saw-cut location for the proposed street widening shall be as directed by the City Engineer.
3. If the applicant proceeds with the proposed meandering sidewalk along Hembree Street, the final plat shall reflect the dedication of an eight-foot wide public access easement adjacent to the Hembree Street right-of-way on lots 76 – 82 and 95 – 100.
4. The interior streets shall be improved with a 28-foot wide paved section, five-foot wide curbside planting strips, and five-foot wide sidewalks placed one (1) foot from the property line within a 50-foot wide right-of-way, as required by Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance for local residential streets.

5. The applicant shall install a barricade at the northern terminus of proposed NE Joel Court (to be identified as Joel Street on the subdivision plat) and at the eastern terminus of proposed NE Autumn Ridge Drive, consistent with City standards. The barricades shall include signage with text stating: "This street is planned for extension to serve future development."
6. On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns. Additionally, on-street parking will not be permitted adjacent to where the private alleys intersect NE Autumn Ridge Drive.
7. 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.
8. That the final plat shall include the appropriate access easements for the lots served by the proposed alleys. The private alleys shall have private maintenance agreements which must be approved by the City prior to the City's approval of the final plat.

SANITARY SEWER

9. That a detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, and the recommendations of the CH2M Hill Technical Memorandum entitled "*Autumn Ridge and Westside Pump Station Hydraulic Analysis for the Bungalow Phase III Development*" (CH2M Hill; July 20, 2016) must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved sanitary sewage plan must be reflected on the final plat. Any offsite public easements must be dedicated to and accepted by the City prior to the City's approval of the final plat.

STORM DRAINAGE

10. That a detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan, and that demonstrates that the existing downstream storm drainage system has adequate capacity, 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.
11. If the final storm drainage plan incorporates the use of backyard collection systems and easements, including those in the proposed alleys, such systems must be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat.
12. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
13. No additional storm drainage runoff shall be conveyed onto any adjacent property without the appropriate public and/or private storm drainage easements. Copies of recorded private easements must be provided to the City prior to the City's approval of the final plat. Any offsite public easements must be dedicated to and accepted by the City prior to the City's approval of the final plat.

MISCELLANEOUS

14. That the proposed Joel Court shall be identified as Joel Street on the final plat.
15. That the final plat shall include 10-foot public utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
16. That the final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
17. That the applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
18. That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
19. 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.
20. 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 (2) 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.
21. That the applicant shall provide for a landscape design and irrigation plan for the planter strip on Hembree Street that, to the extent practicable, is consistent with the landscaping provided for the Hembree Street planter strip within The Bungalows at Chegwyn Village Phase I and Phase II. Plans shall be submitted to the Landscape Review Committee for review and approval. All required plantings and irrigation along Hembree Street shall be installed prior to recording of the final subdivision plat.
22. That the applicant shall submit a street tree plan for the park strips along the interior public streets, and the section of Hembree Street adjacent to this proposal. The plans shall identify species, caliper size, and spacing for all proposed trees. Plans will be forwarded for review and approval by the Landscape Review Committee and by McMinnville Water & Light. All street trees shall have a two-inch minimum caliper measured at six (6) inches above ground surface, shall exhibit size and growing characteristics appropriate for the particular planting strip, and shall 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.

Street trees shall be planted in accordance with the approved street tree plan. 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.

For trees not installed prior to final platting, each year the applicant/owner shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and has received final occupancy, or adjacent to any non-buildable tracts for which street trees are required. This planting schedule shall continue until all platted lots have been planted with street trees. 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.

23. That restrictive covenants (CC & R's) shall be prepared for the development and must meet with the approval of the Planning Director. The submitted CC & R's shall indicate any necessary maintenance agreements between each lot approved for zero lot line construction for the garages and each neighboring property in addition to developed "no-parking" standards and enforcement within the alley and individual aprons, and maintenance agreements for common areas. The CC & R's shall also require that placement of trash and recycling containers be allowed only on the adjacent lots and their driveways to the alleys. Such containers are not to be stored anywhere within the 20-foot-wide alleyway at any time.
24. 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.
25. That fencing in the rear of all lots shall be no closer than ten (10) feet from each building lot's rear property line.
26. That nothing in these conditions may be construed to require lesser standards than those required by Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance and all requirements of that ordinance shall be met, unless otherwise permitted by the planned development overlay for the subject development.
27. That approval of this tentative subdivision plat will expire 12 (twelve) months after the date of mailing of said approval. Upon written request, the Planning Director may approve a one-year extension of the decision pursuant to Section 17.53.075 of Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance.

NOTE: An application approved by the Planning Commission may be appealed to the City Council within 15 (fifteen) days of the date of mailing said approval. If no appeal is filed with the Planning Department on or before the 15-day period ends, the decision of the Planning Commission will be final.

MOTION

The Planning Department recommends the Commission make the following motion for approval:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES S 2-16 (THE BUNGALOWS AT CHEGWYN VILLAGE, PHASE III), SUBJECT TO THE CONDITIONS AS NOTED IN THE STAFF REPORT.

RP:sjs

EXHIBIT "A"
DOCKET S 2-16
FINDINGS OF FACT AND CONCLUSIONARY FINDINGS

FINDINGS OF FACT

1. Alan Ruden Inc. is requesting approval of a tentative subdivision plan that, if approved, would provide for the platting of 49 single-family lots on a 7.29 acre parcel of land. The property is located north of NE Payton Lane and east of NE Hembree Street, and is more specifically described as a portion of Tax Lot 2100, Section 9, T. 4 S., R. 4 W., W.M.
2. The subject property is designated Residential on the McMinnville Comprehensive Plan Map and is currently zoned R-4 PD (Multiple Family Residential Planned Development) on the McMinnville Zoning Map.
3. Sanitary sewer and municipal water and power are all available to the site, or can be extended to the site by the applicant, as a requirement of this proposed development. The municipal Water Reclamation Facility has sufficient capacity to accommodate expected waste flows resulting from residential development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Engineering Department, Building Department, Parks Department, Police Department, City Manager, and City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Yamhill County Public Works; Yamhill County Planning Department; Oregon Department of Environmental Quality (DEQ); Frontier Communications; ComCast Cable; and Northwest Natural Gas. As of the date of this report, concerns or comments have been received from those agencies noted in the staff report.
5. Goals and policies from Volume II of the McMinnville Comprehensive plan of 1981 applicable to this request are as listed below.

Chapter V Housing and Residential Development

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

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 DESIGN.

Policies:

- 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 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 designed as residential on the Comprehensive Plan Map.
- 73.00 Planned residential developments which offer a variety and mix of housing types and prices 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.
- 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development. 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).
 5. Energy distribution facilities and adequate energy resource supplies.

Chapter VI Transportation System

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.

- 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.
- 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 incorporating other modes of transportation (public transit, bike and foot paths).
5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist.

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

Chapter VII Community Facilities and Services

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.
- 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.

Water System:

- 144.00 The City of McMinnville, through the City Water and Light Department, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.
- 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department 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 the City Water and Light Department, 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 effluent.
 3. Sufficient water and sewer system personnel and resources, as determined by the Water and Light Department and 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 wastewater quality standards can be adhered to.
 5. Applicable policies of the Water and Light Department and the City relating to water and sewer systems, respectively, are adhered to.
- 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 annexation, subdivision proposals, and other major land use decisions.

Parks and Recreation:

- 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.

Chapter VIII ENERGY

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.
6. Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) applicable to this request include:

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."

R-4 Multi-Family Residential Zone:

"17.21.010 Permitted Uses. In an R-4 zone, the following uses and their accessory uses are permitted:

A. Single-family dwelling."

CONCLUSIONARY FINDINGS FOR APPROVAL:

1. The subject request complies with applicable goals and policies of the McMinnville Comprehensive Plan, 1981 (Finding of Fact No. 5) as follows:
 - (a) Goal V-1 and V-2 and Policy 68.00 are satisfied by the request as additional housing stock will be added to the City (49 single-family homes for this phase of the development); the application of the Uniform Building Code guarantees the quality of the housing; and an urban level of services is available to the development. The single-family development pattern will be land intensive and energy efficient given the location and unique development proposal.
 - (b) Policy 71.00 is satisfied in that the subject site is planned for residential use, as designated on the Comprehensive Plan Map, and the proposal before the Commission would allow for the sale and construction of 49 single-family homes in a manner that complements adjacent development. This development plan is also part of a larger mixed-housing type development plan.
 - (c) Policy 73.00 is satisfied by the request as the proposed development will help to provide for a variety and mix of housing types and prices within the city.
 - (d) Policy 82.00 is satisfied in that the layout of public streets as part of this development preserves the development potential of adjacent properties.
 - (e) Goal VI-1 and Policies 117.00, 118.00, and 126.00 are satisfied as the proposed development will develop to city standards as regard off-street parking, street construction, and sidewalk improvements as required by the existing planned development and the McMinnville Zoning Ordinance. As noted previously, the proposed street system will be designed to provide safe and easy access to every lot, and will provide connection to adjacent properties. Streets within and adjacent to the subject site have adequate capacity to accommodate the expected trips from this project. As noted on the submitted plans, the minimum number of off-street parking spaces has been met.

- (f) Goal VII-1 and Policies 99.00, 136.00, 144.00, and 151.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer facilities and energy distribution facilities are all available to the site. This site can be served by NE Hembree Street and the proposed interior streets. In addition, the sewage treatment plant has capacity to serve and accommodate the project, and all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards.
 - (g) Policies 142.00 and 147.00 will be satisfied by the request in that the subject site will be converted in an orderly manner to urbanizable standards through the coordinated extension of utilities, and as required by this tentative subdivision approval. In addition, adequate storm water facilities will be designed and constructed to the satisfaction of the City Engineer when the property is developed.
 - (h) Policy 155.00 is satisfied in that emergency services departments do not foresee complications with providing police and fire protection to the subject area.
 - (i) Policy 163.00 is satisfied in that payment of parkland system development charges (SDC's) will be required for each new residence constructed within this proposed subdivision. This revenue will be dedicated to the City for parkland purposes.
 - (j) Goal VIII-2 and Policy 178.00 are satisfied by the request as the development proposes a compact urban development, thereby increasing density and conserving energy. Utilities presently abut the property or are nearby and can be extended to the site in a cost effective and energy efficient manner.
2. The subject request complies with the applicable provisions and requirements of the McMinnville Zoning Ordinance No. 3380. (Finding of Fact No. 6) as follows:
- (a) Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.
 - (b) Section "17.21.010 (R-4 Multiple-Family Residential Zone - Permitted Uses is satisfied by the request as single-family dwellings are a permitted use in the R-4 zone and the applicant proposes to construct single family dwellings.

RP:sjs



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. S2-16

Date Received 7-8-16

Fee 2285.00

Receipt No. 16m0125

Received by SJD

Tentative Subdivision Application

Applicant Information

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

Applicant Name Alan Ruden Construction Inc. Phone _____

Contact Name Alan Ruden Phone 503.435.2412
(If different than above)

Address PO Box 570

City, State, Zip McMinnville, OR 97128

Contact Email alanruden@comcast.net

Property Owner Information

Property Owner Name Chegwyn Village LLC Phone 503.423.7578
(If different than above)

Contact Name Mark Smith Phone _____

Address P.O. Box 6614

City, State, Zip Portland, OR 97228

Contact Email marksmith@mac.com

Site Location and Description

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

Property Address North of Chegwyn Village Phase II

Assessor Map No. R4 - 4 - 09 Total Site Area 9.28 acres

Subdivision Parcel 1 of Partition Plat 2015-10 Block _____ Lot _____

Comprehensive Plan Designation Residential Zoning Designation R-4 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: The applicant wishes to The Bungalows at Chegwyn Village Phase III.
The proposed development will include 46 lots in conformance with the R4PD overaly approved
in the phase II of this development.

3. Name of proposed subdivision: The Bungalows at Chegwyn Village Phase III

4. Size of proposed subdivision in acres or square feet: 7.29 acres

5. Number of lots: 46 Minimum lot size: 4230 SF

6. Number and type of Residential Units: 46 single family residential R4PD

7. Average lot size: 5,337 SF Gross density per acre of entire subdivision: 6.3 units/ac

8. Total anticipated population: 46 x 2.8 =129

9. Size of park(s)/open space in acres or square feet: 0 SF, but Chegwyn Farms Park to the South

10. General description of the subject site and current land use: _____

The existing site is vacant and is currently zoned R4 PD.

11. Describe existing uses and zoning of surrounding properties:

	<u>Zoning</u>	<u>Current Use</u>
North	<u>County Zone</u>	<u>Farming</u>
South	<u>R4PD</u>	<u>Existing Subdivision</u>
East	<u>R2 and EF-80</u>	<u>Farm Use and School Property</u>
West	<u>R4</u>	<u>Existing Subdivision</u>

12. Describe the topography of the subject site: About 1/4 of the southern edge of the site drains south.
The northeast 2/3 of the site drains NE to the northern most edge of Hembree Street.
The remaining eastern portion of the site drain NE through the existing farm field.

13. Does the site contain any existing structures, wells, septic tanks? Explain No.

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).
See attached "Subdivision Narrative"

15. What is the anticipated date construction will begin? August 15, 2016

16. What is the anticipated date of completion? December 1, 2016

17. If applicable, explain how the subdivision will be phased? NA

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?

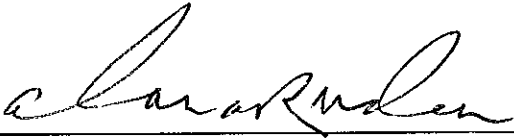
Yes ☒ No ☐ N/A ☐

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.


Applicant's Signature

7/5/16
Date

Property Owner's Signature

Date

SUBDIVISION NARRATIVE

- 1. Document how the site will be provided with public utilities, including water, sewer, electricity and natural gas. Show that the utility system currently serves or can be extended to the site and that there is capacity to serve the proposed use.**

A 10-inch water line exists in Hembree Street. 8-inch water lines exist in NE Joel Street and NE Jacob Street which can be extended to service this development.

There are a several different options to service the development with sanitary sewer as discussed below in no particular order:

Option #1 – Grade and fill the Phase 3 area and extend the existing 8-inch sanitary sewer mains in NE Joel Street and NE Jacob street north to the Autumn Ridge extension, providing a minimum of 2 ft of cover over the main lines and laterals. Lots to the north of the Autumn Ridge extension would be serviced by a small pump station. This is the option shown on the subdivision plan.

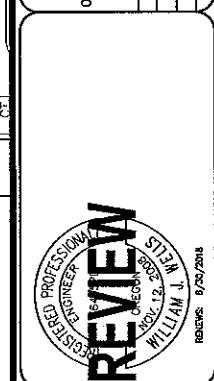
Option #2 - Grade and fill the Phase 3 area and extend the existing 8-inch sanitary sewer mains in NE Joel Street and NE Jacob street north to the Autumn Ridge extension, providing a minimum of 2 ft of cover over the main lines and laterals. Lots to the north of the Autumn Ridge extension would flow to the Autumn Ridge Pump station and down stream system. The Autumn Ridge Pump Station and downstream system are currently being analyzed by the CH2M (City Engineer). Therefore, sending any sewerage to Autumn Ridge pump station may not be feasible.

Option#3 – Depending on the outcome of the CH2M Autumn Ridge Pump Station and downstream system analysis, send up to 40 lots sewerage to Autumn Ridge Pump Station and down stream system. The remaining lots would be served by 8-inch extensions of NE Jacob Street and NE Joel Street. This is the least likely option.

Option #4 – Construct an new pump station to service the entire Phase 3 development. The pump station would be located in the same place as Option #1. The entire subdivision would flow by new 8-inch sanitary sewer mainlines in NE Jacob, NE Joel and Autumn Ridge Drive to the new pump station location accessing Hembree Street. The force main would be located in NE Joel Street and discharge in a new manhole located at the Phase 2 and Phase 3 boundary.

The options described above, depend on the CH2M Autumn Ridge Pump Station and downstream analysis. However, despite the outcome there is a solution to provide sanitary sewer service to the proposed subdivision.

Power, natural gas and telephone all exist in Hembree Street, NE Joel Street, and NE Jacob Street and can be extended to serve the site.

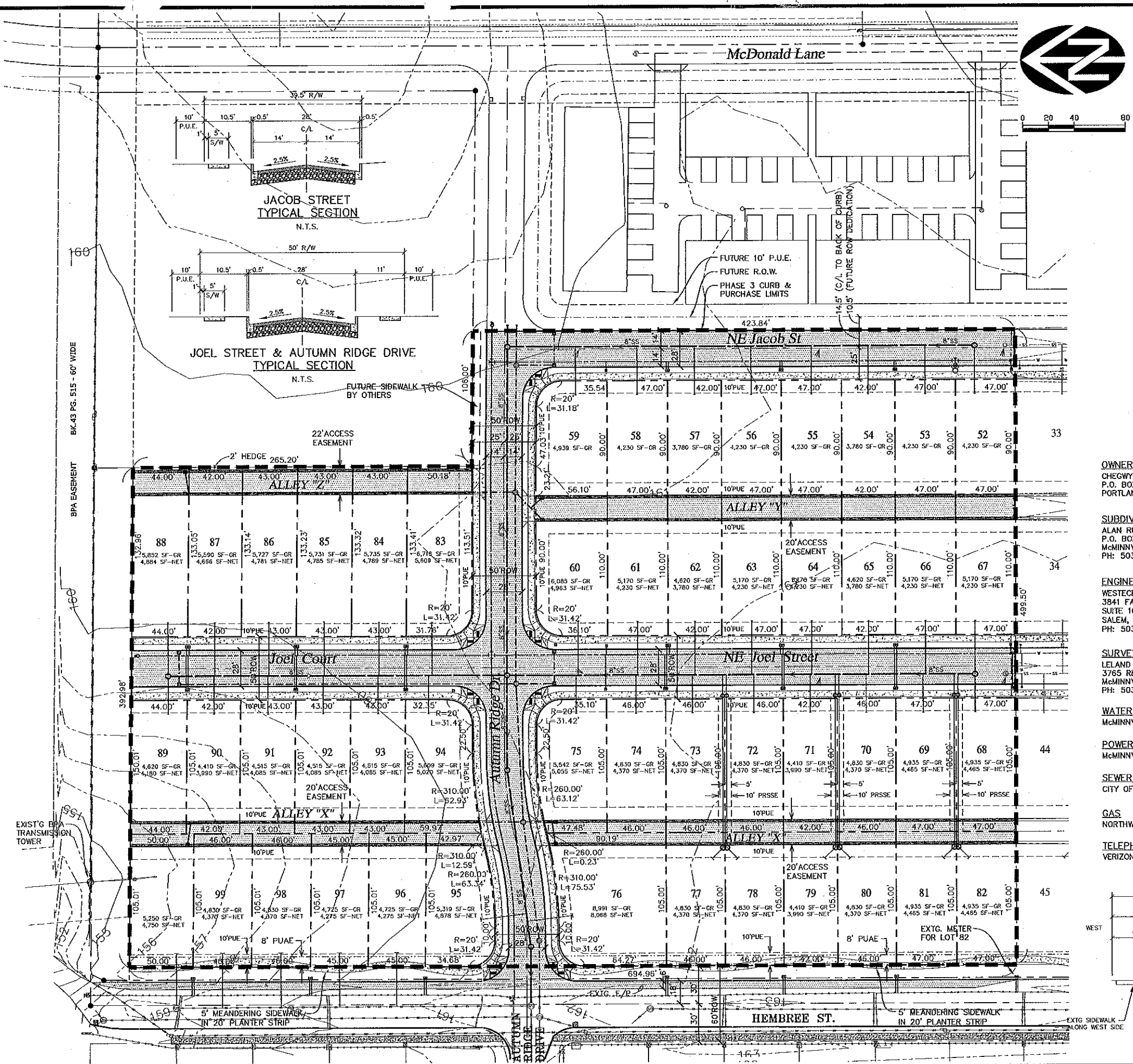


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WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

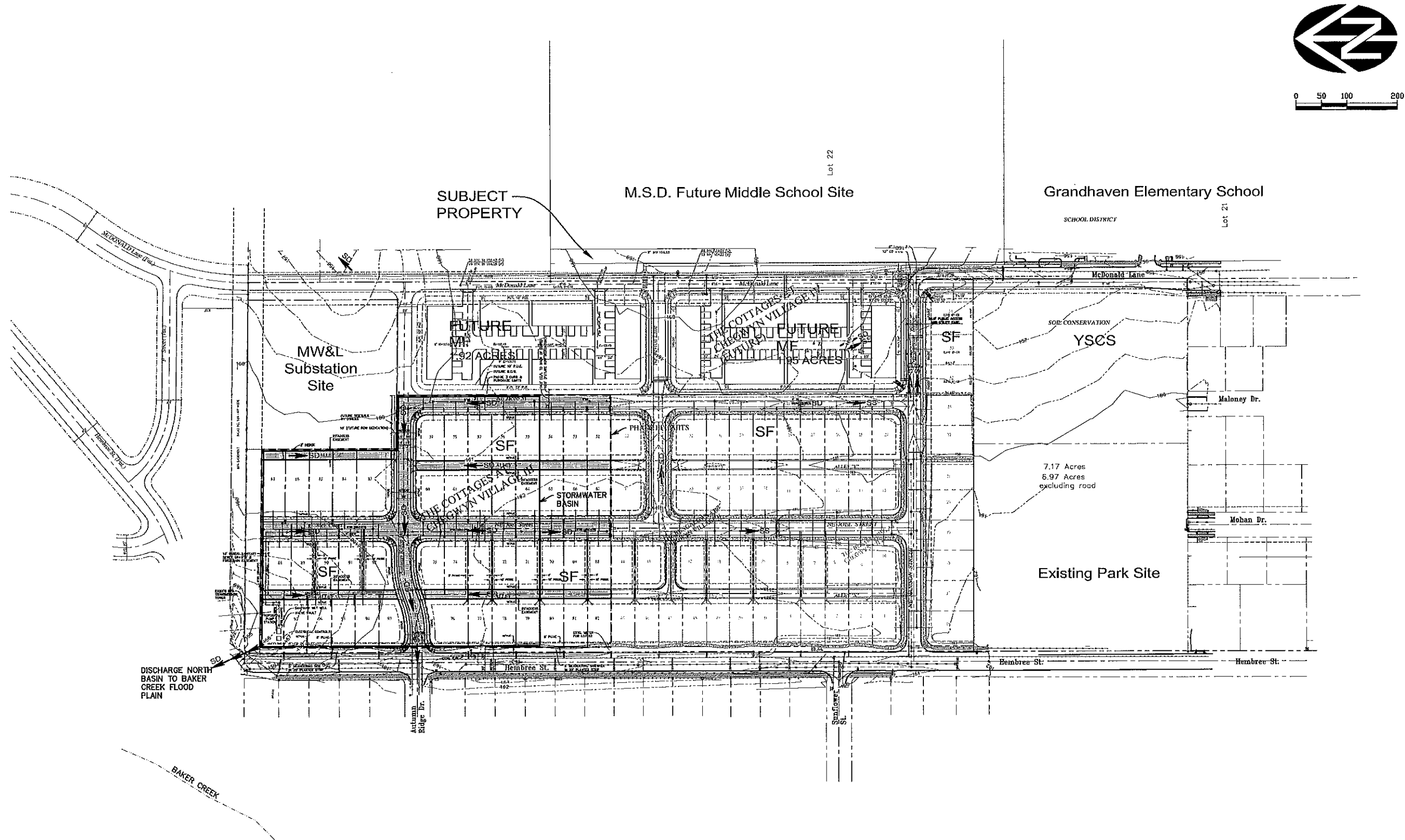
941 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

ALAN RUDEN, INC.	MCMINNVILLE, OR
THE BUNGALOWS AT CHEGWYN VILLAGE III	
TENTATIVE SUBDIVISION PLAN	
DRAWING C2	
JOB NUMBER 2794.5000	



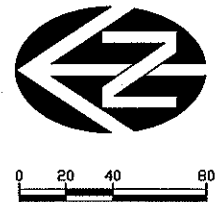
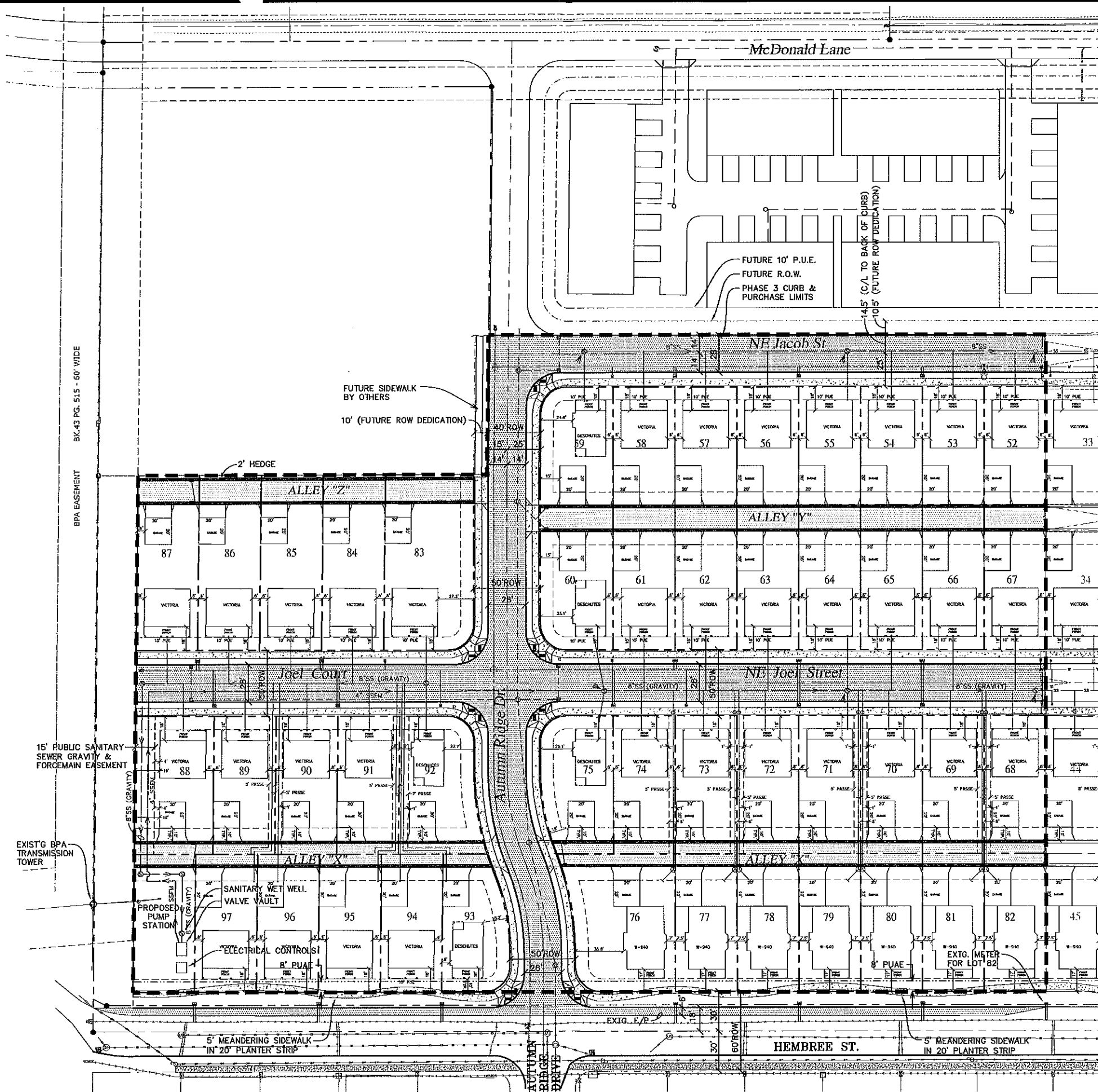
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ALAN RUDEN, INC.		McMINNVILLE, OR	
THE COTTAGES AT CHEGWYN VILLAGE III		OVERALL PLAN	
DRAWING C3		JOB NUMBER 2794.5000.0	
WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS 3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3886 E-mail: westech@westech-eng.com		REGISTERED PROFESSIONAL ENGINEER WILLIAM J. MILLER No. 12345 EXPIRATION DATE 12/31/2018	
VERIFY SCALE THIS IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY		DATE: JULY 2016	
DSN	JW	IN	1
CRD	JW	NO.	1
DESCRIPTION		REVISIONS	
BY		DATE	

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ALAN RUDEN, INC. McMinnville, OR
THE BUNGALOWS AT CHEGWYN VILLAGE III

HOUSING PLAN

DRAWING
C4

JOB NUMBER
2794.5000

VERIFIED PROFESSIONAL ENGINEER
REGISTERED IN THE STATE OF OREGON
WILLIAM T. JONES
4/20/2015

WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3844 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3988
E-mail: westtech@westtech-eng.com

DATE: JULY 2016

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OFFICIAL YAMHILL COUNTY RECORDS
REBEKAH STERN DOLL, COUNTY CLERK



\$41.00

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DMR-DDMR Cnt=1 Str=3 SUSIE
\$20.00 \$10.00 \$11.00

RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION

Until a change is requested,
tax statements should be sent to:
Mark C. Smith
PO Box 6614
Portland, OR 97228-6614

After recording return to:
Jonathan V. Barg
BARG TOM PC
121 SW Morrison Street
Suite 600
Portland, Oregon 97204

OFFICIAL YAMHILL COUNTY RECORDS
REBEKAH STERN DOLL, COUNTY CLERK



\$41.00

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\$20.00 \$10.00 \$11.00

STATUTORY WARRANTY DEED

Coleman LLC, an Oregon limited liability company, Grantor, conveys and warrants to Chegwyn Village LLC, an Oregon limited liability company, Grantee, the real property described on the attached Exhibit A free of encumbrances except as specifically set forth on the attached Exhibit B.

The true consideration for this conveyance is \$0.00.

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. 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.

STATE OF OREGON }

} SS.

COUNTY OF YAMHILL }

I, Rebekah Stern Doll, for the County of Yamhill and State of Oregon, do hereby certify that the foregoing copy of

Statutory Warranty Deed

has been by me compared with the original and that it is a correct transcript thereof, and the whole of such original is the same appears of record at my office and in my custody in witness hereof I have hereunto set my hand and affixed the seal of said county.

Day of February A.D. 2009

Rebekah Stern Doll, Yamhill County Clerk



Recorded by Western Title as an accommodation only. No liability accepted for condition of title or validity, sufficiency or affect of document.

WESTERN TITLE & ESCROW 2907 ACCO

1/4

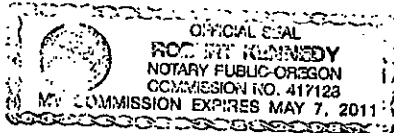
Dated this 29 day of ~~November~~ ^{December}, 2008

COLEMAN LLC,
an Oregon limited liability company

By: [Signature]
Mark C. Smith
Its: Member

STATE OF OREGON)
) ss.
County of MULTNOMAH)

The foregoing instrument was acknowledged before me on this 29 day of Dec, 2008, by Mark C. Smith, who is the Member of Coleman LLC, an Oregon limited liability company, on behalf of Coleman LLC.



[Signature]
Notary Public for FEDER
My Commission Expires: 5/7/2011

EXHIBIT A

LEGAL DESCRIPTION

Parcel 2 of Partition Plat 2008-20, recorded September 3, 2008 in the land records of Yamhill County, Oregon.

EXHIBIT B

PERMITTED EXCEPTIONS

As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.

Account No.: 124724 & 125162

The rights of the public in and to that portion of the herein described property lying within the limits of roads and highways.

Reservation for road purposes, as disclosed in numerous documents and in Bargain and Sale Deed,

Recorded: June 26, 1951

Document No.: 162-36, Yamhill County Records

Reservation for road purposes, as disclosed in numerous documents and in Bargain and Sale Deed,

Recorded: March 23, 1955

Document No.: 176-408, Yamhill County Records

An easement created by instrument, including the terms and provisions thereof,

Dated: February 6, 1965

Recorded: February 23, 1965

Document No.: 43-515, Yamhill County Records

In favor of: The United States of America, and its assigns

Reciprocal Easement Agreement between Coleman LLC and Charles Percy Chegwyn dated on or about December 27, 2007.

Declaration of Water Line Easement made by Coleman LLC dated on or about December 27, 2007.

Lien of 2008-2009 real property taxes.

4/4



TICOR TITLE COMPANY

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Ticor Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Nebraska corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned



105 NE 4th St, McMinnville, OR 97128
(503)472-6101 FAX (503)434-5311

PRELIMINARY REPORT

ESCROW OFFICER: Kimberly Dunckel
TITLE OFFICER: Deborah Clark

ORDER NO.: 471816051461

TO: Ticor Title Company of Oregon
105 NE 4th St
McMinnville, OR 97128

ESCROW LICENSE NO.: 201006153

OWNER/SELLER: Chegwyn Village LLC

BUYER/BORROWER: Alan Ruden, Inc

PROPERTY ADDRESS: Vacant Land, McMinnville, OR 97128

EFFECTIVE DATE: May 27, 2016, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2006 Owner's Standard	\$ 1,256,400.00	\$ 2,486.00
ALTA Loan Policy 2006 Standard Lender's	\$ 506,400.00	\$ 100.00
Government Lien Search		\$ 20.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Chegwyn Village LLC, an Oregon limited liability company

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF MCMINNVILLE, COUNTY OF YAMHILL, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

EXHIBIT "A"
Legal Description

Parcel 1 of PARTITION PLAT NO. 2015-10, situated in the Southwest quarter of Section 9, Township 4 South, Range 4 West of the Willamette Meridian, in the City of McMinnville, County of Yamhill, State of Oregon, recorded July 10, 2015 as Instrument No. 201510150, Yamhill County Records.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. The Land has been classified as farm land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
7. City Liens, if any, in favor of the City of McMinnville. None found as of May 27, 2016.

NOTE: A search of the Conduits city lien program reveals no listing for the herein described property. An updated city lien search will need to be performed prior to closing.

8. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads, and highways.
9. Reservations for the purpose(s) shown below and rights incidental thereto as set forth and disclosed by numerous instruments, and in the following instrument:

Purpose: Roadways
Recording Date: June 26, 1951
Recording No.: Book 162, page 36

10. Reservations for the purpose(s) shown below and rights incidental thereto as set forth and disclosed by numerous instruments, and in the following instrument:

Purpose: Roadways
Recording Date: March 23, 1955
Recording No.: Book 176, page 408

11. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: United States of America

Purpose: Public utilities
Recording Date: February 23, 1965
Recording No: Book 43, page 515
Affects: Reference is hereby made to said document for full particulars.

12. Reciprocal Easement(s) for the purpose(s) shown below and rights incidental thereto, as disclosed in Warranty Deed:

Between:: Coleman LLC
And: Charles Percy Chegwyn
Recording Date: December 28, 2007
Recording No: 200727179
Affects: Reference is hereby made to said document for full particulars.

13. Declaration of Water Line Easement(s) and rights incidental thereto, as disclosed in Warranty Deed,

Recording Date: December 28, 2007
Recording No.: 200727179
Affects: Reference is hereby made to said document for full particulars.

14. Agreement to Dedicate Land, including the terms and provisions thereof,

Executed by: Percy Charles Chegwyn and Coleman LLC
Recording Date: December 28, 2007
Recording No.: 200727181

15. Development Agreement for McDonald Lane Extension, including the terms and provisions thereof,

Between: Coleman LLC
And: McMinnville School District #40
Recording Date: December 28, 2007
Recording No.: 200727186

and Re-Recording Date: April 9, 2008
and Re-Recording No: 200806237
Reason: Correct legal description

16. Road Development Agreement, including the terms and provisions thereof,

Between: McMinnville Water & Light
And: Yamhill County, acting through its Director of Public Works and Director of Planning and Development
Recording Date: August 27, 2008
Recording No.: 200814668

17. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on Partition Plat No. 2008-020;

Purpose: Utilities
Recording Date: September 3, 2008
Recording No.: 200815011
Affects: Reference is hereby made to said document for full particulars.

18. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of McMinnville, a municipal corporation of the State of Oregon, acting by and

through its Water & Light Commission, a municipal public utilities commission

Purpose: utilities

Recording Date: September 5, 2008

Recording No: 2008-15205

Affects: Reference is hereby made to said document for full particulars

19. Terms and provisions of the easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Purpose: underground storm sewer system

Recording Date: July 28, 2011

Recording No: 2011-9734

20. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on Partition Plat No. 2012-009;

Purpose: Sanitary sewer

Recording Date: July 23, 2012

Recording No.: 2012-10290

Affects: Reference is hereby made to said document for full particulars.

21. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of McMinnville

Purpose: Sanitary sewer

Recording Date: November 16, 2012

Recording No: 2012-16663

Affects: Reference is hereby made to said document for full particulars.

22. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

23. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:

- a) The rights of tenants holding under unrecorded leases or tenancies
- b) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the Land within the last 75 days. The Company must be notified in the event that any funds are to be used for construction, alterations or repairs.
- c) Any facts which would be disclosed by an accurate survey of the Land

ADDITIONAL REQUIREMENTS/NOTES:

- A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2015-2016

Amount: \$210.19

Levy Code: 40.0

Account No.: 124724

Map No.: R4409 02100

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- B. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.
- C. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- D. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: Alan Ruden, Inc., an Oregon corporation
- E. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.
- F. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.
- G. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.
- H. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;
 - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
 - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
 - Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;

- not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

FIDELITY NATIONAL FINANCIAL, INC.
PRIVACY NOTICE
Effective: April 1, 2016

Order No.: 471816051461-KD

At Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF", "our" or "we"), we value the privacy of our customers. This Privacy Notice explains how we collect, use, and protect your information and explains the choices you have regarding that information. A summary of our privacy practices is below. We also encourage you to read the complete Privacy Notice following the summary.

<p><u>Types of Information Collected.</u> You may provide us with certain personal information, like your contact information, social security number (SSN), driver's license, other government ID numbers, and/or financial information. We may also receive information from your Internet browser, computer and/or mobile device.</p>	<p><u>How Information is Collected.</u> We may collect personal information directly from you from applications, forms, or communications we receive from you, or from other sources on your behalf, in connection with our provision of products or services to you. We may also collect browsing information from your Internet browser, computer, mobile device or similar equipment. This browsing information is generic and reveals nothing personal about the user.</p>
<p><u>Use of Your Information.</u> We may use your information to provide products and services to you (or someone on your behalf), to improve our products and services, and to communicate with you about our products and services. We do not give or sell your personal information to parties outside of FNF for their use to market their products or services to you.</p>	<p><u>Security Of Your Information.</u> We utilize a combination of security technologies, procedures and safeguards to help protect your information from unauthorized access, use and/or disclosure. We communicate to our employees about the need to protect personal information.</p>
<p><u>Choices With Your Information.</u> Your decision to submit personal information is entirely up to you. You can opt-out of certain disclosures or use of your information or choose to not provide any personal information to us.</p>	<p><u>When We Share Information.</u> We may disclose your information to third parties providing you products and services on our behalf, law enforcement agencies or governmental authorities, as required by law, and to parties with whom you authorize us to share your information.</p>
<p><u>Information From Children.</u> We do not knowingly collect information from children under the age of thirteen (13), and our websites are not intended to attract children.</p>	<p><u>Privacy Outside the Website.</u> We are not responsible for the privacy practices of third parties, even if our website links to those parties' websites.</p>
<p><u>Access and Correction.</u> If you desire to see the information collected about you and/or correct any inaccuracies, please contact us in the manner specified in this Privacy Notice.</p>	<p><u>Do Not Track Disclosures.</u> We do not recognize "do not track" requests from Internet browsers and similar devices.</p>
<p><u>The California Online Privacy Protection Act.</u> Certain FNF websites collect information on behalf of mortgage loan servicers. The mortgage loan servicer is responsible for taking action or making changes to any consumer information submitted through those websites.</p>	<p><u>International Use.</u> By providing us with your information, you consent to the transfer, processing and storage of such information outside your country of residence, as well as the fact that we will handle such information consistent with this Privacy Notice.</p>
<p><u>Your Consent To This Privacy Notice.</u> By submitting information to us and using our websites, you are accepting and agreeing to the terms of this Privacy Notice.</p>	<p><u>Contact FNF.</u> If you have questions or wish to contact us regarding this Privacy Notice, please use the contact information provided at the end of this Privacy Notice.</p>

FIDELITY NATIONAL FINANCIAL, INC. PRIVACY NOTICE

FNF respects and is committed to protecting your privacy. We pledge to take reasonable steps to protect your Personal Information (as defined herein) and to ensure your information is used in compliance with this Privacy Notice.

This Privacy Notice is only in effect for information collected and/or owned by or on behalf of FNF, including collection through any FNF website or online services offered by FNF (collectively, the "Website"), as well as any information collected offline (e.g., paper documents). The provision of this Privacy Notice to you does not create any express or implied relationship, nor create any express or implied duty or other obligation, between FNF and you.

Types of Information Collected

We may collect two (2) types of information: Personal Information and Browsing Information.

Personal Information. The types of personal information FNF collects may include, but are not limited to:

- contact information (e.g., name, address, phone number, email address);
- social security number (SSN), driver's license, and other government ID numbers; and
- financial account or loan information.

Browsing Information. The types of browsing information FNF collects may include, but are not limited to:

- Internet Protocol (or IP) address or device ID/UDID, protocol and sequence information;
- browser language;
- browser type;
- domain name system requests;
- browsing history;
- number of clicks;
- hypertext transfer protocol headers; and
- application client and server banners.

How Information is Collected

In the course of our business, we may collect *Personal Information* about you from the following sources:

- applications or other forms we receive from you or your authorized representative, whether electronic or paper;
- communications to us from you or others;
- information about your transactions with, or services performed by, us, our affiliates or others; and
- information from consumer or other reporting agencies and public records that we either obtain directly from those entities, or from our affiliates or others.

We may collect *Browsing Information* from you as follows:

- Browser Log Files. Our servers automatically log, collect and record certain Browsing Information about each visitor to the Website. The Browsing Information includes only generic information and reveals nothing personal about the user.
- Cookies. From time to time, FNF may send a "cookie" to your computer when you visit the Website. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. When you visit the Website again, the cookie allows the Website to recognize your computer, with the goal of providing an optimized user experience. Cookies may store user preferences and other information. You can choose not to accept cookies by changing the settings of your Internet browser. If you choose not to accept cookies, then some functions of the Website may not work as intended.

Use of Collected Information

Information collected by FNF is used for three (3) main purposes:

- To provide products and services to you, or to one or more third party service providers who are performing services on your behalf or in connection with a transaction involving you;
- To improve our products and services; and
- To communicate with you and to inform you about FNF's products and services.

When We Share Information

We may share your Personal Information (excluding information we receive from consumer or other credit reporting agencies) and Browsing Information with certain individuals and companies, as permitted by law, without first obtaining your authorization. Such disclosures may include, without limitation, the following:

- to agents, representatives, or others to provide you with services or products you have requested, and to enable us to detect or prevent criminal activity, fraud, or material misrepresentation or nondisclosure;
- to third-party contractors or service providers who provide services or perform other functions on our behalf;
- to law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- to other parties authorized to receive the information in connection with services provided to you or a transaction involving you.

We may disclose Personal Information and/or Browsing Information when required by law or in the good-faith belief that such disclosure is necessary to:

- comply with a legal process or applicable laws;
- enforce this Privacy Notice;
- investigate or respond to claims that any information provided by you violates the rights of a third party; or
- protect the rights, property or personal safety of FNF, its users or the public.

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Choices With Your Information

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FNF is committed to protecting the information you share with us and utilizes a combination of security technologies, procedures and safeguards to help protect it from unauthorized access, use and/or disclosure. FNF trains its employees on privacy practices and on FNF's privacy and information security policies. FNF works hard to retain information related to you only as long as reasonably necessary for business and/or legal purposes.

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The Website is meant for adults. The Website is not intended or designed to attract children under the age of thirteen (13). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

Access and Correction

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Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

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By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of information by FNF in compliance with this Privacy Notice. We reserve the right to make changes to this Privacy Notice. If we change this Privacy Notice, we will post the revised version on the Website.

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Because FNF's headquarters is located in the United States, we may transfer your Personal Information and/or Browsing Information to the United States. By using our website and providing us with your Personal Information and/or Browsing Information, you understand and consent to the transfer, processing and storage of such information outside your country of residence, as well as the fact that we will handle such information consistent with this Privacy Notice.

Do Not Track Disclosures

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The California Online Privacy Protection Act

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- first and last name;
- property address;
- user name and password;
- loan number;
- social security number - masked upon entry;
- email address;
- security questions and answers; and
- IP address.

The information you submit is then transferred to your mortgage loan servicer by way of CCN. **The mortgage loan servicer is responsible for taking action or making changes to any consumer information submitted through this website. For example, if you believe that your payment or user information is incorrect, you must contact your mortgage loan servicer.**

CCN does not share consumer information with third parties, other than those with which the mortgage loan servicer has contracted to interface with the CCN application. All sections of this Privacy Notice apply to your interaction with CCN, except for the sections titled Choices with Your Information, and Access and Correction. If you have questions regarding the choices you have with regard to your personal information or how to access or correct your personal information, contact your mortgage loan servicer.

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Please send questions and/or comments related to this Privacy Notice by email at privacy@fnf.com or by mail at:

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Attn: Chief Privacy Officer

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EFFECTIVE AS OF APRIL 1, 2016

TECHNICAL MEMORANDUM

City of McMinnville

Autumn Ridge and Westside Pump Station Hydraulic Analysis for the Bungalows Phase III Development

PREPARED FOR: Rich Spofford/City of McMinnville
PREPARED BY: Mark R. Johnson/CH2M
Adrianne Yang/CH2M
DATE: July 20, 2016

Background

The City of McMinnville is evaluating the impacts of a new 18 to 46 home development on the capacity of the Autumn Ridge and Westside pump stations. The proposed development is shown in Attachment 1.

The 2008 Conveyance System Master Plan¹ assumed that any new flows east of Hembree Street, which is where the proposed development is located, would connect to the existing system through a new pump station and not through the Autumn Ridge pump station. The Autumn Ridge pump station was not originally designed to accept the flows from the proposed development.

However, the developer has submitted calculations detailing the impact of the proposed development on the Autumn Ridge pump station. The analysis, which was performed for 15 homes, concluded:

- The 15 home addition will add an average flow of 5.8 gpm and a peak flow of 11.6 gpm
- The current capacity of the Autumn Ridge pump station, with the largest pump station out of service, is between 143 and 160 gpm
- The original design flows, calculated by Ling and Associates², to the Autumn Ridge pump station are 19.5 gpm average and 42 gpm peak
- There is excess capacity at the Autumn Ridge pump station, even with the addition of the 15 new homes (11.6 gpm + 42 gpm = 53.6 gpm compared to a capacity of at least 143 gpm)

¹ CH2M Hill. 2008. *Sanitary Sewer Master Plan Updates Conveyance System Master Plan*. Prepared for City of McMinnville.

² Ling and Associates. 2005. *Sewage Pump Station for Phase II Autumn Ridge in McMinnville, Oregon*. February 22.

The original evaluation did not address how the added flow would impact the Westside pump station. Additionally, the developer has increased the number of lots from 15 to 18, and if possible would like to send all of the wastewater from the proposed development (46 lots total) to the Autumn Ridge pump station. CH2M has been hired to perform the analysis of the new development on the Autumn Ridge and Westside Pump Stations, with the additional flow from the proposed development.

Analysis Summary

Based on the modeling and assumptions described below, the system has capacity to handle the additional flow from the 46 lots assuming firm capacity at both pump stations.

It appears that the excess capacity is the result of two factors:

- Based on the operating data, the existing flows at Autumn Ridge (20.7 gpm) are far less than originally estimated and used for pump station design (42 gpm).
- Pump modifications at the Westside Pump Station were understood to be driven by the need to address ragging. However, these modifications also increased the firm capacity from approximately 220 gpm to 399 gpm.

Simulation Model

CH2M HILL modeled the McMinville sanitary sewer conveyance system, using EPA SWMM, in 2008 as part of the master plan, but this model did not include the Autumn Ridge or Westside Pump Stations. For this analysis the model was extended to include these pump stations. Figure 1 shows the modeled network; the new components are shown in blue.

Because the analysis is focused primarily on the pump stations, the system was simplified:

- The flows from the proposed development and the existing flows that are tributary to the Autumn Ridge Pump Station connect at node I-3-30.
- The flows from I-3-30 are pumped via the Autumn Ridge pump station to node I-3-21, which then flows by gravity to I-4-20.
- At I-4-20, the flows from the Autumn Ridge pump station are combined with flows that discharge to Westside from other parts of the system. The combined flow is then pumped via the Westside pump station to I-4-9 and then flows by gravity to I-5-14.
- The new model components tie into the existing model at I-5-14. Flows at this node include the flows from the Westside pump station and the surrounding area.

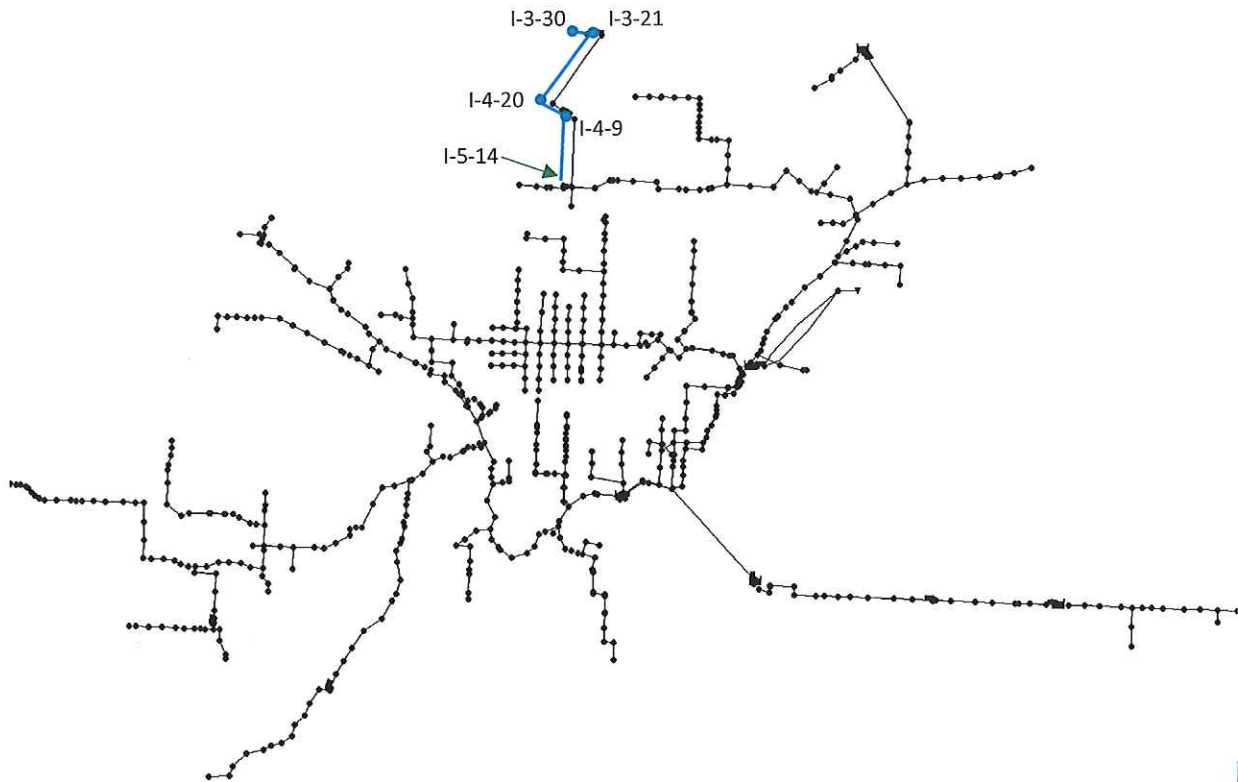


Figure 1 – Project Extents
Autumn Ridge and Westside Hydraulic Analysis

Model Inputs

The flows in the 2008 SWMM model include the wet season average base flow for the 2008 system build out, future use wet season base flow, peak infiltration and inflow and the total peak wet weather flow for the 5-year, 24-hour storm event. Because the 2008 model did not extend past I-5-14, the flows at I-5-14 included the flows from the areas served by the Westside and Autumn Ridge pump stations and their surrounding service areas. To model the Autumn Ridge and Westside pump stations, the flows at I-5-14 had to be separated into flows from Autumn Ridge, flows from the service area for Westside pump station, and flows for the service area for I-5-14. The flow at I-5-14 was divided using the following assumptions:

- The peak flow at I-5-14 under future conditions and during a 5-year, 24-hour event is about 243 gpm.
- The original design capacity of the Westside pump station was believed to be based on inflows of 216 gpm³. Therefore, the peak flow that enters the Westside pump station during a 5-year, 24-hour event is assumed to be 216 gpm. A peak of 216 gpm at Westside is about 89% of the total flow at I-5-14 (243 gpm). To generate a hydrograph at the Westside pump station, the flows at Westside were assumed to be 89% of the total flows at I-5-14. This includes the flows from the Autumn Ridge pump station.
- Pump run times were used to determine the average daily flow at the Autumn Ridge and Westside pump stations to determine how much of the flow from the existing 60 lots at Autumn Ridge

³ Mackenzie Engineering Inc. 1990. O.M.I. Acres Site Development Plans. Drawing Sheet 8 of 9. Lift Station Specification & Details.

contributes to the flow at Westside. Run times during high rainfall days in 2015 and 2016 and annual average run times in 2013 and 2015 were used. This resulted in Autumn Ridge contributing an average of 9.7% of the flow to Westside PS.

These assumptions were used to determine the amount of flow that is tributary to Autumn Ridge from the existing 60 lots (peak of 20.7 gpm) and the amount of flow tributary to Westside (216 gpm, including the flow from Autumn Ridge). The flow from Autumn Ridge was subtracted from the flows at Westside to determine how much flow originated in the surrounding areas. Similarly, the flow from Westside was subtracted from the flow at I-5-14 to determine the flow from the I-5-14 service area. Figure 2 shows how the peak flows are routed through the system.

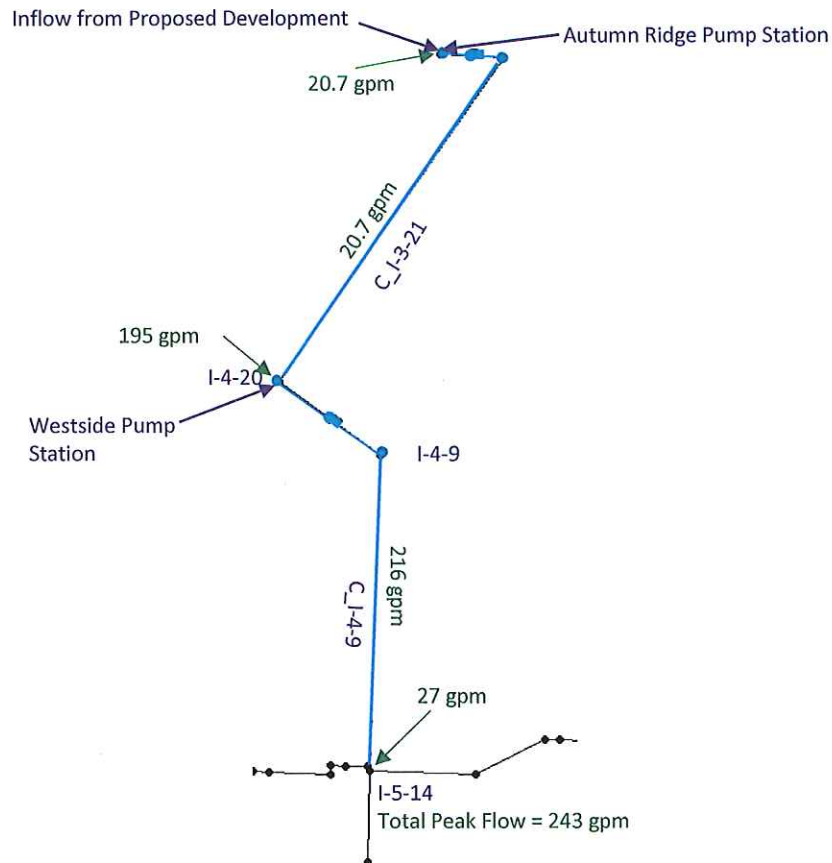


Figure 2 – Peak Flow through System
Autumn Ridge and Westside Hydraulic Analysis

The peak contributing flows from the proposed development areas were calculated using the methodology originally used by Westech Engineering. The calculation is the sum of sanitary sewer flow from the original 18 and 46 lot scenarios (100 gpd per capita, 2.8 people per lot, and a peaking factor of 3) and the infiltration (1500 gpd per acre). This resulted in peak flows of 18.2 and 34.5 gpm, respectively. These peak flows were used to create a synthetic hydrograph with the same shape as the hydrograph at I-5-14. These flows were added to the current design flow at Autumn Ridge (peak of 20.7 gpm) to simulate the flows entering the Autumn Ridge pump station once the development is completed.

Model Assumptions and Limitations

- The measured data at the pump stations represents the average daily flow. Although the contribution of flow from Autumn Ridge to Westside was consistent when comparing annual averages and daily averages during high rainfall events, during an actual peak flow event, the contribution may differ from what was used in the model.
- The assumed peak flows at the West Side pump station are based on the design drawing that specifies a pump capacity of 216 gpm. In comparison, the average daily flows during high flow events at Westside ranged from 139 to 195 gpm, including the flows from Autumn Ridge.
- The calculated peak flows at the Autumn Ridge pump station (20.7 gpm) are lower than expected; the design of the pump station assumed a peak flow of 42 gpm. However, the lower peak flow is supported by the average flows calculated using the pump run time data (10 to 17 gpm).
- Because elevation data was not available for all points between the Autumn Ridge pump station and I-5-14, the system was modeled with a single pipe between the Autumn Ridge and Westside pump stations and a single pipe between Westside pump station and I-5-14. These pipes have a length equivalent to the total pipe length and a slope equivalent to the average slope of the intermediate pipes.

Model Results

The model was run to determine the peak flows at the 2 pump stations and the capacity of the collection system and resulting water levels in the manholes relative to the ground surface. A collection system deficiency is defined as any location with less than 2 feet of freeboard (distance between the water surface and the ground surface as specified in the 2008 Master Plan), potentially causing flooding. The model was run under two conditions:

- Baseline flows and Firm Capacity (pumping capacity with the largest pump out of service) at Autumn Ridge and Westside: This represents the current buildout condition, with no additional flows from the new development. This condition tests if the current system can manage the flows from the current Autumn Ridge build out and is a test on the model.
- 46 Lots from the proposed development and Firm Capacity at Autumn Ridge and Westside: This represents the condition when 46 lots are added to the existing condition (34.5 gpm of additional flow). This condition tests if there is adequate capacity at Autumn Ridge and Westside, to handle the additional flows.

Table 1 shows the peak flows from the pump stations, and Table 2 summarizes the available freeboard in the manholes during each of the model runs. Water level profiles are provided in Attachment 2.

Peak flows increase when the additional flows from the 46 lots is added to the system. Flows at Autumn Ridge increase by 167%, but remain below the firm capacity. Flows at Westside increase by 13% and also remain below the firm capacity.

The system would be considered deficient if less than 2 feet of freeboard was available in any of the modeled manholes. Even with the addition of flows from the proposed development, available freeboard is greater than 2 feet.

Table 1. Model Results – Peak Pump Station Flows

Pump Station	Firm Capacity	Modeled Flow - Baseline	Modeled Flow – 46 Lots
<i>Firm Capacity at Autumn Ridge and Westside Pump Stations</i>			
Autumn Ridge	91 gpm	22 gpm	54 gpm
Westside	399 gpm	215 gpm	251 gpm

Table 2. Model Results – Freeboard (ground elevation – water elevation)

Node	Modeled Freeboard - Baseline	Modeled Freeboard – 46 Lots
<i>Firm Capacity at Autumn Ridge and Westside Pump Stations</i>		
I-3-30	7.16	7.13
I-3-21	4.14	4.08
I-4-20	7.73	7.68
I-4-9	4.55	4.45
I-5-14	8.12	8.10

Based on the analysis of available pump station capacity and freeboard in the manholes, the flows from the proposed development could be managed by the Autumn Ridge and Westside pump stations.

While the analysis shows that there is capacity in the pipeline system and at the pump stations for the proposed development, it is recommended that flows at the Autumn Ridge pump station be monitored to measure actual peak flows.

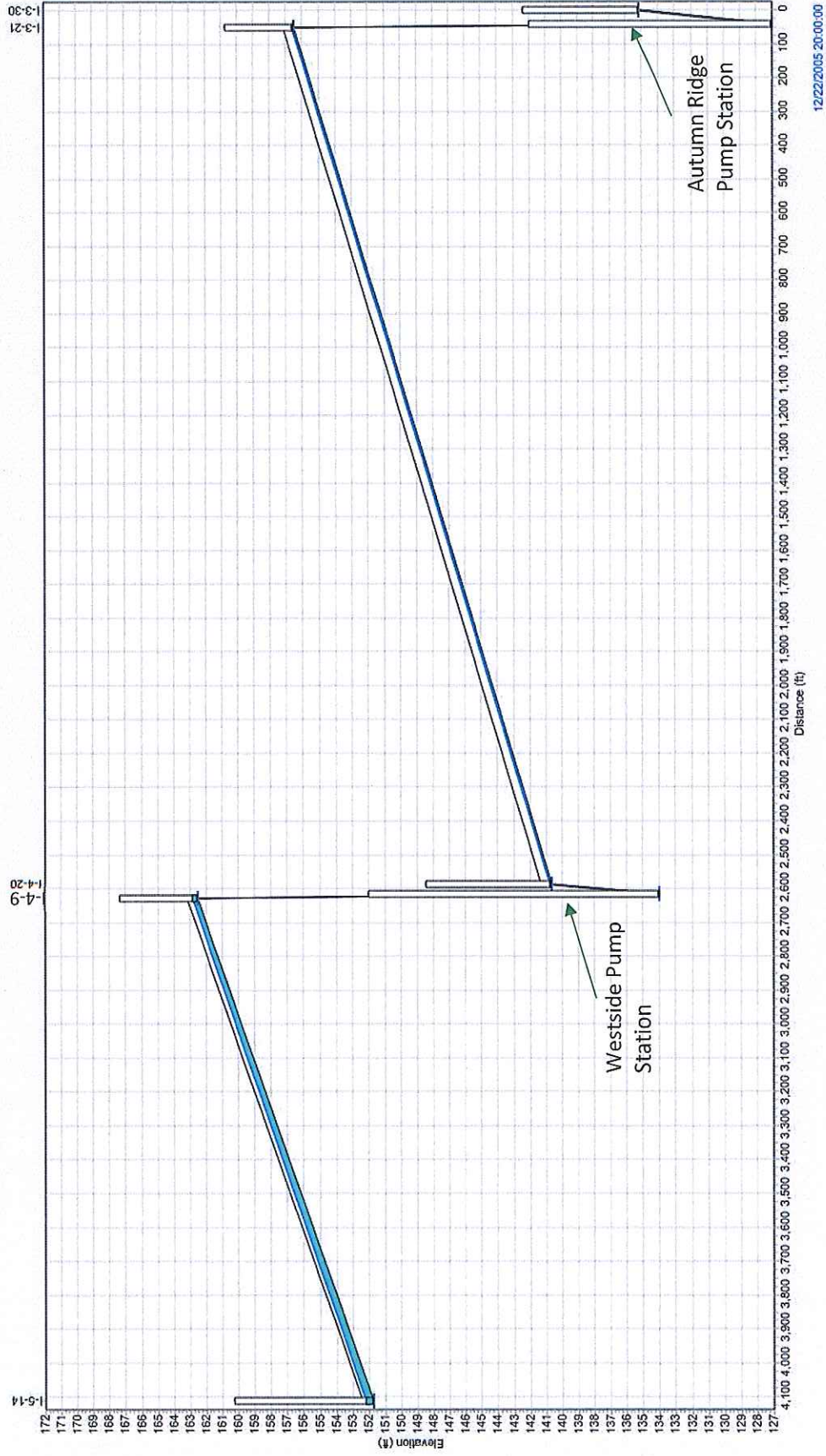
Given the lower than expected flows at Autumn Ridge, it is possible that flows will increase over time as the system ages. Depending on the amount of increase in the future, the original Master Plan routing of flows, which routed flows from areas East of Hembree Street to the existing system through a new pump station and not through the Autumn Ridge pump station, should be considered.

Attachment 1 – Proposed Development

Markups in red were made by CH2M and are for informational purposes only.

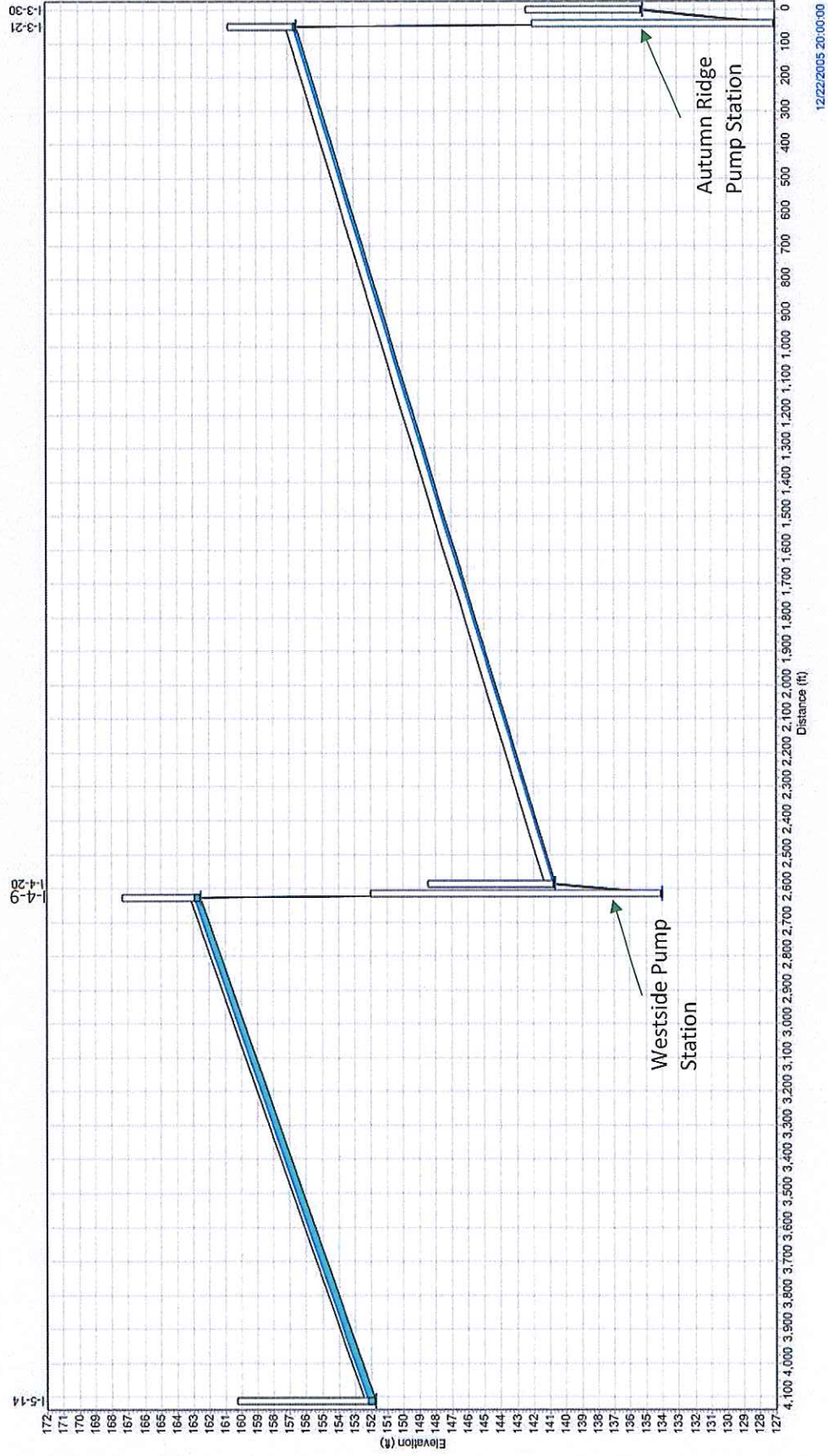
Attachment 2 – Water Depth Profiles

Water Elevation Profile: Node I-3-30 - I-5-14



Water Level Profile, Baseline Model, Firm Capacity

Water Elevation Profile: Node I-3-30 - I-5-14



Water Level Profile, Additional 46 Lots, Firm Capacity

NOTICE

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 18th day of August, 2016, at the hour of 6:30 p.m. at the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

DOCKET
NUMBER

S 2-16 Alan Ruden Construction Inc. is requesting approval of a tentative subdivision plan that, if approved, would provide for the platting of 46 single-family lots on a 7.29 acre parcel of land. The subject site is located north of NE Payton Lane and east of NE Hembree Street, and is more specifically described as a portion of Tax Lot 2100, Section 9, 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 Planning Commission's decision on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (the Zoning Ordinance) with particular emphasis on Section 17.03.020 (Purpose), Chapter 17.21 (R-4 Multi-Family Residential Zone), Chapter 17.53 (Land Division Standards), and Chapter 17.72 (Applications and Review Process).
3. Planned Development Ordinance Nos. 4953 and 4990.

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue 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 this Commission to respond to the issue precludes an action for damages in circuit court.

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.

For additional information contact Ron Pomeroy, Principal Planner, at the above address, or phone (503) 434-7311.

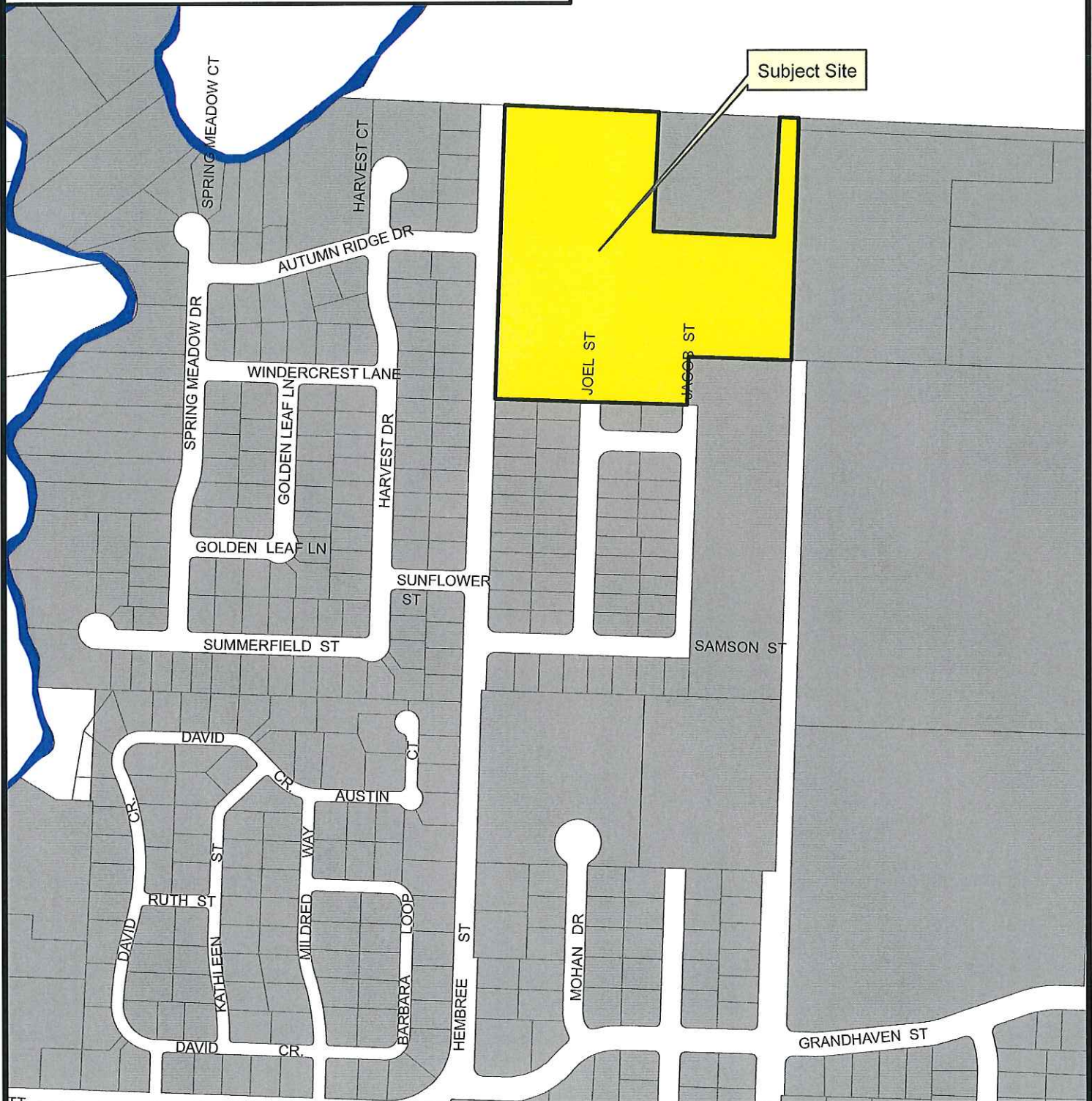
The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.



Ron Pomeroy
Principal Planner

(Map of area on back)

Vicinity Map



Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4409 00100	3900 NW HEMBREE ST	COLEMAN LLC	COLEMAN LLC	PO BOX 6614	PORTLAND OR	97228
2	R4409CA08100	3800 NE HARVEST CT	MCKAY SEAN	MCKAY ERIN S	3800 NE HARVEST CT	MCMINNVILLE OR	97128
3	R4409CA08200	3839 NE HEMBREE ST	MILLER DELL	MILLER LINDA	3839 NE HEMBREE ST	MCMINNVILLE OR	97128
5	R4409 02101		MCMINNVILLE WATER	MCMINNVILLE WATER & LIGHT COMMISSION	PO BOX 638	MCMINNVILLE OR	97128
6	R4409 02401		MCMINNVILLE SHCOOL	MCMINNVILLE SHCOOL DISTRICT #40	PO BOX 6614	PORTLAND OR	97228
7	R4409CA08300	3817 NE HEMBREE ST	WESTVALE PROPERTY	WESTVALE PROPERTY MANAGEMENT LLC	1312 NE HIGHWAY 99W	MCMINNVILLE OR	97128
8	R4409 02400		MCMINNVILLE SCHOOL	MCMINNVILLE SCHOOL DISTRICT #40	1500 NE BAKER ST	MCMINNVILLE OR	97128
9	R4409CA08400	3803 NE HEMBREE ST	WESTVALE PROPERTY	WESTVALE PROPERTY MANAGEMENT LLC	1312 NE HIGHWAY 99W	MCMINNVILLE OR	97128
10	R4409CA08000	3764 NE HARVEST CT	SHINGLEDECKER HOWARD	ANGELINO OLIVIA GONZALEZ	3764 NE HARVEST CT	MCMINNVILLE OR	97128
11	R4409CA08500	3765 NE HEMBREE ST	WESTVALE PROPERTY	WESTVALE PROPERTY MANAGEMENT LLC	1312 NE HIGHWAY 99W	MCMINNVILLE OR	97128
12	R4409CA07900	3752 NE HARVEST CT	SMITH AARON	EVERETT SARA H (WROS)	3752 NE HARVEST CT	MCMINNVILLE OR	97128
13	R4409CA08600	3751 NE HEMBREE ST	WESTVALE PROPERTY	WESTVALE PROPERTY MANAGEMENT LLC	1312 NE HIGHWAY 99W	MCMINNVILLE OR	97128
14	R4409CA06500	736 NE AUTUMN RIDGE DR	BRITTON DONALD	BRITTON MAGGIE	3696 NE HARVEST DR	MCMINNVILLE OR	97128
15	R4409CA06600	3699 NE HEMBREE ST	GEORGE MICHAEL	GEORGE MARSHA K	3699 NE HEMBREE ST	MCMINNVILLE OR	97128
16	R4409CA06400	3688 NE HARVEST DR	TANIMOTO DANIEL	TANIMOTO PEGGY B	3688 NE HARVEST DR	MCMINNVILLE OR	97128
17	R4409CA06700	3683 NE HEMBREE ST	THAYER BRAD	THAYER HEATHER C	3683 NE HEMBREE ST	MCMINNVILLE OR	97128
18	R4409CA06300	3662 NE HARVEST DR	MARTINS MURILLO	MARTINS MEGHAN J	3662 NE HARVEST DR	MCMINNVILLE OR	97128
19	R4409CA06800	3667 NE HEMBREE ST	SCHADEWITZ RICK	SCHADEWITZ CARRIE M	3667 NE HEMBREE ST	MCMINNVILLE OR	97128
20	R4409CA00300	721 NE WINTERCREST LN	DYER ERIC	DYER CHRISTINA	721 NE WINTERCREST DR	MCMINNVILLE OR	97128
21	R4409CA06200	3654 NE HARVEST DR	OREGON MENNONITE	OREGON MENNONITE RESIDENTIAL SERV INC	325 SW ELIMWOOD AVE	MCMINNVILLE OR	97128
22	R4409CA06900	3643 NE HEMBREE ST	WESTVALE PROPERTY	WESTVALE PROPERTY MANAGEMENT LLC	1312 NE HIGHWAY 99W	MCMINNVILLE OR	97128
23	R4409CA06100	3638 NE HARVEST DR	MURDERS KORIN	MURDERS KORIN L	3638 NE HARVEST DR	MCMINNVILLE OR	97128
24	R4409CA07000	3625 NE HEMBREE ST	DALY ANGELA	DALY ANGELA M	3625 NE HEMBREE ST	MCMINNVILLE OR	97128
25							
26	R4409 02500	3200 NE McDONALD LN	MCMINNVILLE SCHOOL	MCMINNVILLE SCHOOL DISTRICT NO 40	1500 N BAKER ST	MCMINNVILLE OR	97128
27	R4409CA06000	3596 NE HARVEST DR	FOWLER CLIFFORD	FOWLER ANGELA L	3596 NE HARVEST DR	MCMINNVILLE OR	97128
28	R4409CA07100	3593 NE HEMBREE ST	DOWNS EVAN	DOWNS PAMELA J	1836 NW SUZANNA CT	MCMINNVILLE OR	97128

Date Sent 7/27/16
Sent By g

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
29	R4409CA02300	3595 NE HARVEST DR	MONTIEL ANDRES	MONTIEL ANDRES	3595 NE HARVEST DR	MCMINNVILLE OR	97128
30	R4409CA05900	3594 NE HARVEST DR	PRIVRATSKY ANTHONY	PRIVRATSKY FAMILY TRUST	3594 NE HARVEST DR	MCMINNVILLE OR	97128
31	R4409CA13100	3592 NE HEMBREE ST	WEEKS STACEY	WEEKS STACEY H	3592 NE HEMBREE	MCMINNVILLE OR	97128
32	R4409CA07200	3589 NE HEMBREE ST	WESTVALE PROPERTY	WESTVALE PROPERTY MANAGEMENT LLC	1312 NE HIGHWAY 99W	MCMINNVILLE OR	97128
33	R4409CA13000	3593 NE JOEL ST	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
34	R4409CA12000	923 NE PEYTON LN	RAUCH SEAN	RAUCH BRIANNA J	3596 NE JOEL ST	MCMINNVILLE OR	97128
35	R4409CA11900	3599 NE JACOB ST	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
36	R4409CA02400	3593 NE HARVEST DR	ANDERSON PAMELA	ANDERSON PAMELA S	17560 NW BAKER CREEK RD	MCMINNVILLE OR	97128
37	R4409CA13200	3584 NE HEMBREE ST	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
38	R4409CA12900	3587 NE JOEL ST	EVANS DOUGLAS	EVANS MARY J	3587 NE JOEL ST	MCMINNVILLE OR	97128
39	R4409CA05800	3586 NE HARVEST DR	MENDEZ RAMON	MENDEZ RAMON	3586 NE HARVEST DR	MCMINNVILLE OR	97128
40	R4409CA07300	3581 NE HEMBREE ST	BRATCHER NORVAL	BRATCHER VICTORIA L	3581 NE HEMBREE ST	MCMINNVILLE OR	97128
41	R4409CA13300	3578 NE HEMBREE ST	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
42	R4409CA05700	3580 NE HARVEST DR	TOTH ROBERT	TOTH ROBERT S LIVING TRUST	3580 NE HARVEST DR	MCMINNVILLE OR	97128
43	R4409CA07400	3571 NE HEMBREE ST	HATCH ANGELA	HATCH ANGELA M	3571 NE HEMBREE ST	MCMINNVILLE OR	97128
44	R4409CA12800	3569 NE JOEL ST	ERICKSON LESLEY	ERICKSON LESLEY G	PO BOX 1238	MCMINNVILLE OR	97128
45	R4409CA12100	3574 NE JOEL ST	GRIFFITH JACOB	GRIFFITH DANNIR R	3574 NE JOEL ST	MCMINNVILLE OR	97128
46	R4409CA11800	3585 NE JACOB ST	KEISTER ALICE	KEISTER ALICE M	654 NW 12TH ST	MCMINNVILLE OR	97128
47	R4409CA13400	3566 NE HEMBREE ST	BURDICK JORDON	BURDICK MEREDITH J	3566 NE HEMBREE ST	MCMINNVILLE OR	97128
48	R4409CA05600	3566 NE HARVEST DR	GARZA TOMAS	GARZA TOMAS A	3566 NE HARVEST DR	MCMINNVILLE OR	97128
49	R4409CA07500	3557 NE HEMBREE ST	EATON ROBERT	EATON SHARON K	1548 SE DAVIS ST	MCMINNVILLE OR	97128
50	R4409CA13500	3554 NE HEMBREE ST	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
51	R4409CA12700	3551 NE JOEL ST	BUZZARD JOAN	BUZZARD JOAN L	PO BOX 446	MCMINNVILLE OR	97128
52	R4409CA12200	3560 NE JOEL ST	WILLIAMSON JUDY	VANG KIMBERLY A (WROS)	3560 NE JOEL ST	MCMINNVILLE OR	97128
53	R4409CA11700	3577 NE JACOB ST	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
54	R4409CA05500	3558 NE HARVEST DR	ABT MANUEL	ABT MANUEL U	1757 NW GRENFELL LP	MCMINNVILLE OR	97128
55	R4409CA07600	3543 NE HEMBREE ST	QUIROZ JOSE	QUIROZ VERONICA	3543 NE HEMBREE ST	MCMINNVILLE OR	97128

Date Sent 7/27/16
Sent By gph

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
56	R4409CA13600	3542 NE HEMBREE ST	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
57	R4409CA12600	3543 NE JOEL ST	MOON WILLIAM	MOON PATRICIA	900 N HILL RD APT 476	MCMINNVILLE OR	97128
58	R4409CA12300	3548 NE JOEL ST	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
59	R4409CA11600	3553 NE JACOB ST	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
60	R4409CA13700	3530 NE HEMBREE ST	KAUER BLAKE	KAUER USA C 50%	7325 SE AMITY-DAYTON HWY	AMITY OR	97101
61	R4409CA12500	3525 NE JOEL ST	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
62	R4409CA12400	3532 NE JOEL ST	ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128
63	R4409CA11500	3539 NE JACOB ST	DELLAVALLE JOSEPH	DELLAVALLE EVE A	3539 NE JACOB ST	MCMINNVILLE OR	97128
Owner	R4409 02100		CHEGWYN VILLAGE LLC	C/O SMITH MARK C	PO BOX 6614	PORTLAND OR	97228
Applicant			ALAN RUDEN	ALAN RUDEN INC	PO BOX 570	MCMINNVILLE OR	97128

Date Sent 7/27/12
 Sent By JS

ORDINANCE NO. 4953

An Ordinance rezoning certain property from a County EF-80 (Exclusive Farm Use – 80-Acre Minimum) zone to a City R-4 PD (Multi-Family Residential, Planned Development) zone on a 22.26-acre parcel of land.

RECITALS

The Planning Department received an application (ZC 2-12/S 1-12) from Alan Ruden Incorporated, dated February 9, 2012, for a zone change from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a City R-4 PD (Multi-Family Residential, Planned Development) zone on a 22.26-acre parcel of land to accommodate future residential development. Concurrent with this zone change request was an application for a tentative subdivision plan to provide for the construction of 21 single-family homes. The subject site is located north of NE Grandhaven Street and east of NE Hembree Street, and is more specifically described as Tax Lot 2100, Section 9, T. 4 S., R. 4 W., W.M.

A public hearing was held on March 15, 2012, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on March 7, 2012, 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 change conformed to the zone change review criteria listed in Chapter 17.74.020 of Ordinance No. 3380 based on the material submitted by the applicant and 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 zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change to 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 Alan Ruden Incorporated.

Section 2. That the property described in Exhibit "A," is hereby rezoned from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a City R-4 PD (Multiple Family Residential, Planned Development) zone, subject to the following conditions:

1. That minimum setback requirements for properties within the Phase One development are as follows:
 - a) Front yard - 10-feet
 - b) Side yard – A zero foot side-yard property line setback for garage construction only for Lots 2, 4-7, 9, 11, 12, 14, and 16-20. All other development shall provide a minimum six-foot side yard setback.
 - c) Exterior side yard – 15 feet
 - d) Rear yard – 20 feet

2. That the average lot size for single-family lots within the subject site (22.36-acre property) shall be 5,000 square feet.
3. That final development plans as approved by the Planning Commission as part of this zone change shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer will be responsible for requesting permission of the Planning Commission for any major change of 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 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.

Passed by the Council this 8th day of May 2012, by the following votes:

Ayes: Hill, Jeffries, Menke, Yoder

Nays: _____

Abstain: Ruden

Approved this 8th day of May 2012.



MAYOR

Attest:



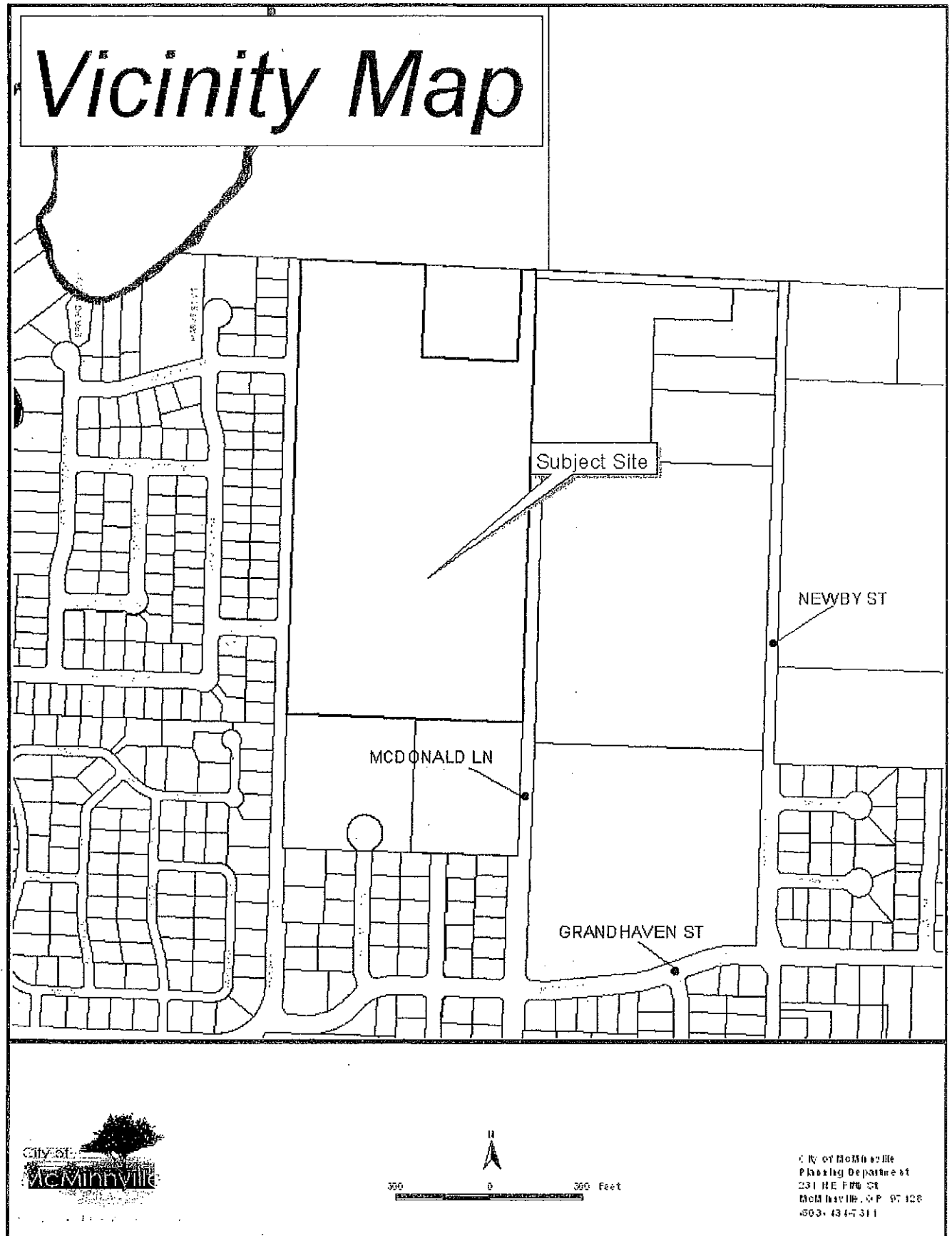
CITY RECORDER

Approved as to form:



CITY ATTORNEY

Exhibit "A"



ORDINANCE NO. 4978

An Ordinance amending Section 2 of Planned Development Ordinance No. 4953 to allow certain setback reductions for lots within The Bungalows at Chegwyn Village II subdivision.

RECITALS

The Planning Department received an application (ZC 1-14/S 1-14) from Alan Ruden Incorporated, dated March 13, 2014, seeking approval to amend Planned Development Ordinance No. 4953 to allow a reduction in the front-yard setback from 15 to 10 feet, a reduction in the exterior side-yard setback from 20 feet to 15 feet for all proposed lots, and a reduction in the side-yard setback from six feet to zero feet for all garages proposed for construction within The Bungalows at Chegwyn Village II subdivision. Concurrent with this request was an application for a tentative subdivision plan for The Bungalows at Chegwyn Village II development to provide for the construction of 30 single-family homes. The subject site is 4.89 acres in size and is located north of NE Grandhaven Street and east of NE Hembree Street, and is more specifically described as a portion of Tax Lot 2100, Section 9, T. 4 S., R. 4 W., W.M.

A public hearing was held on April 17, 2014, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on April 8, 2014, 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 change conformed to the planned development amendment review criteria listed in Chapter 17.74.070 of Ordinance No. 3380 based on the material submitted by the applicant and 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 amendment is consistent with the Comprehensive Plan; and

The Planning Commission approved said amendment and has recommended said change to 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 Alan Ruden Incorporated.

Section 2. That Section 2 of Planned Development Ordinance No. 4953 is amended as follows:

1. That minimum setbacks for properties within The Bungalows at Chegwyn Village II are as follows:
 - a) Front yard – 10 feet
 - b) Side yard – A zero foot side-yard property line setback for garage construction for all lots (Lots 22-51)
 - c) Exterior side yard – 15 feet
 - d) Rear yard – 20 feet


2. That all other provisions of McMinnville Ordinance No. 4950 shall remain in effect.

Passed by the Council this 27th day of May 2014, by the following votes:

Ayes: _____

Nays: _____

Approved this 27th day of May 2014.



MAYOR

Attest:


CITY RECORDER

Approved as to form:


CITY ATTORNEY

Vicinity Map



Geographic Information System



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

ORDINANCE NO. 4990

An Ordinance amending Section 2 of McMinnville Planned Development Ordinance No. 4953 to allow certain setback reductions for the Bungalows at Chegwyn Village development.

RECITALS

The Planning Department received an application (ZC 2-15) from Alan Ruden Incorporated, dated April 16, 2015, seeking approval to amend Planned Development Ordinance No. 4953 to allow a reduction in setbacks for properties within the 13.7-acre parcel of land described in Exhibit A, as follows: front yard – 10-feet; interior side yard – 6-feet; interior side yard – zero foot side-yard setback for garage construction only; exterior side yard – 15-feet; rear yard – 20-feet; and, all setbacks for multiple-family lots – 10-feet. The subject site is located north of NE Grandhaven Street and east of NE Hembree Street, and is more specifically described as Tax Lot 2100, Section 9, T. 4 S., R. 4 W., W.M.

A public hearing was held on May 21, 2015, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on May 15, 2015, 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 change conformed to the planned development amendment review criteria listed in Chapter 17.74.070 of Ordinance No. 3380 based on the material submitted by the applicant and 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 amendment is consistent with the Comprehensive Plan; and

The Planning Commission approved said amendment and has recommended said change to 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 Alan Ruden Incorporated.

Section 2. That Section 2 of Planned Development Ordinance No. 4953 is amended by adding the following:

1. That minimum setbacks for all properties within the 13.7-acre parcel of land described in Exhibit "A" are as follows:
 - a) Front yard – 10 feet
 - b) Interior side yard – 6 feet
 - c) Interior side yard – Zero foot side-yard setback for garage construction only
 - d) Exterior side yard – 15 feet
 - e) Rear yard – 20 feet
 - f) All setbacks for multiple-family lots – 10 feet
2. That all other provisions of McMinnville Ordinance No. 4953 shall remain in effect.

Passed by the Council this 23rd day of June 2015, by the following votes:

Ayes: Drabkin, Hill, Jeffries, Menke, Yoder

Conflict of Interest / Abstain: Ruden

Nays: _____

Approved this 23rd day of June 2015.



COUNCIL PRESIDENT

Attest:



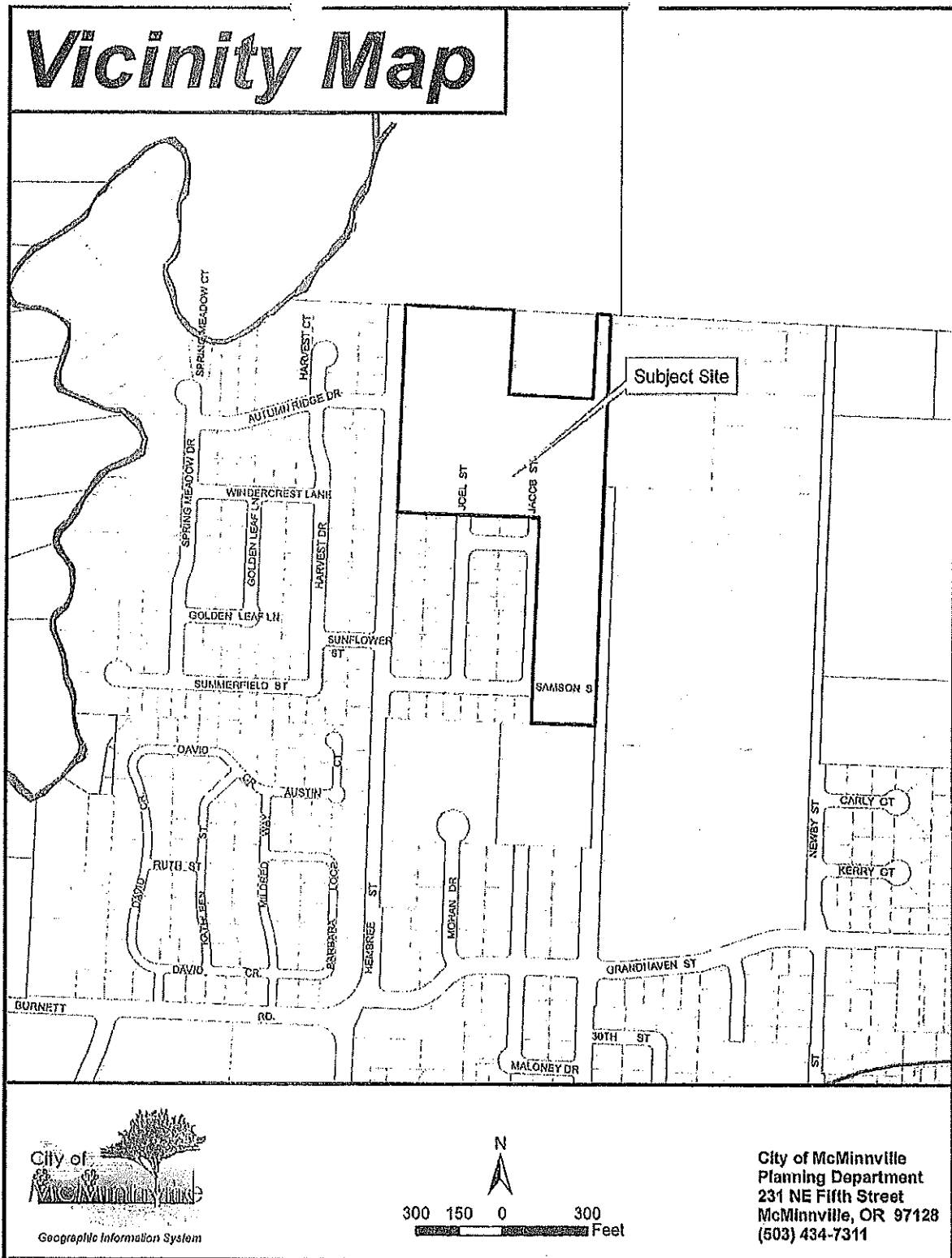
CITY RECORDER

Approved as to form:



CITY ATTORNEY

Exhibit "A"



1 August 2016

Ron Pomeroy, AICP
Principal Planner
City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128



Re: Docket S 2-16

Mr. Pomeroy:

The undersigned residents of the first two phases of the Bungalows at Chegwyn Farms development respectfully request that the conditions of approval for Docket S 2-16 which would provide for 46 single family lots on a 7.29 acre parcel of land immediately adjacent to our homes, include the following conditions:

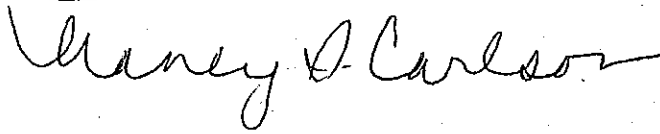
1. Existing street barricades at the north ends of Joel and Jacob Streets together with street barricades at the north ends of all existing alleyways shall be left in place until such time as construction on all homes in the proposed development is completed. This requirement is imposed to allow current residents of Phases 1 – 2 peaceful occupancy of their homes without continual construction traffic, contractor parking, dust and road debris (e.g. nails) as has been experienced for the past several years. This requirement will also assist in the preservation both the existing dedicated City streets (Joel , Peyton Lane and Jacob) together with private alleyways which are the maintenance responsibility of the Neighborhood HOA. In the event that this condition creates access issues for McMinnville Fire Department, it is requested that new barricades that allow for easy fire department access be installed at all current streets and alleyways for the duration of home construction in the proposed development.
2. All construction traffic and deliveries for the proposed development shall be routed through the new access point on Hembree Street to the North of the existing development or through McDonald Street to the extent that access is available. No construction traffic, construction parking or deliveries for the proposed project shall be permitted through the existing Chegwyn Farms development. This requirement is imposed to allow current residents peaceful occupancy of their homes and to preserve both the existing dedicated streets (Joel, Peyton Lane and Jacob) together with private alleyways which are the maintenance responsibility of the Neighborhood HOA.
3. Construction hours for the new development shall be limited to 7:00AM to 5:00PM, Monday through Friday. No construction activity shall take place at any time on Saturday or Sunday. This requirement is to allow current residents of Phases 1 and 2 together with future occupants of the proposed phase "peaceful enjoyment" of their dwellings without being subjected to high levels of noise beyond normal working hours and on the weekends.

4. Removal of the dirt berm to the North of the existing Bungalows at Chegwyn Farms Phase 1-2 shall be limited to the hours of 7:00AM and 5:00PM, Monday through Friday. All construction traffic and parking required for the removal of the berm shall be routed only on Hembree Street (or MacDonald Street to the extent that access is available.) No construction parking or unloading of equipment shall occur within the existing Bungalows at Chegwyn Farms Phases 1 and 2. Also, any removal of soils from the berm area shall include measures to minimize production of dust and contamination of existing roadways.

Respectfully yours:


A handwritten signature in cursive script, appearing to read "Kenneth Carlson". The signature is written in dark ink on a light background.

914 NE SAMSON

A handwritten signature in cursive script, appearing to read "Nancy D. Carlson". The signature is written in dark ink on a light background.

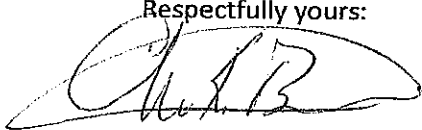
4. Removal of the dirt berm to the North of the existing Bungalows at Chegwyn Farms Phase 1-2 shall be limited to the hours of 7:00AM and 5:00PM, Monday through Friday. All construction traffic and parking required for the removal of the berm shall be routed only on Hembree Street (or MacDonald Street to the extent that access is available.) No construction parking or unloading of equipment shall occur within the existing Bungalows at Chegwyn Farms Phases 1 and 2. Also, any removal of soils from the berm area shall include measures to minimize production of dust and contamination of existing roadways.

Respectfully yours:


Susan Agre-Kyppenhan
930 NE Samsen Street

4. Removal of the dirt berm to the North of the existing Bungalows at Chegwyn Farms Phase 1-2 shall be limited to the hours of 7:00AM and 5:00PM, Monday through Friday. All construction traffic and parking required for the removal of the berm shall be routed only on Hembree Street (or MacDonald Street to the extent that access is available.) No construction parking or unloading of equipment shall occur within the existing Bungalows at Chegwyn Farms Phases 1 and 2. Also, any removal of soils from the berm area shall include measures to minimize production of dust and contamination of existing roadways.

Respectfully yours:

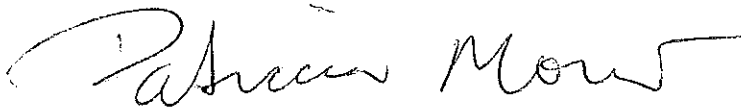
A handwritten signature in black ink, appearing to read "Mike Burr", enclosed within a large, loopy oval shape.

Mike Burr

956 NE Samson

4. Removal of the dirt berm to the North of the existing Bungalows at Chegwyn Farms Phase 1-2 shall be limited to the hours of 7:00AM and 5:00PM, Monday through Friday. All construction traffic and parking required for the removal of the berm shall be routed only on Hembree Street (or MacDonald Street to the extent that access is available.) No construction parking or unloading of equipment shall occur within the existing Bungalows at Chegwyn Farms Phases 1 and 2. Also, any removal of soils from the berm area shall include measures to minimize production of dust and contamination of existing roadways.

Respectfully yours:

A handwritten signature in cursive script, appearing to read 'Patricia Morris'.

Patricia Morris
3514 NE Joel St.

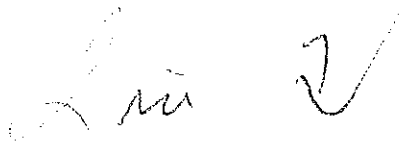
4. Removal of the dirt berm to the North of the existing Bungalows at Chegwyn Farms Phase 1-2 shall be limited to the hours of 7:00AM and 5:00PM, Monday through Friday. All construction traffic and parking required for the removal of the berm shall be routed only on Hembree Street (or MacDonald Street to the extent that access is available.) No construction parking or unloading of equipment shall occur within the existing Bungalows at Chegwyn Farms Phases 1 and 2. Also, any removal of soils from the berm area shall include measures to minimize production of dust and contamination of existing roadways.

Respectfully yours:

Lesley G Erickson
Lesley G Erickson
3569 NE Joel St.

4. Removal of the dirt berm to the North of the existing Bungalows at Chegwyn Farms Phase 1-2 shall be limited to the hours of 7:00AM and 5:00PM, Monday through Friday. All construction traffic and parking required for the removal of the berm shall be routed only on Hembree Street (or MacDonald Street to the extent that access is available.) No construction parking or unloading of equipment shall occur within the existing Bungalows at Chegwyn Farms Phases 1 and 2. Also, any removal of soils from the berm area shall include measures to minimize production of dust and contamination of existing roadways.

Respectfully yours:



Lisa Freeman

3593 NE JRL St

MAC

4. Removal of the dirt berm to the North of the existing Bungalows at Chegwyn Farms Phase 1-2 shall be limited to the hours of 7:00AM and 5:00PM, Monday through Friday. All construction traffic and parking required for the removal of the berm shall be routed only on Hembree Street (or MacDonald Street to the extent that access is available.) No construction parking or unloading of equipment shall occur within the existing Bungalows at Chegwyn Farms Phases 1 and 2. Also, any removal of soils from the berm area shall include measures to minimize production of dust and contamination of existing roadways.

Respectfully yours:

Gail Katto 3480 NE Hembree Mac
William Brennan

4. Removal of the dirt berm to the North of the existing Bungalows at Chegwyn Farms Phase 1-2 shall be limited to the hours of 7:00AM and 5:00PM, Monday through Friday. All construction traffic and parking required for the removal of the berm shall be routed only on Hembree Street (or MacDonald Street to the extent that access is available.) No construction parking or unloading of equipment shall occur within the existing Bungalows at Chegwyn Farms Phases 1 and 2. Also, any removal of soils from the berm area shall include measures to minimize production of dust and contamination of existing roadways.

Respectfully yours:

*Paul Studebaker 3494 NE Joel Str.,
Jenette Studebaker 3494 NE Joel Street*

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Respectfully yours:

Eve E. Della Valle
3539 N.E. Jacob St
McMinnville, OR 97128
503-857-0300

Joseph A Della Valle
3539 N.E. JACOB ST.
McMINNVILLE, OR 97128

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Respectfully yours:

Kathie A. Schumacher Kathie A. Schumacher
3497 NE Joel Street
McMinnville Oregon
97128

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Respectfully yours:

A handwritten signature in black ink, appearing to read "Stacy H. Woods". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

3592 NE Hembree Sp

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Respectfully yours:

Judy Kay Williamson

Kimberly Vang 8/2/16

3560 NE JOEL ST

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Respectfully yours:

Kathy McGuire

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Respectfully yours:



8-2-16

Samuel D. Avendano

3584 NE Hembree
McMinnville, OR 97128

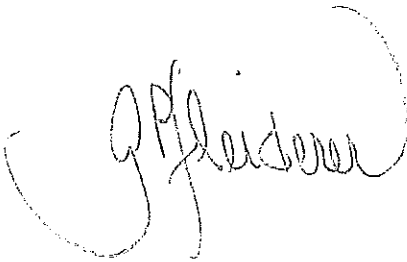
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Respectfully yours:

Joan Buzzard
3551 NE Joel
"Thanks"

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Respectfully yours:

A handwritten signature in dark ink, appearing to read "J. P. Fleischer". The signature is written in a cursive style with a large, sweeping initial "J" and a distinct "P".

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Respectfully yours:

William M. Noon

Pat Noon

3543 NE JOEL

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Respectfully yours:



3515 NE Jacobs St
McMinnville, OR 97128

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Respectfully yours:

Susan H Powell
3525 NE Joel

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Respectfully yours:

Ingrid van de Graft 3511 NE Joel Street

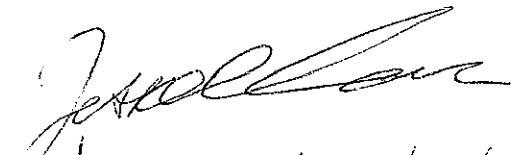
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Respectfully yours:

Alice M. Keister
3585 N. E. Jacob St.
McMinn, Ore 97128

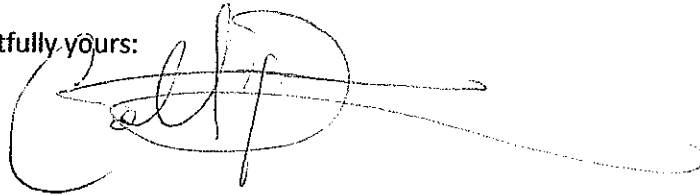
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Respectfully yours:


Jesse Kinchebe
3520 NE Joel St.

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Respectfully yours:

A handwritten signature in black ink, appearing to read 'Colt Bowden', with a large, sweeping horizontal stroke extending to the right.

COLT BOWDEN
3599 NE JACOB ST.

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Respectfully yours:

Brianna Rauch

Brianna Rauch

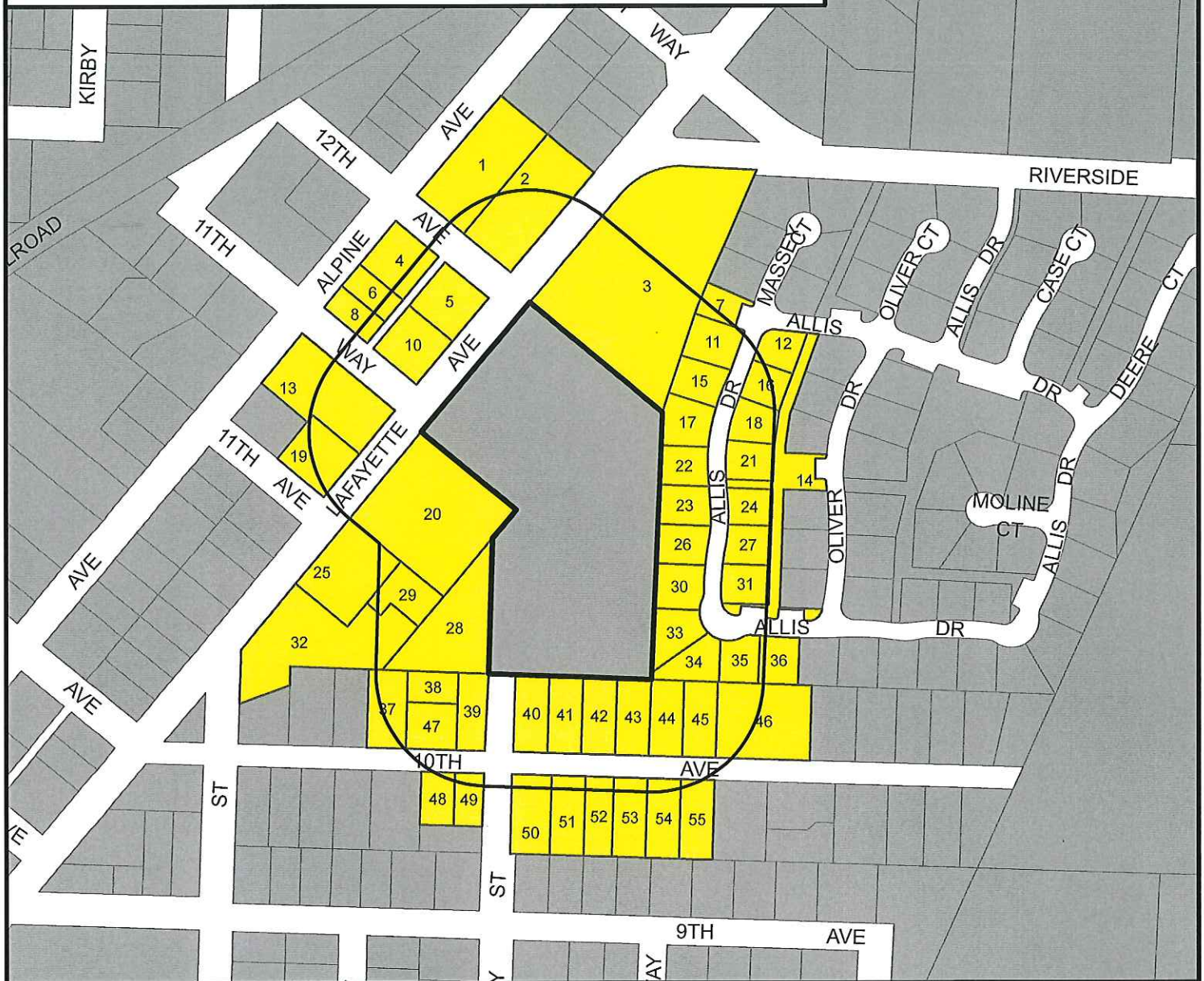
3596 NE Joel St.
McMinnville OR 97128

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Respectfully yours:

Patrick Evans
Mary Jo Evans
3587 NE Joel
Mc Minnville

Notification Map



CU 7-16

McMinnville School District is requesting approval of a conditional use permit to allow establishment of a maintenance facility to accommodate a grounds garage, equipment storage building, warehouse and office space.

Recorded Owner:

Willamette Graystone, Inc.
1150 NE Lafayette Avenue
McMinnville, OR 97128



APPROVED BY: PLANNING COMMISSION
CITY COUNCIL

ATTESTED TO BY: _____



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

Request: Approval of a conditional use permit in the C-3 (General Commercial) zone for a public school maintenance facility to accommodate a grounds garage, equipment storage building, warehouse and office space.

Location: 1150 NE Lafayette Avenue, and more specifically described as Tax Lot 202, Section 21, T. 4 S., R. 4 W., W.M.

Applicant: McMinnville School District No. 40

EXHIBITS

1. Staff Report and Findings of Fact
2. CU 7-16 Application and Fact Sheets
3. Applicant's Narrative including:
 - a. Landscape Site Plan (Sheet L0.01)
 - b. Floor Plans (Sheet A1)
 - c. Elevations (Sheet A2)
 - d. Aerial Site View (existing)
 - e. Partial Front Facade (existing)
 - f. Rendering - Partial Front Façade (proposed)
 - g. Rendering – Aerial Site View (proposed)
 - h. Rendering – Maintenance Buildings (proposed)
 - i. Email from Peter Keenan dated July 5, 3016
4. Statutory Warranty Deed
5. List of property owners to whom notice was sent
6. Affidavit of Publication
7. Referrals
8. Vicinity Sketch

SUBJECT SITE

The subject site is located east of NE Lafayette Avenue, borders the southern edge of property developed with the Lewis Furniture retail store, and west of the McMinnville Manor Mobile Park. The approximately 4.29-acre parcel is zoned C-3 (General Commercial) and designated as Commercial on the City's Comprehensive Plan as is adjacent property to the northeast and southwest located along NE Lafayette Avenue. Property to the west across Lafayette Avenue is also zoned C-3 while adjacent land to the east is zoned R-4 PD (Multiple-Family Residential Planned Development).

The site is provided access onto Lafayette Avenue by two curb cuts located toward the north and south extents of the site. Topographically, the western portion of the site slopes generally west toward Lafayette Avenue while the balance of the site slopes generally to the south. The site was developed in 1977 for use as the Copeland Lumber Yard and continued in that use until the late 1990's at which time the site occupied, until recently, by Willamette Graystone; a company specializing in masonry and hardscape materials. This site is developed with a 25-space customer parking lot fronting Lafayette Avenue, a large warehouse building some

21,250 square feet in size inclusive of a smaller space that had been utilized for offices and a retail showroom; for orientation, an aerial view of the site has been provided as Exhibit 3(d). For some thirty-five years, approximately one-half of the undeveloped portion of the site (both north and east of the warehouse) had been utilized as outdoor storage for lumber, concrete block and other building and paving materials while the easternmost part of the site remained generally unutilized.

OBSERVATIONS

- The Planning Commission's responsibility regarding this type of land use request is to conduct a public hearing and, at its conclusion, render a decision to approve, approve with conditions, or deny the conditional use request.
- The applicant has provided in this application a detailed description of the uses proposed for this site. Within the following observations, rather than repeat the applicant's narrative, staff provides a summary of the key elements of this proposal and issues to be addressed relative to this conditional use permit application.
- The applicant proposes to relocate the uses found at the current school district maintenance facility (presently located at 320 NE 19th Street, adjacent to and east of the New To You retail store) to this Lafayette Avenue site. The District has indicated to staff that the current maintenance facility is in need of much repair and is too small to meet current and projected needs. This application, if approved, would allow the District adequate space to accommodate those needs and relieve the cramped conditions currently experienced. This approval would allow the District to move forward with project goals including the repair and modification of the proposed site's existing warehouse and showroom to provide storage space for frozen and dry food stuffs and meal related supplies for school distribution; other types of stored items would include desks, chairs, custodial supplies, and lighting and electrical supplies. To the east, behind the warehouse, the District also envisions construction of an equipment building to shelter the District's large lawn mowers, bucket truck, small tractors and their towed equipment, delivery trucks and vans, and any other such equipment that currently sits out in the weather, in addition to a grounds garage that will house the District's hand tools, sprinkler supplies, spare parts and a wash station for small equipment.
- Aligned with the southwest corner of the site is an unimproved section of NE Newby Street some 145-feet in length that connects the southern edge of this site to NE 10th Avenue. This sparsely graveled right-of-way was restricted from commercial use by an earlier land partition. Specifically, approval of minor land partition MP 3-77 created the original parcel that was then developed as the Copeland Lumber Yard. That 1977 partition approval included a condition prohibiting access from this site to Newby Street until such time that this section of Newby Street is improved to City standards; and after so improved, access to be limited to emergency and maintenance vehicles only. That condition of approval should move forward with this land-use decision as well. Future development of this site shall comply with this restriction.
- This site is located in Zone 3 of the Northeast Gateway District. Zone 3 is bordered by NE 14th Street to the north, the railroad track to the west, Logan Street and the properties fronting the eastern side of Lafayette Avenue to the east, and the portion of 4th Street

(between NE Johnson and Logan Streets) to the south. The NE Gateway District was adopted by the City Council (Ord. No. 4791) in July of 2013, and includes a table summarizing permitted and conditionally permitted uses for each of the District's three (3) zones. The use proposed for this site by the School District is classified as a Government Building and listed in this table as a conditional use; thus this application that you have for review before you.

Among other elements, the Northeast Gateway District includes development, off-street parking, signage and landscaping standards that must be adhered to as they relate to all new development. As per Section 5 of Ord. No. 4791, applications for development review (or redevelopment) on land located within the Gateway District shall be submitted to the Planning Department for review subject to Section 17.72.100 (Applications and Permits – Director's Review without Notification) of the McMinnville Zoning Ordinance. As per these requirements, building and site design review occurs at the staff level and will not be brought to the Planning Commission unless the resulting Director's Decision is appealed.

In compliance with these requirements, the applicant proposes to keep in place the exterior design and color scheme of the existing building; ongoing maintenance of existing buildings is both permissible and expected by the Northeast Gateway District ordinance regardless of current building or site compliance relative to the Northeast Gateway design requirements. Other future buildings that may be constructed on this site would be designed to complement the existing style and color scheme in a manner that also meets current design requirements for new construction located within the Northeast Gateway District.

- Off-street parking for the site is currently provided through an existing 25-space vehicle parking lot located adjacent to Lafayette Avenue. Through restriping portions of the parking lot, the site is proposed to provide 26 (twenty-six) vehicle parking spaces to meet proposed needs. While detailed interior remodeling plans are not yet complete, it is estimated that the remodeled office space would comprise approximately 3,000 square feet resulting in a need for ten (10) offsite vehicle parking spaces. The warehouse space will be sparsely staffed and, using the more intensive calculation base on square footage in this instance, is estimated to generate a need for the provision of ten (10) parking spaces yielding a combined total need for the provision of 20 (twenty) vehicle parking spaces to serve the proposed uses for the repurposed existing structure. The remaining six (6) available parking spaces can be considered to be available to meet future parking needs generated by construction of the proposed future Grounds Garage and Equipment Shed buildings. If additional on-site parking spaces are determined to be needed, there currently exists a large paved area located directly north and east of the existing warehouse than can accommodate striping sufficient to create the needed spaces.
- Bicycle parking is required to be provided on C-3 zoned property at a ratio of ten (10) percent of the number of vehicle parking spaces required. The applicant proposes to provide two (2) bicycle parking facilities adjacent to the front of the existing building yielding the ability to accommodate a total of four bikes and greatly exceeds this requirement.

- This applicant proposes to retain the landscape planting area along the property's Lafayette Avenue frontage as well as the landscape islands located within the parking area and along the north property edge and south side of the existing building. The applicant has submitted (Exhibit 3(a)) a proposed landscape plan as part of their submittal for this conditional use application. As part of this plan, the applicant proposes to improve existing landscaping along the Lafayette avenue frontage as well as create an additional centrally located landscape island along this edge. Additionally, one (1) tree located adjacent the site's main entrance into the former retail storefront area is proposed for removal to accommodate a new handicapped accessible curb ramp serving two adjacent handicapped parking stalls. To accommodate the proposed Equipment Shed, the landscape plan indicates the future removal of an additional tree centrally located in the "yard" area of the site behind the existing warehouse buildings. Should the Planning Commission approved the conditional use request currently before you, this landscape plan, or similar, is required to be reviewed and approved by the Landscape Review Committee. Installation of required landscaping shall be required prior to occupancy or shall be bonded in the amount of 120 percent of the estimated cost of materials and installation.

The applicant also notes on the Landscape Plan that the existing chain link fence with slats is to remain around much of the site's perimeter. The condition of some of these current slats is in less than acceptable condition and no longer provides the sight obscuring function as was originally intended. As a condition of approval staff suggests that slats be installed within the existing chain link fence along the property perimeter to ensure a provision of a visual barrier for the benefit of adjacent residential uses. Associated with the issue of buffering is a C-3 zoning requirement to maintain a minimum twenty-foot building setback where adjacent to residentially zoned land. This setback will be required to be maintained as part of any future building permit review for further development of the site.

- Copies of this application and requests for comment were forwarded to the City of McMinnville Fire Department, Police Department, Engineering Department, Building Department, 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, and Northwest Natural Gas. As of the date of completion of this staff report, no comments in opposition to this request have been received.

Comments received from public agencies and staff included the following:

McMinnville Fire Department -

- That adequate sprinkler coverage must be provided inside all buildings.

McMinnville Building Department -

- That, as stated during the pre-application meeting with staff, a full seismic analysis of the existing building shall be required as part of the building permit submittal for the existing warehouse building.

- Notice of this request was mailed to property owners located within 200 feet of the subject site, in accordance with the requirements of Section 17.72.120(E) of the McMinnville Zoning Ordinance. As of the date this report was written, no written comments had been received by the Planning Department from those who were notified.
- The findings of fact and conclusionary findings are attached as Exhibit "A" to this report and are, by this reference, incorporated herein.

RECOMMENDATION

Generally, the impetus for the NE Gateway District was to create an overlay to help guide and encourage development resulting in the transitioning of a light and heavy industrial area to a vital, mixed use, pedestrian-friendly neighborhood. The adopted ordinance provides specific use standards that allow for a complementary mix of uses to include residential, employment, cultural/tourism, education and neighborhood-scale services. Additionally, since the adoption of the District, McMinnville has created and implemented an urban renewal district that allows direction of funds through tax increment financing (TIF) to a targeted area with the city's core. The subject site is located within both of these boundaries. While other types of development opportunities may have been envisioned by some for this site, and with any resulting additional increment of financial assessed valuation increasing the TIF fund, this current application remains one of the uses listed as conditionally permitted by the Northeast Gateway District ordinance. While the proposed use of this site will not add to the TIF fund or bring mixed use, live-work development to this site, it yet remains conditionally approvable and should be reviewed on its own merit independent of other possible uses for this site.

It is clear from the applicant's submittal there is a need for the District to expand capacity of their maintenance facility and that this is not very achievable or desired at their current location. Approval of this request will allow the District the ability to provide the space necessary to consolidate storage and maintenance of tools, supplies and equipment in one place as well as to have appropriate space to accommodate future District needs as the community continues to grow. Staff finds that, with the recommended conditions of approval provided below, this proposal complies with the applicable requirement of the McMinnville Zoning Ordinance, and the applicable Goals and Policies. Based on the attached findings, staff recommends that the Planning Commission **approve** the applicant's request, subject to the following conditions:

1. That prior to the release of building permits for the proposed development, the School District shall submit for review and approval by the McMinnville Landscape Review Committee, a plan proposing landscaping along the site's Lafayette Avenue frontage and within the parking lot planting islands and other areas identified in the applicant's submitted graphic L0.01. All deciduous trees to be planted shall have a two-inch minimum caliper, shall exhibit size and growing characteristics appropriate to the area, and shall be spaced as appropriate for the selected species and as may be required for the location of utilities. All landscaping shall be installed prior to occupancy of any building. Alternatively, a landscape bond for an amount calculated to be 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.

2. That solid slats be installed within the existing chain link fence along the property perimeter to ensure a provision of a visual barrier for the benefit of adjacent residential uses.
3. That all new building and site design, and all exterior building treatments must comply with the standards and requirements of the NE Gateway District and shall be reviewed for such compliance by the Planning Director prior to or building permit issuance as required.
4. That access to this site from NE Newby Street shall be prohibited until such time that NE Newby Street, from NE 10th Avenue to the site, is improved to City standards. On completion of such improvements, access shall continue to be limited to emergency and maintenance vehicles only.
5. That this conditional use permit approval shall be terminated if the proposed use does not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one-year in duration.

MOTION

The Planning Department recommends the Commission make the following motion for approval:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 7-16 (SCHOOL DISTRICT GROUNDS AND MAINTENANCE FACILITY), SUBJECT TO THE CONDITIONS AS NOTED IN THE STAFF REPORT.

RP:sjs

EXHIBIT "A"
FINDINGS OF FACT AND CONCLUSIONARY FINDINGS
DOCKET CU 7-16

FINDINGS OF FACT

1. The applicant is requesting approval of a conditional use permit to allow establishment of a maintenance facility to accommodate a grounds garage, equipment storage facility, warehouse and office space. The site is located at 1150 NE Lafayette Avenue, and more specifically described as Tax Lot 202, Section 21, T. 4 S., R. 4 W., W.M.
2. The subject site is designated as Commercial on the McMinnville Comprehensive Plan Map, 1980, and is zoned C-3 (General Commercial).
3. This matter was referred to the following public agencies for comment: City of McMinnville Fire Department, Police Department, Engineering Department, Building Department, 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, and Northwest Natural Gas. As of the date of completion of this report, no comments in opposition to this application had been received from these agencies.
4. Goals and Policies from the McMinnville Comprehensive Plan which are applicable to the request are as follows:

Chapter III Cultural, Historical, and Educational Resources

GOAL III 3: TO PROVIDE FOR THE EDUCATIONAL NEEDS OF MCMINNVILLE THROUGH THE PROPER PLANNING, LOCATION, AND ACQUISITION OF SCHOOL SITES AND FACILITIES.

Policies:

- 18.00 The City of McMinnville shall cooperate with the McMinnville School District in the planning for future schools.

Chapter VI Transportation System

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:

- 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 rights-of-way as transportation routes.

Chapter VII Community Facilities and Services

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.

Policies:

Public Administrative and Storage Facilities

- 133.00 The City of McMinnville shall encourage the consolidation of city, county, state, and federal administrative offices and service facilities, where possible.
- 135.00 The City of McMinnville shall allow the placement of public storage and workshop facilities in areas where adverse impacts on surrounding lands are minimal or can be minimized by screening, landscaping, and/or other methods.

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.

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.

Water System:

- 144.00 The City of McMinnville, through the City Water and Light Department, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.
- 147.00 The City of McMinnville shall continue to support coordination between City departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department in making land use decisions.

Police and Fire Protection:

- 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 annexation, subdivision proposals, and other major land use decisions.

Energy Conservation:

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

Chapter X Citizen Involvement and Plan Amendment

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

Policies:

- 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.

5. The following sections of the McMinnville Zoning Ordinance (No. 3380) are applicable to this request:

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."

Zoning:

"17.33.020 Conditional uses. In a C-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.72:

D. Public or private school;"

"17.33.030 Yard requirements. Except as provided in Section 17.54.050 [General Regulations – Yards], and "A" and "B" below, there shall be no required yards in a C-3 zone:

- A. Side yard shall not be less than twenty feet when adjacent to a residential zone;
B. Rear yard shall not be less than twenty feet when adjacent to a residential zone.

"17.33.040 Building height. In a C-3 zone, buildings shall not exceed a height of eighty feet."

Parking:

"17.60.060 Spaces--Number required.

C(17) Professional office (non-medical or dental).

One space per 300 square feet of floor area.

D(2) Wholesale establishment, warehousing.

One space per 2,000 square feet of floor area or two spaces per three employees on the largest shift during peak season, whichever is greater.

"17.60.140 Bicycle parking.

A Bicycle parking facilities shall be required as follows:

1. In any commercial (C-1, C-2, and C-3) zone or office/residential (O-R) zone, bicycle parking facility requirements shall be based on the amount of automobile parking required. The minimum number of bicycle parking spaces provided shall be ten percent of the automobile parking spaces required.

Conditional Use:

"17.74.030 Authorization to grant or deny conditional uses. A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform with the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;

- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes."

"17.74.040 Placing conditions on a conditional use permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

CONCLUSIONARY FINDINGS FOR APPROVAL

1. The subject request complies with the applicable McMinnville Comprehensive Plan Goals and Policies (see Finding of Fact No. 4) as follows. The applicant has submitted statements of fact relative to this request with which staff concurs, and with this reference is herein incorporated. The findings provided below supplement that provided by the applicant and further support this request.
 - (a) Goal III-3 and Policy 18.00 are satisfied by this request, in that the applicant proposes to utilize the subject site for purposes of consolidating School District maintenance and storage needs into one centrally located facility as described.
 - (b) Goal VI-1 and Policies 126.00, 127.00, 133.00, 135.00, and 178.00 are satisfied by the request, as the remodeling of this currently vacant retail and warehouse storage facility, in addition to the consolidating of other District functions on this site, is both land intensive and energy efficient. This request shall also be conditioned to provide screening where the site is adjacent residential uses in order to help mitigate potential impacts.
 - (c) GOAL VII-1 and Policies 136.00, 142.00, 144.00, and 147.00 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, are already available and presently serve the site, or can be so modified. Additionally, the Water Reclamation Facility has adequate capacity to sufficiently serve the proposed uses planned for this site. All municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards, and the City shall continue to support interagency coordination to insure the coordinated provision of utilities to developing areas.
 - (d) Policy 155.00 is satisfied in that the existing street system and site access provides adequately for use by emergency service agencies. The proposed site and envisioned modifications will not overburden existing police and fire service facilities in their abilities to provide emergency services.
 - (e) Goal X-1 and Policy 188.00 are satisfied by the request in that a public hearing is scheduled, advertised and held by the McMinnville Planning Commission for the purposes of receiving public testimony and deliberating to render a decision on the request.
2. The subject request complies with the applicable requirements of the McMinnville Zoning Ordinance (Finding of Fact No. 5) as follows:
 - (a) Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1
 - (b) The subject site is properly designated and zoned for the proposed use on the McMinnville Comprehensive Plan Map, 1980, and the McMinnville Zoning Map, subject to receiving approval of this conditional use permit. The proposed public school facility is a conditional use according to the provisions of Section 6 of Ord. No. 4791 (Northeast Gateway Planned Development Overlay).

- (c) Sections 17.33.030 and 17.33.040 will be satisfied in that all building improvements will meet or exceed the twenty-foot minimum setback required adjacent to residential uses as demonstrated by the applicant's site plan. Additionally, the existing building, and future buildings, shall remain at heights not to exceed the allowable building height maximum of eighty-feet within the C-3 zone and within Zone 3 of Ord. No. 4791.
- (d) Sections 17.60.060(C)(17), 17.60.161(D)(2), and 17.60.140(A)(1) are satisfied by the provision of onsite parking opportunities that exceed the minimum required to serve the proposed uses. Additional off-street vehicle parking spaces shall be required commensurate with additional future development of the site. Bicycle parking facilities are also provided in excess of the number required.
- (e) Sections 17.74.030(A-F) and 17.74.040(A-L) are satisfied in that the proposal is determined to be compatible with the surrounding neighborhood in that the proposal is well designed and aims to keep the improvements located within the existing building and to be centrally located within the area behind that building. This portion of the site has no environmental assets of particular interest to the community, therefore subsection E of Section 17.74.030 is not applicable to this request. By satisfying recommended conditions of approval, staff finds that the requested improvements meet all applicable standards for approval. Should the Planning Commission determine that additional conditions are required in order to approve this request, the Commission has the authority to add such conditions during their review.

RP:sjs



Planning Department
231 NE Fifth Street • McMinnville, OR 97128
(503) 434-7311 Office • (503) 474-4955 Fax
www.ci.mcminnville.or.us

Office Use Only:

File No. CU 7-16
Date Received 6-28-16
Fee 1055.00
Receipt No. 1100101
Received by SD

Conditional Use Application

Applicant Information

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

Applicant Name McMINNVILLE School District Phone 503.565.4000

Contact Name Peter Keenan Phone 503.565-4022
(If different than above)

Address 1500 N.E. Baker Street

City, State, Zip McMinnville, OR 97128

Contact Email p.keenan@msd.k12.or.us

Property Owner Information

Property Owner Name WILLAMETTE GRAYSTONE, INC Phone _____
(If different than above)

Contact Name MIKE MIDYETT Phone 720-318-9349

Address 1150 NE LAFAYETTE AVE

City, State, Zip McMinnville, OR 97128

Contact Email mike.midyett@graystone.com

Site Location and Description

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

Property Address 1150 NE LAFAYETTE AVE, McMinnville, OR

Assessor Map No. R4421 - 00202 Total Site Area 4.29 acres

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation C-3 Zoning Designation C-3

1. State nature of the request in detail: _____

SEE ATTACHED PAGE 1

2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance: _____

SEE ATTACHED PAGE 1

3. Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development: _____

SEE ATTACHED PAGE 2

- SEE ATTACHED PAGE 2

- SEE ATTACHED PAGE 2

6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? _____

SEE ATTACHED PAGE 3

7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: _____

SEE ATTACHED PAGE 3

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), clearly showing existing and proposed features within, and adjacent to, the subject site, such as: Access; lot and street lines with dimensions; distances from property lines to structures; structures and other proposed and existing improvements; north direction arrow; and significant features (slope, vegetation, adjacent development, drainage, etc.).
- ☒ A legal description of the property, preferably taken from 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.

Pete Kuman
Applicant's Signature

6-13-16
Date

* see attached sheet for owners signature
Property Owner's Signature

Date

6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? _____

7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: _____

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), clearly showing existing and proposed features within, and adjacent to, the subject site, such as: Access; lot and street lines with dimensions; distances from property lines to structures; structures and other proposed and existing improvements; north direction arrow; and significant features (slope, vegetation, adjacent development, drainage, etc.).
- ☐ A legal description of the property, preferably taken from 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.

Peter Kuran
Applicant's Signature

6-13-2016
Date

Medina M. M. / William M. M.
Property Owner's Signature
Grant M.

5.20.16
Date

McMinnville School District Conditional Use Application

1. After an extensive assessment of school district needs, the current maintenance facility at 320 NE 19th Street was found to be inadequate for current and future needs. The property at 1150 NE Lafayette Avenue was identified as large enough for immediate and future needs at a cost of approximately half of what estimates were for remodeling and upgrading the current property and building.

The proposed Facilities Department at 1150 NE Lafayette Avenue will house both Maintenance and Grounds staff (13) as well as their equipment, supplies and the school district's food supplies for school meals.

The new property includes office space and warehouse space as well as sufficient room to build a Grounds garage and an equipment storage building.

The McMinnville School District is requesting conditional use approval to locate the Facilities Department at 1150 NE Lafayette Avenue.

When the new property is available for occupancy, the old Maintenance property will be vacated.

2. The property lies within zone 3 of the Northeast Gateway Development District. The property is conditionally permitted as a Civic-Governmental Building.

The existing structure and property meets all requirements of the Gateway Development District including setbacks, height, parking, orientation, glazing, and building materials. The proposed Grounds garage and equipment storage building will match the existing structure and will meet all requirements.

The existing signage at the street frontage and on the building façade will be removed and replaced with a school district sign in compliance with sign ordinances.

Landscaping will be provided between the street and the building in existing planting areas as well as along the west fence line at the northwest corner of the building.

Lighting of the building will remain the same as is now in place. Currently lights are located in the soffit around the front entry.

3. The property, when conditionally approved as a school district facilities operation, will have no adverse impact on the livability and development of the neighborhood or adjacent properties. The property is bordered on the north and south by a furniture store, car repair shop, and electrical contractor. To the east is a mobile home park and to the west by empty buildings and concrete barrier storage yard. The property will be maintained to the School District standards as seen at any McMinnville school.

The existing structure will remain the largest building on the site. With only 13 employees the traffic entering and exiting the property will be minimal. The building has drive through capabilities enabling delivery trucks to unload inside the building and away from street traffic flow on Lafayette Avenue.

The District proposes to build a Grounds garage and Grounds equipment storage building to the rear (east) of the existing building. These buildings will be placed to that they will not be readily visible from Lafayette Avenue. The current utilities are adequate to handle the proposed use with minimal upgrades to the electrical and water systems.

4. The proposed use of the property will not adversely impact the livability, value, or future development of surrounding properties. When occupied, and after all improvements are completed, the School District occupancy will be low key, quiet, and will be maintained and attractive in appearance. There is nothing in the proposed use that will cause devaluation, neighborhood decline, noise-nuisance or traffic congestion.

5. The exterior of the building will be repaired and painted in keeping with the guidelines of the Gateway Development Plan. The existing front parking lot will be cleaned, repainted, and will include the required ADA, bicycle, and island components. Landscape plantings will be installed along the Lafayette Avenue frontage. Plantings will also be placed in front of the west fence line at the northwest corner of the building to screen line of sight to the rear of the property where the Grounds buildings will be placed. All plants and shrubs will be consistent with existing District wide plantings.

The existing business signage in the planting area along the Lafayette Avenue frontage and on the building will be removed. McMinnville School District signage, appropriate in size, will be placed on the west face of the office are of the building.

The one story Grounds garage and equipment storage buildings will match the existing building in appearance with low sloped roof lines and matching color and details.

6. The property has been a lumber yard and a stone products sales business. The street frontage and parking area will be improved by wholesale cleanup and new plants and shrubs. The existing trees will be maintained and trimmed as necessary. An additional landscape island, with plantings, will be installed in the front parking lot to comply with Gateway Development Plans.

The fenced storage area between Lafayette Avenue and the west fence line at the northwest corner of the building will be removed and returned to natural grass.

The north, east, and south perimeter shrubs and trees will remain and be maintained to District standards.

7. The proposed conditional use by the McMinnville School District Facilities Department will bring no inappropriate activity to the area. The property will house School District Facility staff, dry storage, frozen food and related supplies, and facilities equipment and supplies.

The property will be improved for the long range support of the city's schools.

Project Data

Applicant: McMinnville School District
1500 NE Baker St.
McMinnville, OR 97128

Request: Conditional Use for Change of Use

Project Name: Lafayette Facilities Department

Project Address: 1150 NE Lafayette Ave
McMinnville, OR 97128

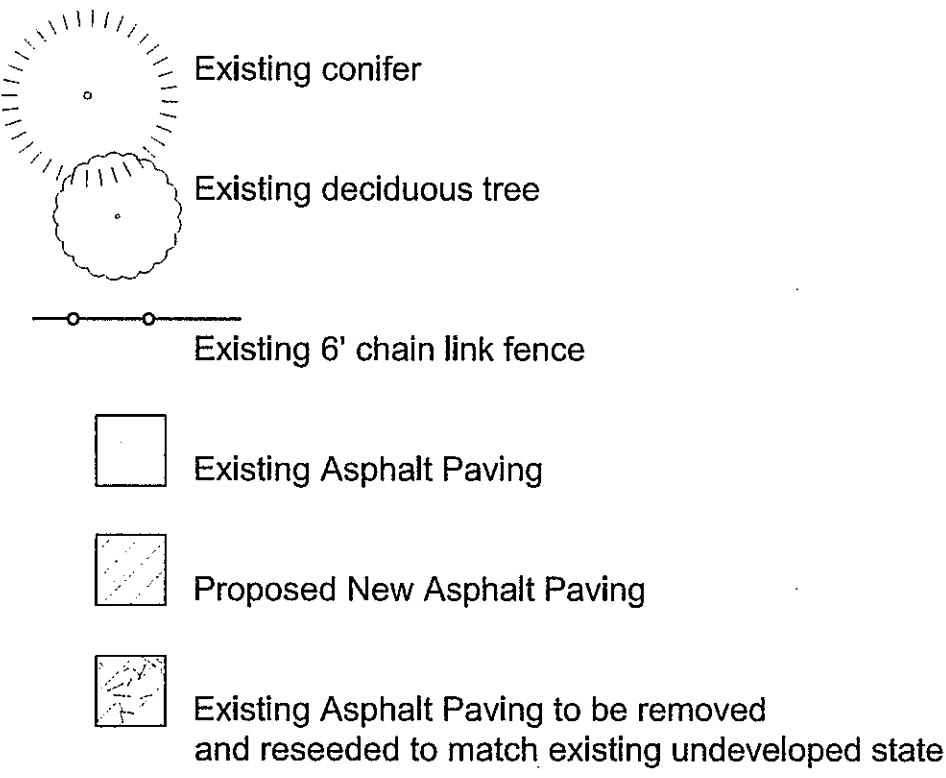
Zone: C-3, Northeast Gateway Overlay District, Zone 3

Tax Lot: R4421 00202

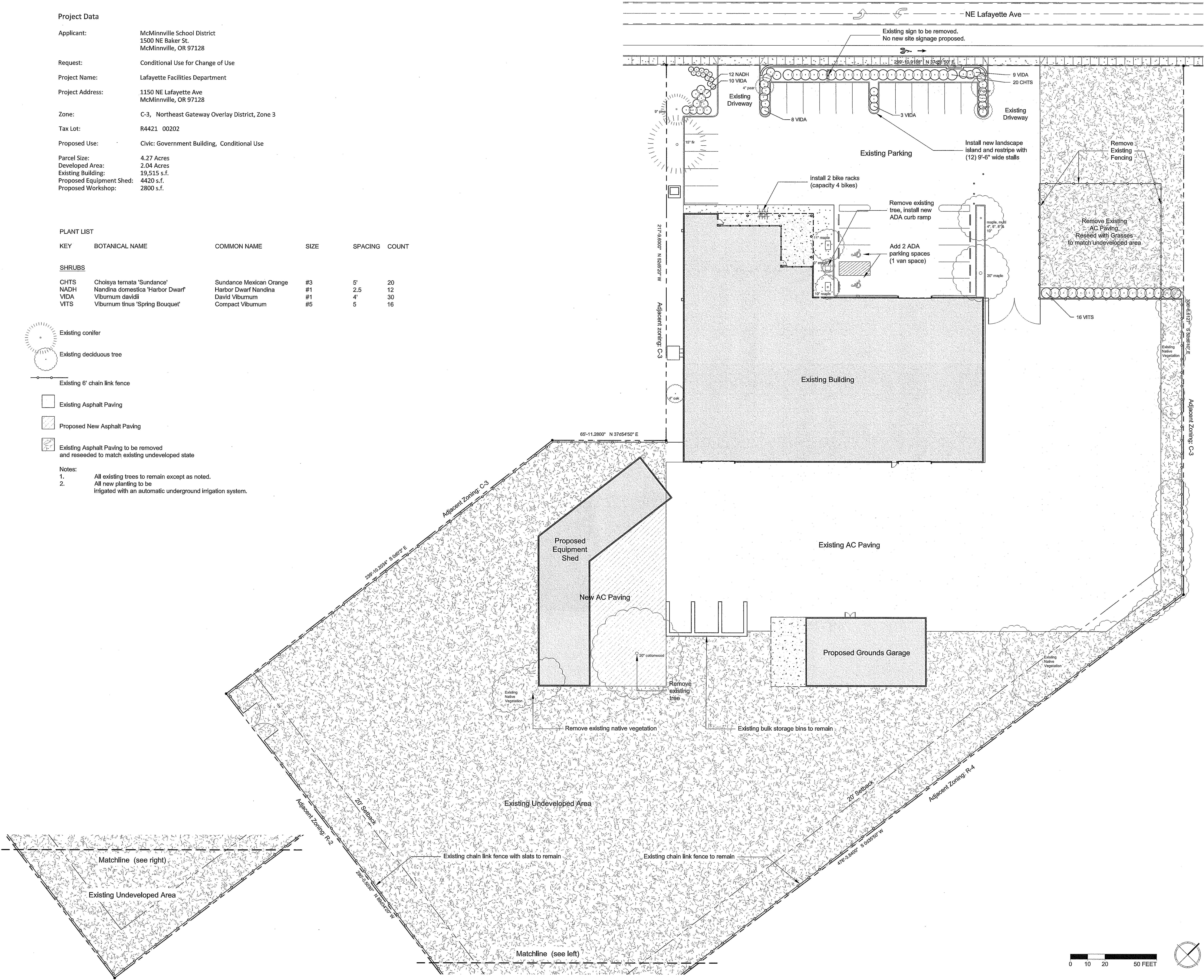
Proposed Use: Civic: Government Building, Conditional Use

Parcel Size: 4.27 Acres
Developed Area: 2.04 Acres
Existing Building: 19,515 s.f.
Proposed Equipment Shed: 4420 s.f.
Proposed Workshop: 2800 s.f.

PLANT LIST					
KEY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	COUNT
SHRUBS					
CHTS	Choisya ternata 'Sundance'	Sundance Mexican Orange	#3	5'	20
NADH	Nandina domestica 'Harbor Dwarf'	Harbor Dwarf Nandina	#1	2.5	12
VIDA	Viburnum davidii	David Viburnum	#1	4'	30
VITS	Viburnum tinus 'Spring Bouquet'	Compact Viburnum	#5	5	16



- Notes:
- All existing trees to remain except as noted.
 - All new planting to be irrigated with an automatic underground irrigation system.



907 SW Stark Street Portland OR 97205 USA
tel 503 226 6950 fax 503 273 9192
www.dowa-ibigroup.com www.ibigroup.com

FACILITIES DEPARTMENT 1150 NE LAFAYETTE AVENUE

McMinnville School District
1500 NE Baker Street, McMinnville, OR 97128
t: (503) 565 4000

ATLAS LANDSCAPE ARCHITECTURE

12955 SW Main St., #210
TIGARD, Oregon 97223
Tel: (503) 224-9288
www.atlas-la.com

REGISTERED 22nd LANDSCAPE ARCHITECT

NICHOLAS G. WILSON
12/30/1986
OREGON

key plan

phase	LANDUSE
date	JUNE 2016
revisions	
project #	16021
Landscape Site Plan	

L0.01



Dull Olson Weekes - IBI Group
Architects, Inc.

907 SW Stark Street Portland OR 97205 USA
tel 503 228 8950 fax 503 273 9192
www.dowa-ibigroup.com www.ibigroup.com

FACILITIES DEPARTMENT 1150 NE LAFAYETTE AVENUE

McMinnville School District
1500 NE Baker Street, McMinnville, OR 97128
t: (503) 565 4000

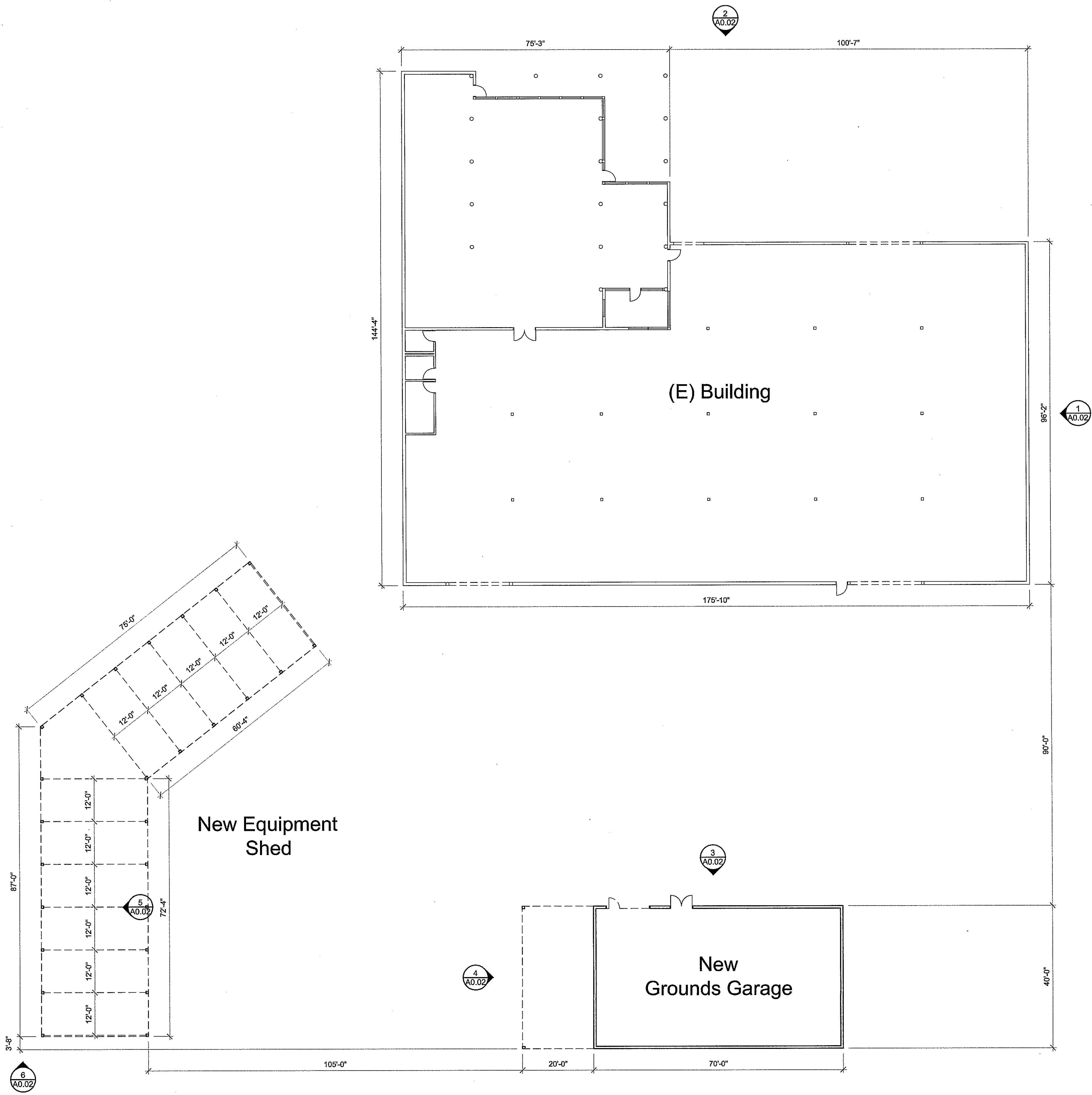


key plan

phase	LANDUSE
date	JUNE 2016
revisions	
project #	16021

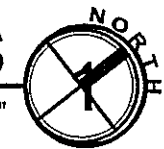
floor plans

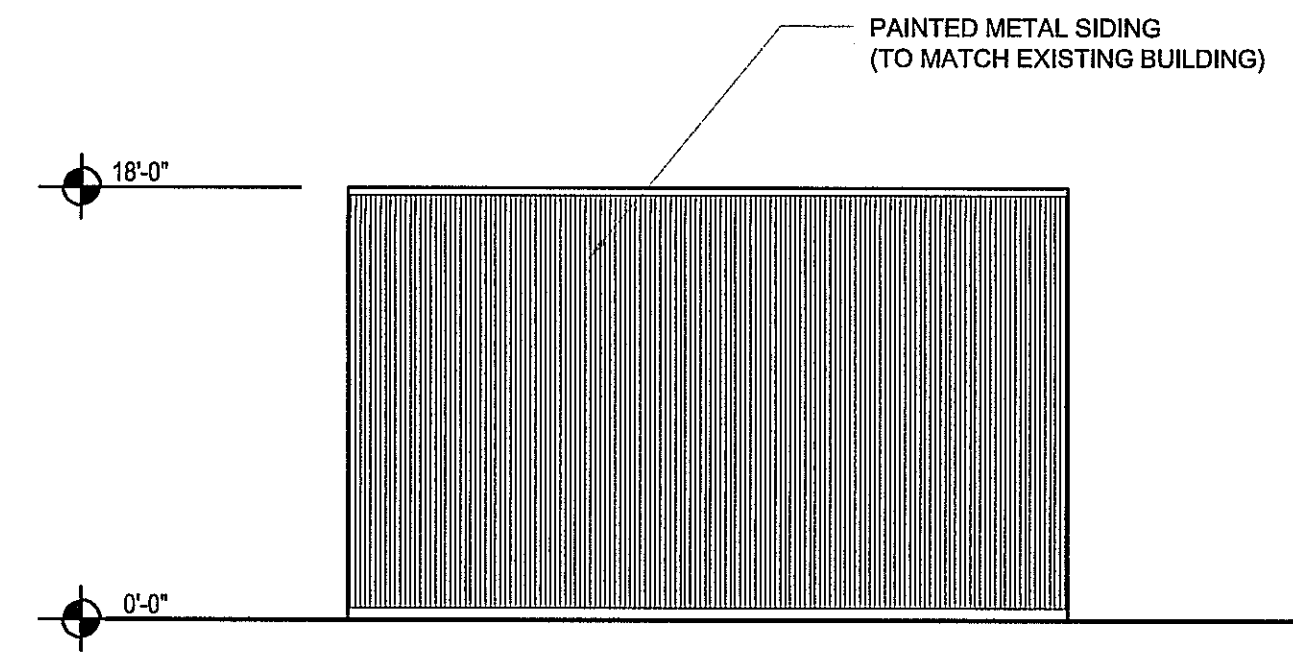
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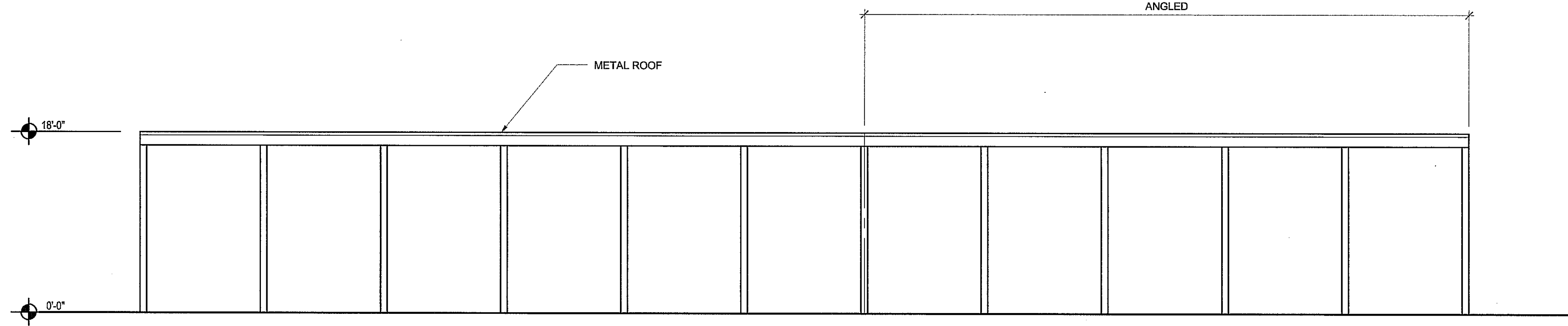
FLOOR PLANS

SCALE: 1/16" = 1'-0"

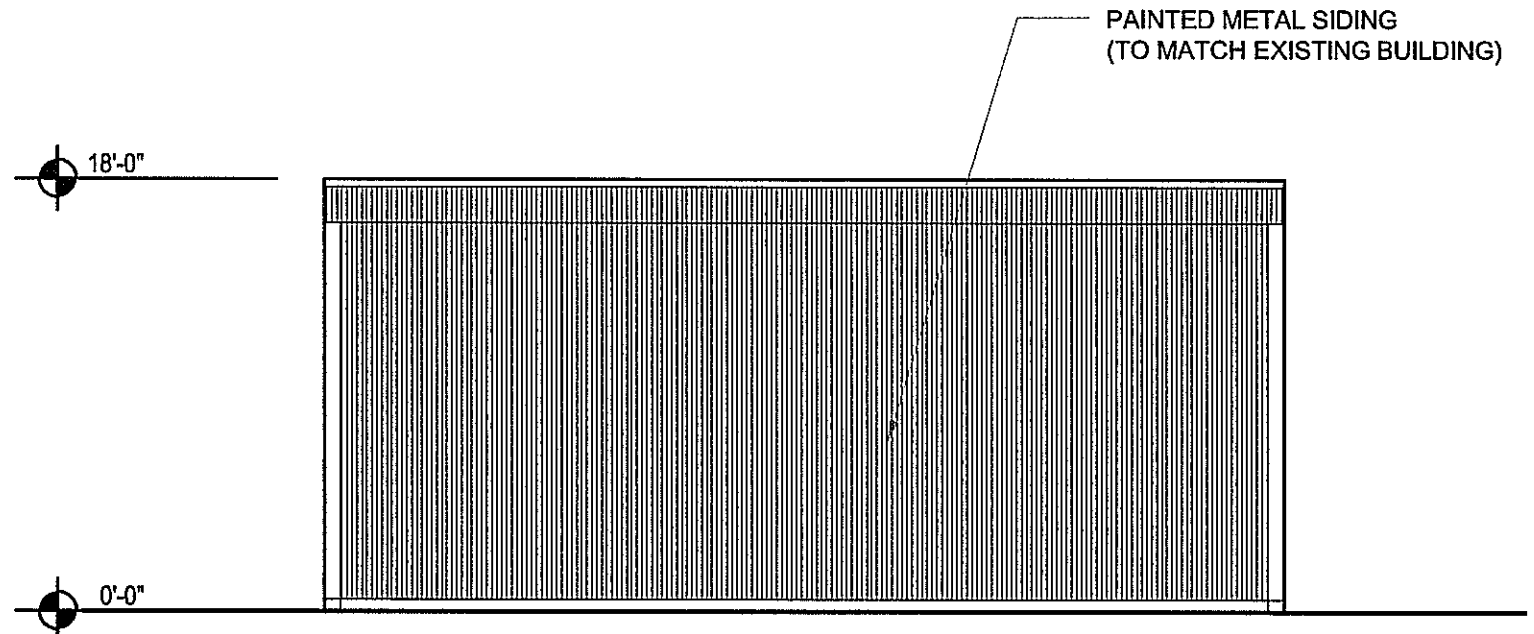




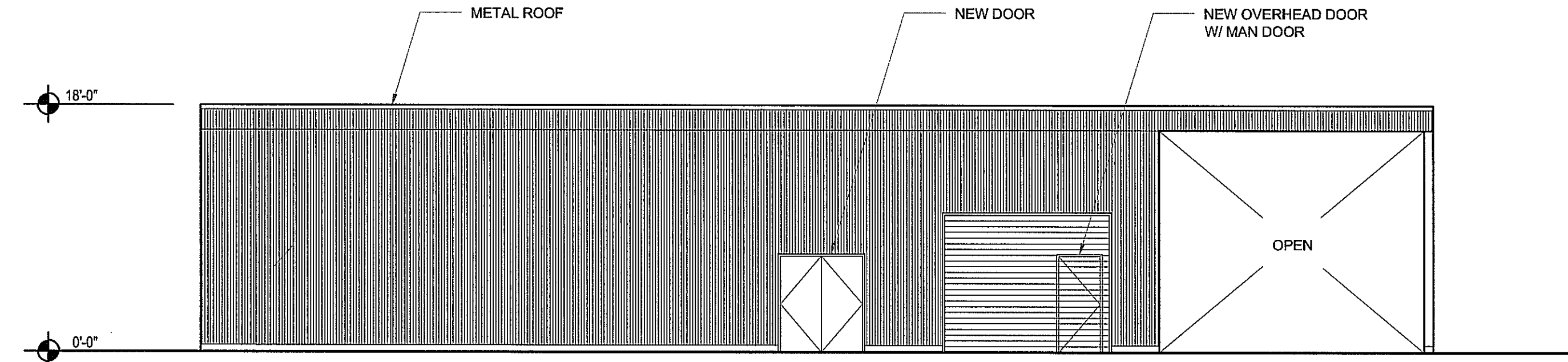
NORTH ELEVATION OF NEW EQUIPMENT SHED
SCALE: 1/8" = 1'-0" 6



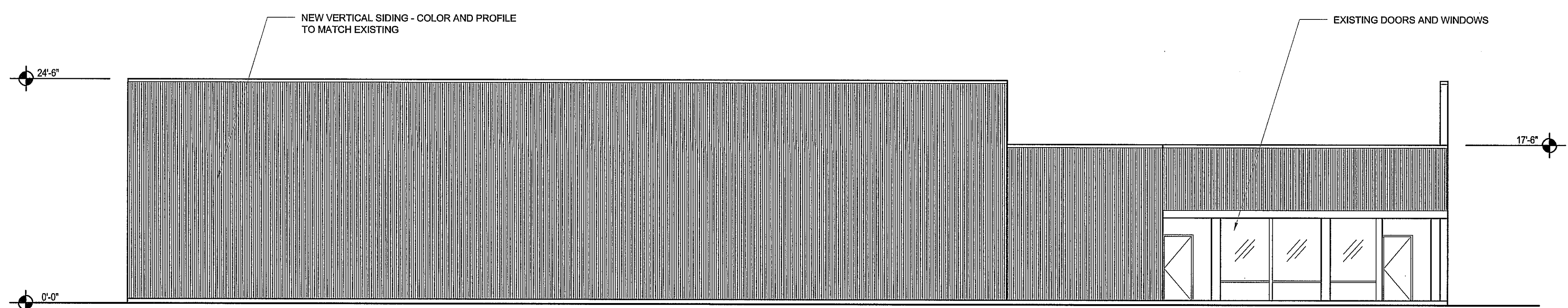
NORTHEAST ELEVATION OF NEW EQUIPMENT SHED
SCALE: 1/8" = 1'-0" 5



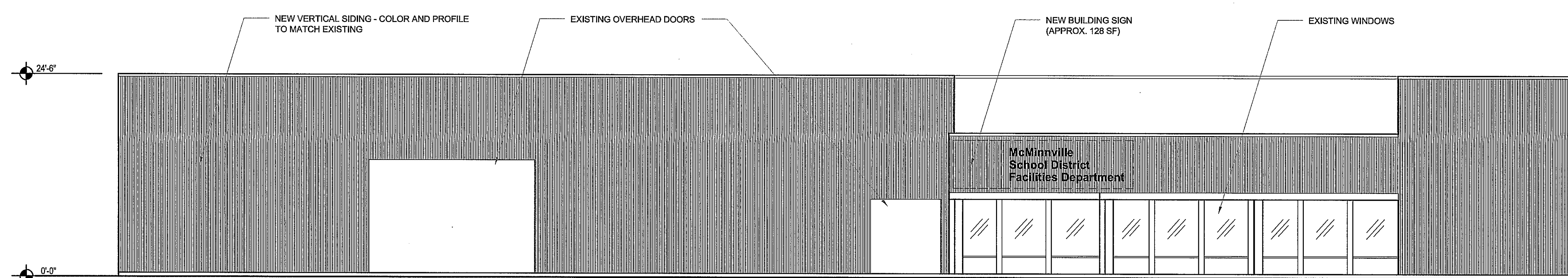
NORTHEAST ELEVATION OF NEW GROUNDS GARAGE
SCALE: 1/8" = 1'-0" 4



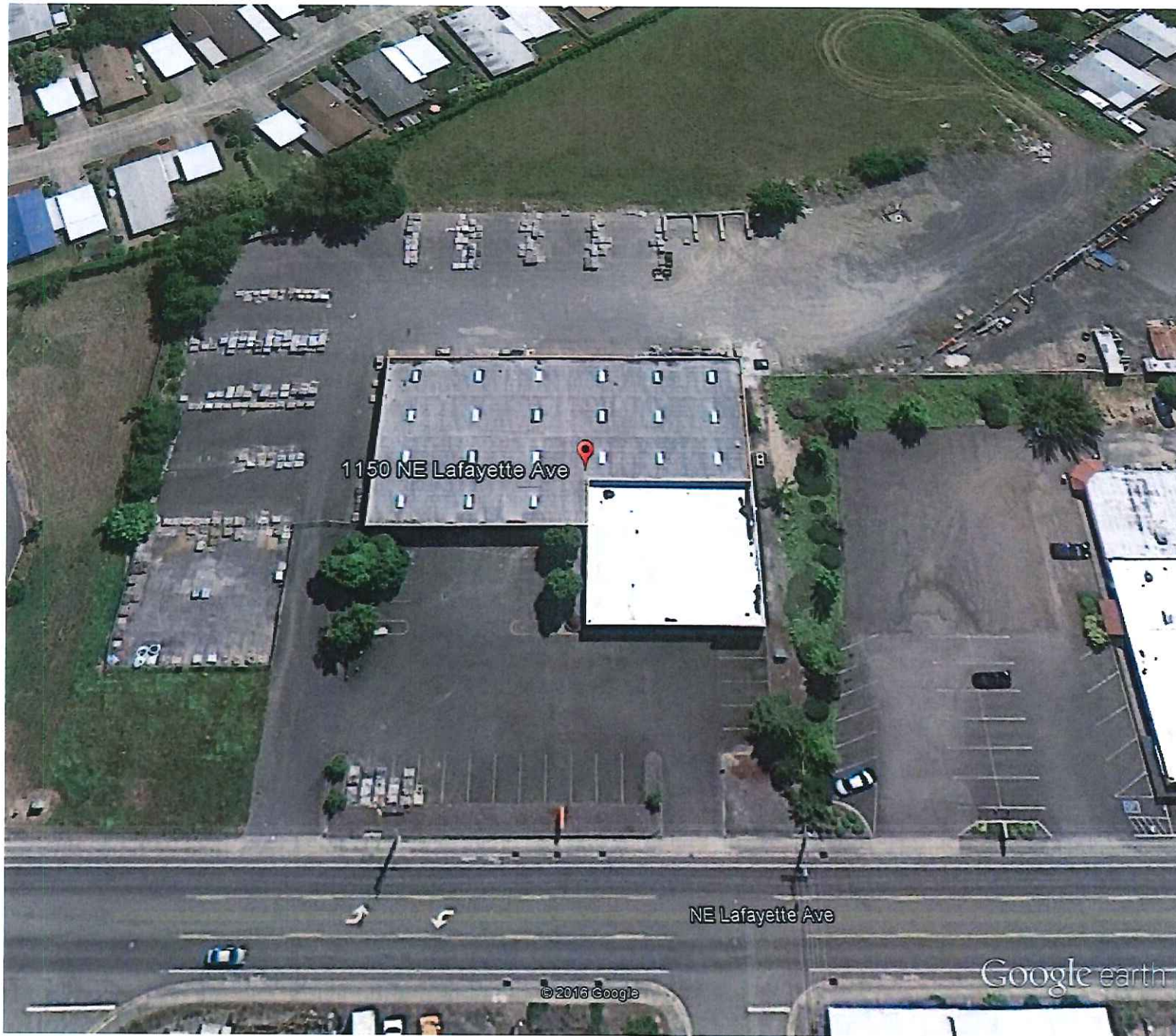
NORTHWEST ELEVATION OF NEW GROUNDS GARAGE
SCALE: 1/8" = 1'-0" 3



NORTHEAST ELEVATION OF EXISTING BUILDING
SCALE: 1/8" = 1'-0" 2



NORTHWEST ELEVATION OF EXISTING BUILDING
SCALE: 1/8" = 1'-0" 1



Google earth

feet
meters

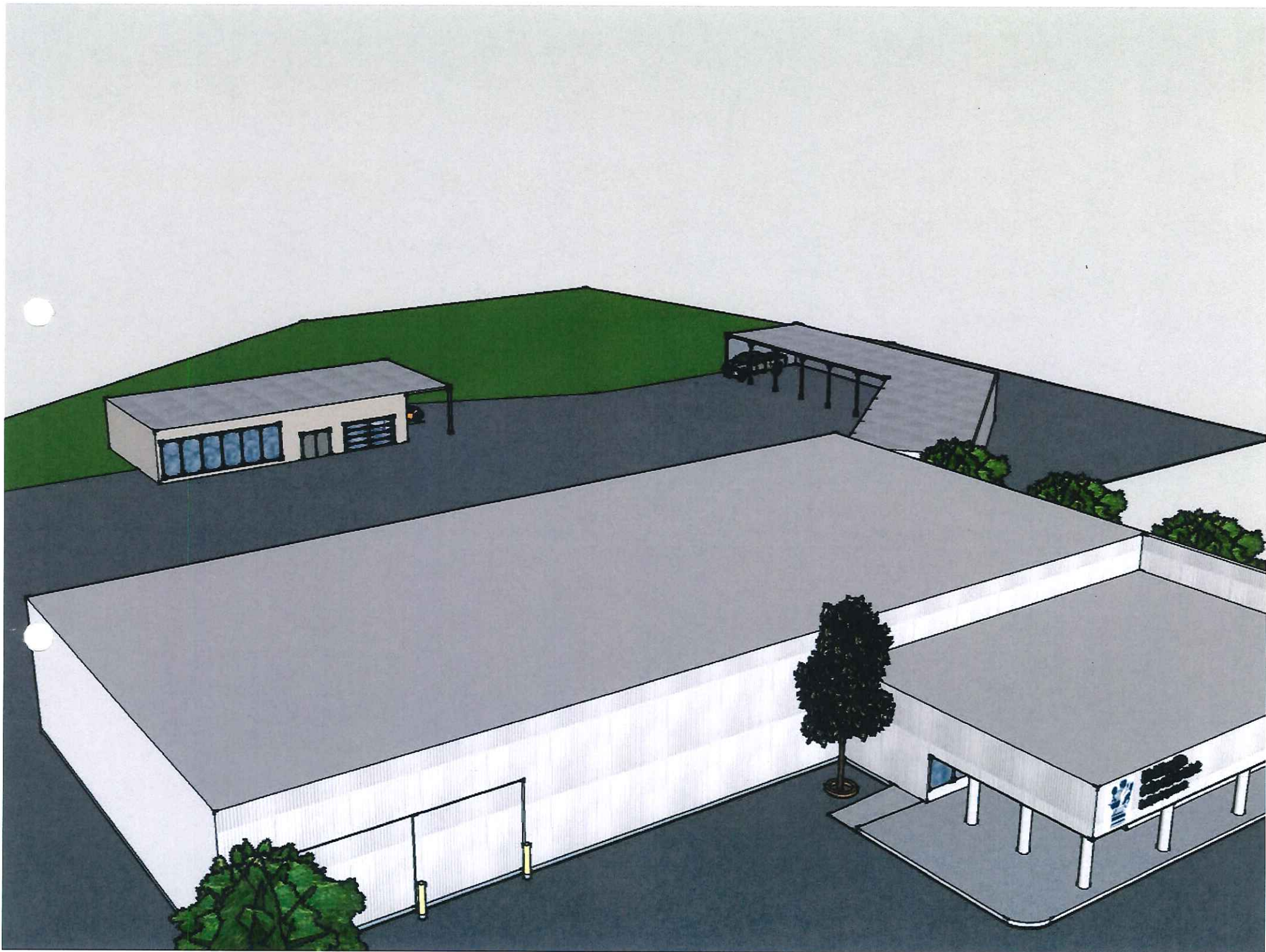


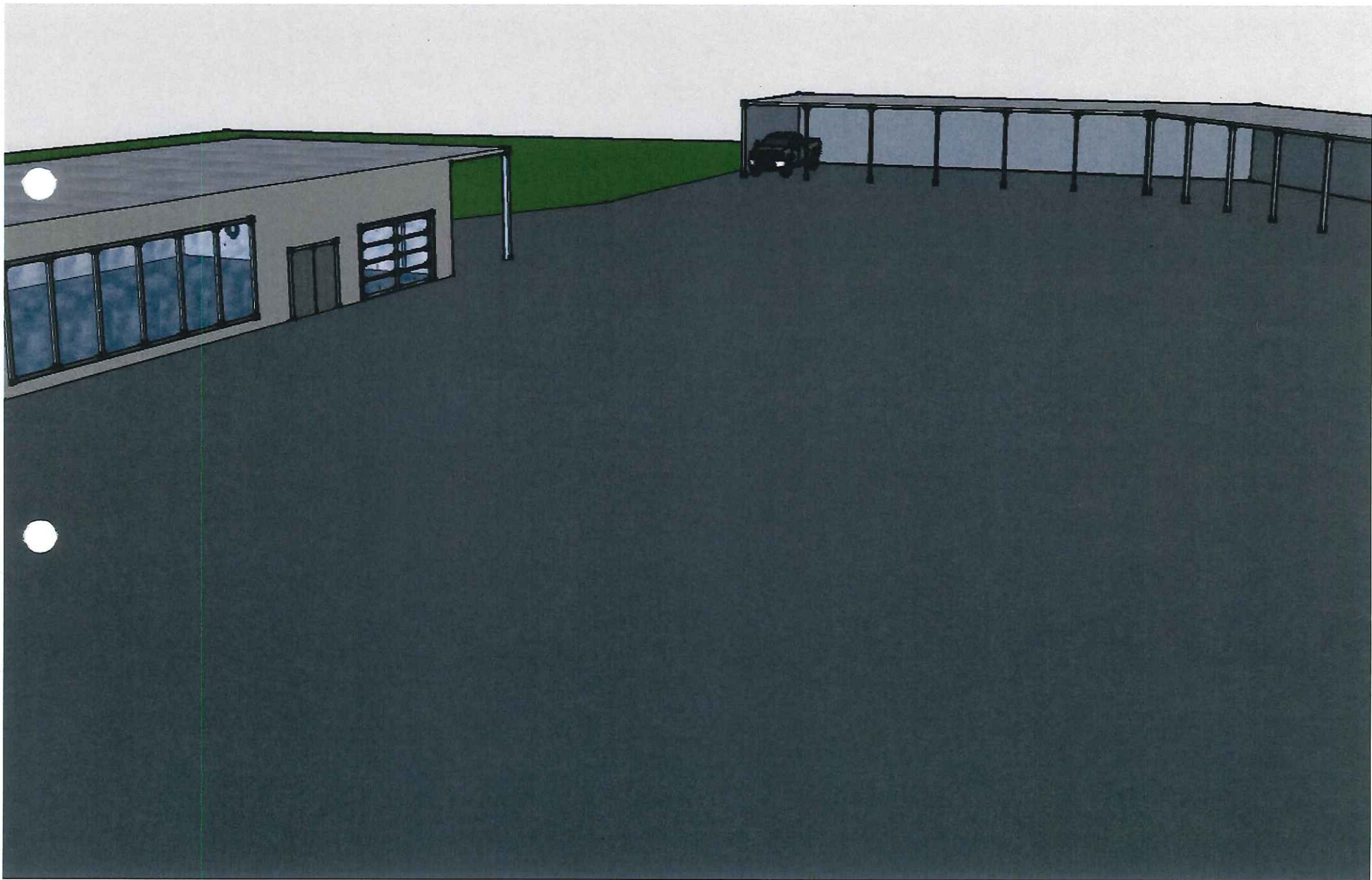


**Willamette
Graystone**
MANUFACTURING SOLID SOLUTIONS

1150







Ron Pomeroy

From: Peter Keenan [pkeen@msd.k12.or.us]
Sent: July 05, 2016 7:48 AM
To: Ron Pomeroy
Subject: Re: Conditional Use Permit application

Good morning Ron ,

In answer to your email dated 6-30-16 :

- The equipment building would shelter our large lawn mowers , bucket truck , small tractors , cube delivery trucks and vans ,all the towed grounds attachments to the tractors and any expensive equipment that now sits out in the weather .

- The grounds garage will house all our hand tools , sprinkler supplies , spare parts for repairs of the mowing and tractor equipment , a small office with rest room and shower, a wash station for the grass cutting equipment . We contract out all repairs and maintenance of the trucks to the County repair shop since we don't employ a mechanic. We keep only a very small supply of fuel for the equipment (10 to 15 gallons) since our fuel source is open 24/7 and do not stockpile grass related chemicals . These items are available from our supplier on a one to two day notice so there is no need or desire to have large quantities stored on site. The garage will have a typical door so the machines can be pulled in out of the weather to sharpen blades , replace drive belts and similar small maintenance duties.

- The main warehouse will house frozen and dry food stuffs and meal related supplies for school distribution . We currently store some of this to our current capacity at the existing maintenance site. Due to increases in demand for meals we also rent cold storage space in Forest Grove and must drive back and forth regularly to replenish our local supplies. The new building will enable us to store all supplies in McMinnville .

The warehouse will provide storage for everything used in the schools : desks , chairs and furniture, custodial supplies (paper , soap and custodial equipment) , maintenance supplies such as HVAC filters and spare parts , plumbing supplies , lighting and electrical supplies , paint , wood products , door and key supplies , We typically act as a distribution site for everything being shipped to the district since none of the schools are built with ample storage and loading docks or bays.

Because the existing maintenance facility was so small , we have become experts at distribution of supplies to the receiving schools quickly and efficiently thereby avoiding large stockpiles of any one item .

The warehouse will house the various workshops needed by the maintenance staff such as plumbing , electrical , key and lock , paint , metal , wood and equipment repair shops.

I sent Sarah an electronic copy of the 3 pages of plans on Thursday late afternoon so she could make smaller copies for you Please let me know if there are any other questions I can address .

Thanks,
Pete

On Thu, Jun 30, 2016 at 3:36 PM, Ron Pomeroy <Ron.Pomeroy@mcminnvilleoregon.gov> wrote:



Grantor's Name :

Whitsell LLC

Grantee's Name and Address:

Willamette Graystone Inc.

PO Box 7816

Eugene, OR 97401

After recording return to:

SAME AS GRANTEE

Until a change is requested all tax statements shall be sent to the following address:

SAME AS GRANTEE

OFFICIAL YAMHILL COUNTY RECORDS
CHARLES STERN, COUNTY CLERK

200200696



\$36.00

00077681200200006960030031

01/11/2002 11:09:01 AM

DMR-DDMR Cnt=1 Stn=2 ANITA

\$15.00 \$10.00 \$11.00

NORTHWEST TITLE COMPANY

STATUTORY SPECIAL WARRANTY DEED an Oregon Limited
Liability Company

KNOW ALL MEN BY THESE PRESENTS That Whitsell LLC, hereinafter called grantor, conveys and specially warrants to Willamette Graystone, Inc., hereinafter called grantee the following described real property free of encumbrances created or suffered by the grantor except as specifically set forth on Exhibit "B".

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR LEGAL DESCRIPTION OF REAL PROPERTY

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is

\$1,100,000.00

Whitsell LLC

BY: 

Robert LaDeRoute, Manager

BY: 

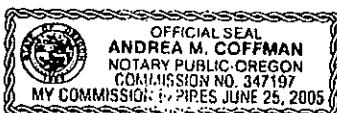
Michael D. Anderson, Manager

STATE OF OREGON

County of Washington

} SS:

This instrument was acknowledged before me on January 8, 2001, by Robert LaDeRoute and Michael D. Anderson, as Managers of Whitsell LLC an Oregon limited liability company on behalf of said company.



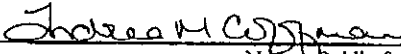

Notary Public for Oregon
My Commission Expires June 25, 2005

EXHIBIT "A"

A tract of land in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at an iron pipe in the North line of COTTAGE ADDITION to the City of McMinnville, at the Northeast corner of Lot 12 of said Addition; thence North 89°34'20" West along the North line of said Addition, 475.79 feet to an iron rod at the Southeast corner of that tract conveyed by Grace L. Miller to R. Waldo Farnham, by deed recorded September 28, 1972 in Film Volume 91, Page 691, Deed and Mortgage Records; thence North 37°54'50" East along the Easterly line of said Farnham tract and the Easterly line of that tract conveyed by Clayton R. Miller et al to C.D. Slaten and H. Karl Bouvier, by deed recorded August 12, 1946 in Book 137, Page 1, Deed Records, a distance of 368.20 feet to an iron rod at the Northeast corner of said Slaten and Bouvier tracts; thence North 52°05'20" West 217.8 feet along the Northerly line of said tract to an iron rod at the most Northerly corner of said Slaten and Bouvier tract; thence North 37°51'50" East along the Easterly line of Lafayette Avenue, 300.00 feet to an iron pipe; thence South 52°08'10" East 306.96 feet to an iron pipe; thence South 00°35'50" West 476.32 feet to the place of beginning.

EXCEPT that tract conveyed to R. Waldo Farnham, recorded September 16, 1982 in Film Volume 172, Page 209, Deed and Mortgage Records, more particularly described as follows:

A tract of land in Section 21, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being part of that certain tract of land described in deed recorded in Film Volume 111, Page 1251, Yamhill County Deed and Mortgage Records, and being described as follows:

Beginning at an iron rod at the Northeast corner of Lot 7, COTTAGE ADDITION to the City of McMinnville, Yamhill County, Oregon; thence North 89°34'20" West 185.74 feet to an iron rod at the Southeast corner of the Farnham Electric Co. tract; thence North 37°54'50" East 302.26 feet along the Easterly line of said Farnham tract and its Northeasterly extension to an iron rod in the Northerly extension of the Westerly line of Newby Street; thence South 239.85 feet along said Northerly extension to the point of beginning.

EXHIBIT "B"

The herein described property is subject to the following exceptions:

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of roads or highways.

NOTICE

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 18th day of August, 2016, at the hour of 6:30 p.m. at the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

DOCKET
NUMBER

CU 7-16 McMinnville School District is requesting approval of a conditional use permit to allow establishment of a maintenance facility to accommodate a grounds garage, equipment storage building, warehouse and office space. The subject site is located at 1150 NE Lafayette Avenue, and is more specifically described as Tax Lot 202, Section 21, 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 Planning Commission's decision on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (the Zoning Ordinance) with particular emphasis on Section 17.03.020 (Purpose), Chapter 17.33 (C-3 General Commercial Zone), Chapter 17.72 (Applications and Review Process), and Chapter 17.74 (Review Criteria).
3. Planned Development Ordinance No. 4971.

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue 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 this Commission to respond to the issue precludes an action for damages in circuit court.

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.

For additional information contact Ron Pomeroy, Principal Planner, at the above address, or phone (503) 434-7311.

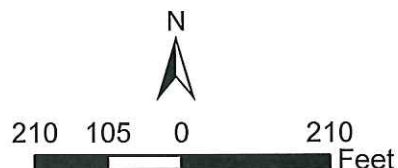
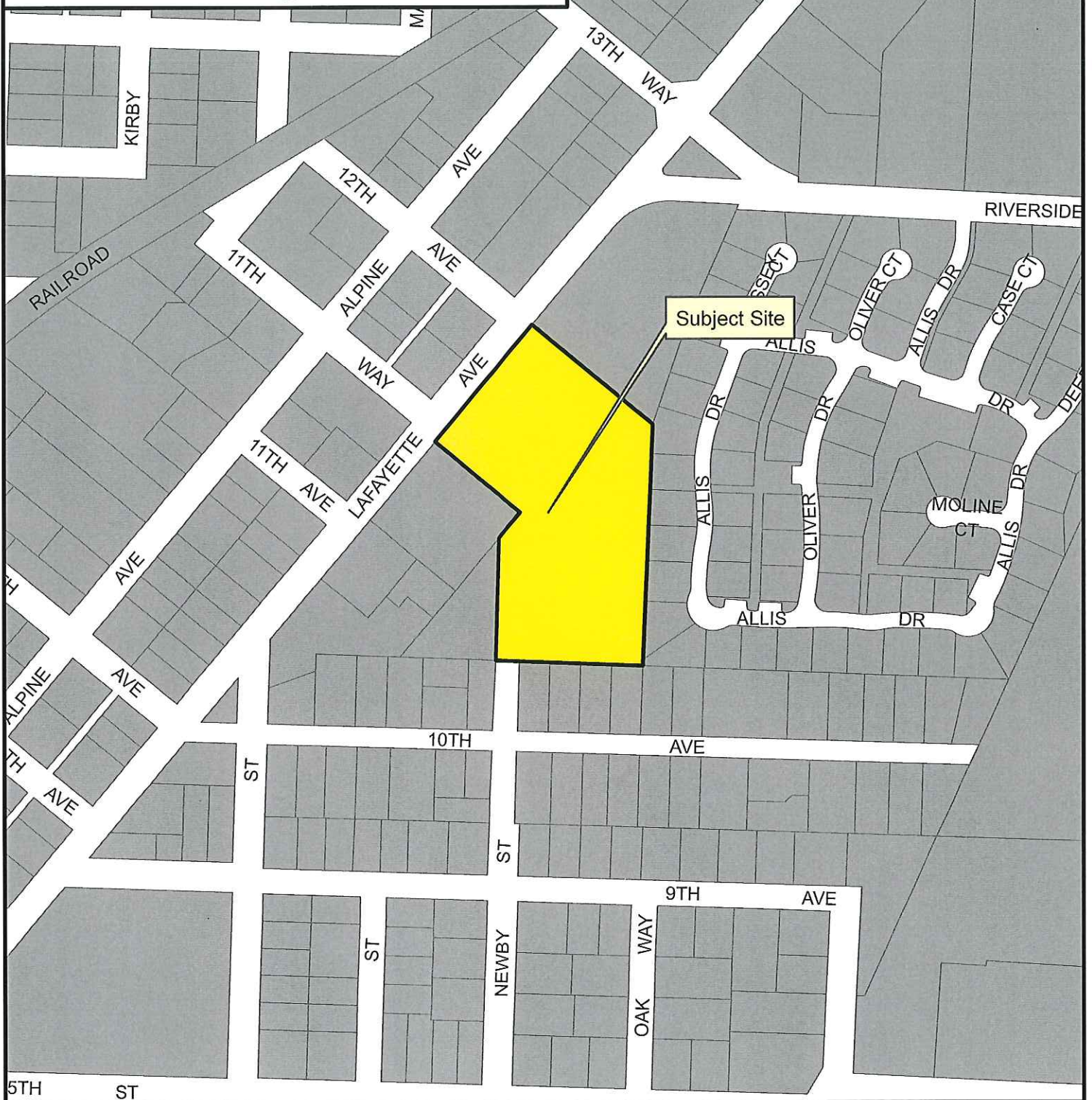
The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.



Ron Pomeroy
Principal Planner

(Map of area on back)

Vicinity Map



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


Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4416DC05000	1305 NE LAFAYETTE AVE	J C	J C COMPTON CONTRACTOR INC	PO BOX 360	MCMINNVILLE OR	97128
2	R4416DC04900	1305 NE LAFAYETTE AVE	J C	J C COMPTON CONTRACTOR INC	PO BOX 360	MCMINNVILLE OR	97128
3	R4421 00204	1250 NE LAFAYETTE AVE	ABEL ENTERPRISES	ABEL ENTERPRISES LLC	1250 NE LAFAYETTE AVE	MCMINNVILLE OR	97128
4	R4416DC05300	1186 NE ALPINE AVE	YUTZY CORA	YUTZY TRUST	7740 SE BOOTH BEND RD	MCMINNVILLE OR	97128
5	R4416DC05100		J C	J C COMPTON CONTRACTOR INC	PO BOX 360	MCMINNVILLE OR	97128
6	R4416DC05400	1158 NE ALPINE AVE	MEHLHOFF GARY	MEHLHOFF GARY N & NANCY A	1150 NE 17TH ST	MCMINNVILLE OR	97128
7	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
8	R4416DC05500	1156 NE ALPINE AVE	MEHLHOFF GARY	MEHLHOFF GARY N & NANCY A	1150 NE 17TH ST	MCMINNVILLE OR	97128
10	R4416DC05200	1157 NE LAFAYETTE AVE	YUTZY CORA	YUTZY TRUST	7740 SE BOOTH BEND RD	MCMINNVILLE OR	97128
11	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
12	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
13	R4416DC05600	1145 NE LAFAYETTE AVE	GILSON PAUL	STENTZ FAMILY TRUST 1/2	PO BOX 306	PACIFIC CITY OR	97135
14	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
15	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
16	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
17	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
18	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
19	R4416DC05700	1109 NE LAFAYETTE AVE	MADSEN LONNIE	MADSEN LONNIE L	1109 NE LAFAYETTE AVE	MCMINNVILLE OR	97128
20	R4421AB00100	1100 NE LAFAYETTE AVE	RODICO INC	RODICO INC	28805 NE WILSONVILLE RD	NEWBERG OR	97132
21	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
22	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
23	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
24	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
25	R4421AB00300	1052 NE LAFAYETTE AVE	RODICO INC	RODICO INC	28805 NE WILSONVILLE RD	NEWBERG OR	97132
26	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
27	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
28	R4421 00203	1050 NE LAFAYETTE AVE	FARNHAM R	FARNHAM R WALDO & BONNIE J FAMILY JT	1050 NE LAFAYETTE AVE	MCMINNVILLE OR	97128
29	R4421AB00401		RODICO INC	RODICO INC	28805 NE WILSONVILLE RD	NEWBERG OR	97132
30	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
31	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
32	R4421AB00400	1050 NE LAFAYETTE AVE	FARNHAM R	FARNHAM R WALDO & BONNIE J FAMILY JT	1050 NE LAFAYETTE AVE	MCMINNVILLE OR	97128
33	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
34	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442

Date Sent 7/27/14

Sent By SP

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
35	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
36	R4421 00200	1602 NE RIVERSIDE DR	LA CASA	LA CASA MOBILE HOME PARK PARTNERSHIP	PO BOX 694	GLEN ELLEN CA	95442
37	R4421AB01500	1249 NE 10TH AVE	SANDERLIN CLIFFORD	MARKS HEATHER JO	10522 235TH PLACE SW	EDMONDS WA	98020
38	R4421AB01400	1327 NE 10TH AVE	DUARTE MARIA	DUARTE MARIA C	1347 NE 10TH AVE	MCMINNIVILLE OR	97128
39	R4421AB01300	1349 NE 10TH AVE	BECERRIL YANETH	BECERRIL YANETH & SERAFIN	1349 NE 10TH AVE	MCMINNIVILLE OR	97128
40	R4421AB01200	1407 NE 10TH AVE	SANCHEZ LLANETTE	SANCHEZ LLANETTE P	1409 NE 10TH AVE	MCMINNIVILLE OR	97128
41	R4421AB01100	1417 NE 10TH AVE	CONTRERAS ALICIA	CONTRERAS ALICIA	1688 NW JACIE WY	MCMINNIVILLE OR	97128
42	R4421AB01001	1429 NE 10TH AVE	BAGNALL JOEL	BAGNALL JOEL D	5000 PLANO PARKWAY	CARROLLTON TX	75010
43	R4421AB01000	1433 NE 10TH AVE	GARCIA PEDRO	RODRIGUEZ CELIA FLORES 1/2 &	1433 NE 10TH AVE	MCMINNIVILLE OR	97128
44	R4421AB00900	1509 NE 10TH AVE	DE KAR	DE KAR BRIAN	1509 NE 10TH AVE	MCMINNIVILLE OR	97128
45	R4421AB00800	1515 NE 10TH AVE	SURPRISE KIMBERLY	SURPRISE KIMBERLY A	1515 NE 10TH AVE	MCMINNIVILLE OR	97128
46	R4421AB00600	1527 NE 10TH AVE	CHRIESTENSON KYLE	PERRON AMANDA Y	1527 NE 10TH AVE	MCMINNIVILLE OR	97128
47	R4421AB01401	1347 NE 10TH AVE	CUNNINGHAM LUCAS	CUNNINGHAM LUCAS J	1327 NE 10TH AVE	MCMINNIVILLE OR	97128
48	R4421AB02300	1332 NE 10TH AVE	MCLEOD KEVIN	MCLEOD KEVIN W	1316 E 10TH ST	MCMINNIVILLE OR	97128
49	R4421AB02400	1342 NE 10TH AVE	ARREOLA KATHLEEN	ARREOLA KATHLEEN M	1342 NE 10TH AVE	MCMINNIVILLE OR	97128
50	R4421AB02600	1406 NE 10TH AVE	DUNN DAREN	DUNN DAREN C	1406 NE 10TH AVE	MCMINNIVILLE OR	97128
51	R4421AB02700	1408 NE 10TH AVE	WISE DENNIS	WISE DENNIS & MARY A	1408 NE 10TH AVE	MCMINNIVILLE OR	97128
52	R4421AB02800	1428 NE 10TH AVE	ELLIOTT BRIAN	ELLIOTT MALA L	1428 NE 10TH AVE	MCMINNIVILLE OR	97128
53	R4421AB02900	1432 NE 10TH AVE	JARVIS ALTA	ATTN: LILLIAN HESTER	PO BOX 1475	ASHFORK AZ	86320
54	R4421AB03000	1434 NE 10TH AVE	PAXTON ANTHONY	PAXTON ANTHONY	19451 SW MEADOW VIEW DR	MCMINNIVILLE OR	97128
55	R4421AB03100	1516 NE 10TH AVE	SAUBLE NATHAN	SAUBLE REBEKAH	1516 NE 10TH AVE	MCMINNIVILLE OR	97128
Owner	R4421 00202	1150 NE LAFAVETTE AVE	WILLAMETTE GRAVSTONE	C/O QUIKRETE ATTN: TAX DEPT	3490 PIEDMONT ROAD STE 1300	ATLANTA GA	30305
Applicant			MCMINNIVILLE SCHOOL DISTRICT	C/O PETER KEEMAN	1500 NE BAKER ST	MCMINNIVILLE OR	97128



DATE: August 11, 2016
TO: Planning Commission
FROM: Ron Pomeroy, Principal Planner 
SUBJECT: ***PROPOSED ZONING ORDINANCE AMENDMENT***
Modification to Chapter 17.64 (Marijuana Related Activities)

Purpose

On June 14, 2016, the McMinnville City Council directed Planning Department staff to initiate a legislative amendment regarding McMinnville zoning ordinance Chapter 17.64 (Marijuana Related Activities) for the purpose of removing the words "State licensed preschool."

The effect of this proposed amendment, if approved, would be that "state licensed preschools" would no longer be locally provided a 1,000 foot buffer from marijuana dispensaries and/or commercial recreational retail marijuana facilities.

Background

On June 6, 2016, a memo was provided to the McMinnville Mayor and City Council by the Planning Department (attached) outlining a difficulty in administering a specific portion of the Marijuana Related Activities chapter of the McMinnville Zoning Ordinance (Chapter 17.64). Following review and discussion, the Council directed staff to initiate the proposed legislative amendment that is before you.

Recommendation

Staff recommends that the Planning Commission, after receiving testimony and deliberating on the request, forward a recommendation to approve the proposed legislative amendment to the City Council.

Motion

That based on the testimony and materials submitted, the Planning Commission recommends that the City Council approve the proposed amendment as recommended by staff.



DATE: June 6, 2016
TO: Mayor and City Council
CC: Martha Meeker, City Manager
FROM: Doug Montgomery, Planning Director
SUBJECT: ***REQUEST TO INITIATE LEGISLATIVE ZONING
ORDINANCE AMENDMENT***

Background

In the course of conducting research related to a citizen's concern regarding the approved location for a medical marijuana dispensary in McMinnville, staff has discovered that the term "State licensed preschool," which is one of the uses from which medical marijuana dispensaries and commercial recreational marijuana businesses must be buffered a minimum of 1,000 feet, lacks clear definition in State law and Oregon Administrative Rule. In fact, we have learned that the term "license" does not appear in this body of law, a detail acknowledged in a recent email to staff from Dawn Woods, the Child Care Director for the Early Learning Division of the Oregon Department of Education.¹

Given this situation, and that State law offers several other categories for child care (e.g., "child care center," "nursery school," "child play school," "child development center"), it is our opinion that the ability to administer and enforce this particular provision of Chapter 17.64 (Marijuana Related Activities) of the McMinnville Zoning Ordinance is severely compromised, and left open to challenge. Further, it has been our experience from prior attempts that the ability to obtain a comprehensive list of locations in McMinnville from which preschool activities are conducted is difficult and the end product incomplete, making for inconsistent application of this particular buffering criterion.

¹ In an email to Principal Planner Ron Pomeroy, dated June 1, 2016, Ms. Woods stated: "As we discussed, it is more complicated than one would think [sic] in fact I learned the word "license" does not appear in our statute."

For the reasons described previously, staff recommends the City Council direct staff to initiate the process necessary to amend Chapter 17.64 to either:

1. Remove in its entirety the phrase "State licensed preschool" from where it appears in Section 17.64.040(A)(6)(c) of the McMinnville Zoning Ordinance, thereby removing the requirement that such use be buffered from marijuana related activities; or
2. Work to create a body of language that would make clear the type of preschool or child care facilities from which they shall be buffered from marijuana related activities.

This request to initiate a legislative amendment is being made consistent with the requirements of the McMinnville Zoning Ordinance, Section 17.72.080(A), which reads as follows:

"A. A requested amendment to the text of the zoning ordinance or comprehensive plan would call for a legislative-type hearing, the purpose of which is to obtain public input primarily on matters of policy. A legislative amendment may be initiated by the City Council, the Planning Commission or by the Citizens' Advisory Committee. Any other citizen may petition the City Council requesting them to initiate a text amendment."

Should the City Council choose to initiate such action, staff would prepare the appropriate draft amendment(s), provide the required public notice to the State and local community, and schedule a hearing before the Planning Commission for public testimony and recommendation to the City Council.

Recommendation

Based upon our review of this issue, staff recommends the City Council take action to initiate a legislative amendment of Chapter 17.64 of the McMinnville Zoning Ordinance. If time permits, staff would welcome discussion and direction from the City Council regarding their preferred course of action.

ORDINANCE NO.

An Ordinance amending Chapter 17.64 of the McMinnville Zoning Ordinance to remove the 1,000 foot buffer requirement around “state licensed preschools” from marijuana related activities.

RECITALS:

WHEREAS, the McMinnville City Council adopted Ordinance 5000 on December 22, 2015, that, in part, established that medical marijuana dispensaries and/or commercial recreational facilities may not be located within 1,000 feet of a state licensed preschool; and

WHEREAS, the term “state licensed preschool” lacks clear definition in State law and Oregon Administrative Rule. Accordingly, the ability to administer and enforce this particular provision of Chapter 17.64 of the McMinnville Zoning Ordinance is severely compromised, and left open to challenge.

WHEREAS, on June 14, 2016, the City Council directed the Planning Department to initiate a legislative zoning ordinance amendment process to modify Chapter 17.64 of the McMinnville Zoning Ordinance (Ord. No. 3380) removing certain language specific to “state licensed preschool”; and

WHEREAS, the draft amendment to Chapter 17.64 was presented to the Planning Commission at a public hearing held on August 18, 2016, after due notice had been published in the “News Register” and after due notice was provided to the Oregon Department of Land Conservation and Development (DLCD) not less than 35 days prior to the public hearing. No public testimony was offered at the hearing in response to the proposed changes; and

WHEREAS, following the close of the public hearing and subsequent deliberation, the Commission voted unanimously to forward a recommendation to the City Council for approval of the proposed amendment to Chapter 17.64 of the McMinnville Zoning Ordinance as presented by staff; Now, therefore

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That Section 17.64.040(6)(c) (Marijuana Related Activities – Performance Standards) of the McMinnville Zoning Ordinance (No. 3380) is amended as follows: [Deleted text is identified as strikeout text.]

17.64.040(6)(a) Performance Standards:

~~c—State licensed preschool.~~

DRAFT

Section 2. That this ordinance shall take effect 30 days after its passage by the Council.

Passed by the Council this 27th day of September, 2016, by the following votes:

Ayes: _____

Nays: _____

Approved this 27th day of September, 2016.

Effective Date: October 27, 2016.

MAYOR

Approved as to Form:

CITY ATTORNEY



DATE: August 11, 2016
TO: Planning Commission
FROM: Ron Pomeroy, Principal Planner *RP*
SUBJECT: *FINDINGS FOR AP 2-16 (Risdon)*

Purpose

The attached findings reflect the record and support the decision of the Planning Commission's public hearing AP 2-16 (Risdon) held on the evening of July 21, 2016.

Recommendation

That the Planning Commission Chair (or Chair pro tem) sign the attached findings supporting the decision of the Planning Commission hearing AP 2-16.

AP 2-16 (807 NW Adams Street - Risdon) Findings

- The PC met on July 21 and held a public hearing for AP 2-16.
- Staff report was presented
- Testimony was provided by Cole Risdon
- Hearing was closed and the PC deliberated
 - Deliberation included:
 - PC found that the performance standards set forth at McMinnville Zoning Ordinance (Ord. No. 3380) Section 17.64.040(A) are applicable criteria for determining whether a proposed "recreational marijuana dispensary" is prohibited or not prohibited for the purposes of responding to an Oregon Liquor Control Commission (OLCC) Land Use Compatibility Statement (LUCS) form.
 - PC found that the criteria set forth at Section 17.64.040(A)(6)(a), prohibits medical marijuana dispensaries and commercial marijuana retail facilities from being located within 1,000 feet of a public elementary or secondary school.
 - PC found that Section 17.64.040(A)(12) did not bind them to utilizing the five (5) criteria listed in OAR 333-008-1110(2)(a-e) for determining what constitutes a "school."
 - PC found that the criteria set forth at Section 17.64.040(A)(6)(a) to be vague and open to interpretation regarding what types of facilities qualify as a "school" for the purpose of applying the 1,000 foot buffer.
 - PC found insufficient evidence in the record to determine that the Cows Street Tennis Courts were a school pursuant to Chapter 17.64.040(A)(6)(a) of the McMinnville Zoning Ordinance.
 - PC voted in the affirmative (4 to 2) to overturn the previous determination by the Planning Director that the proposed use was prohibited by Section 17.64.040(A)(6)(a), and held instead that the proposed use is not prohibited by the City of McMinnville's comprehensive plan and land use regulations.

Planning Commission Chair

Date