



City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

EXHIBIT 2 - STAFF REPORT

DATE: December 7, 2023
TO: Planning Commission Members
FROM: Tom Schauer, Senior Planner
SUBJECT: Public Hearing – Planned Development Amendment PDA 1-23, Subdivision S 1-23, Three Mile Lane Review TML 5-23

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider concurrent review of three applications for property totaling approximately 2.83 acres located at 235 NE Dunn Place (Tax Lot R4422CD 01700) **See Vicinity Map (Figure 1) and Zoning Map (Figure 2).**

The applications are: Planned Development Amendment PDA 1-23, Subdivision Tentative Plan S 1-23 and Three Mile Lane Review TML 5-23. The applications are submitted by the applicant for a proposal for a 21-lot subdivision and townhouse development, “Dunn Place” on property which is approximately 2.83 acres.

The requests are summarized below:

PDA 1-23. The subject property is subject to an existing Planned Development Overlay Ordinance. The proposal includes revisions to the original Planned Development master plan, which requires approval of a Planned Development Amendment.

S 1-23. The subdivision tentative plan application is for 21 lots: 20 lots for townhouses and one additional lot.

TML 5-23. The subject property is within the Three Mile Lane Planned Development Overlay, established by Ordinance 4131 and subsequently revised by Ordinances 4572, 4666, 4988, and 5101. The proposed development is subject to policies and standards of the Three Mile Lane Planned Development Overlay Ordinance.

This is a consolidated review to consider these three applications associated with the development of the subject property. There will be one public hearing to receive testimony, and then three separate votes will be taken: one vote for each application, based on the applicable criteria.

The consolidated review procedures specify that the decisions for all applications are subject to the procedure that affords the most opportunity for public hearing and notice:

17.72.070 Concurrent Applications. When a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice.

The Planning Commission will make the decisions on the applications. That will be the final local decision unless the applications are appealed to City Council.

Background:

The applicable criteria and standards are summarized below:

- The applicable criteria for the Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance and Planned Development Ordinances 4719 and 4956.
- The applicable criteria for the Subdivision Tentative Plan are provided in Chapter 17.53 of the Zoning Ordinance.
- The applicable criteria for the Three Mile Lane Ordinance are provided in the policies and applicable provisions of Ordinance 4131 (as amended).
- Applicable Goals and Policies of the Comprehensive Plan are also criteria for land use decisions.

Some of the criteria also reference compliance with applicable provisions of the Zoning Ordinance and other applicable ordinances and policies. Those are addressed in the Decision Document.

The subject property is zoned R-4 PD, which means it is subject to the provisions of the R-4 zone, except as modified by the provisions of a Planned Development Overlay Ordinance applicable to the property.

Currently, the approved Planned Development master plan for tax lot 1700 is for a memory care facility. **See Figure 4 for current and previous master plan approval.** The proposed Planned Development Amendment would replace the currently approved PD master plan with the plan for the proposed 21-lot subdivision and townhouse development. **See Figure 3 for the proposed plans.**

Discussion:

The proposed Planned Development Amendment application would amend the Planned Development to replace the previous portion of the master plan for Tax Lott 1700 with the new master plan for the subdivision and townhouse development. The other two applications S 1-23 and TML 5-23 address the proposed subdivision and consistency with the Three Mile Lane Planned Development Overlay Ordinance.

Subject to conditions and revisions, the applications are consistent with applicable criteria and standards of the Zoning Ordinance and other ordinances.

Agency comments are included in the decision document. No written public comments have been submitted for the record as of November 28, 2023.

Attachments:

1. Decision Document
2. Applications and Attachments

Planning Commission Options:

1. **APPROVE** the applications as proposed by the applicant, per the decision document provided, which includes conditions and findings.
2. **CONTINUE** the public hearing to a specific date and time.
3. Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
4. Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

Staff Recommendation:

PDA 1-23

Staff has reviewed the proposal for consistency with the applicable criteria. Staff finds that, based on the findings in the attached Decision Document, the application submitted by the applicant and the record contain evidence that demonstrates that, with conditions, the application complies with the applicable criteria and that the applicant has met the burden of proof.

Staff **RECOMMENDS APPROVAL** of the application based on the findings and conditions in the attached Decision Document.

S 1-23

Staff has reviewed the proposal for consistency with the applicable criteria. Staff finds that, based on the findings in the attached Decision Document, the application submitted by the applicant and the record contain evidence that demonstrates that, with conditions, the application complies with the applicable criteria and that the applicant has met the burden of proof.

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TML 5-23

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Staff **RECOMMENDS APPROVAL** of the application based on the findings and conditions in the attached Decision Document.

Suggested Motion:

PDA 1-23

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE PLANNED DEVELOPMENT AMENDMENT, PDA 1-23, SUBJECT TO THE CONDITIONS IN SECTION II OF THE DECISION DOCUMENT.

S 1-23

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE THE SUBDIVISION TENTATIVE PLAN, S 1-23, SUBJECT TO THE CONDITIONS IN SECTION II OF THE DECISION DOCUMENT.

TML 5-23

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE THE THREE MILE LANE DESIGN REVIEW, TML 5-23, SUBJECT TO THE CONDITIONS IN SECTION II OF THE DECISION DOCUMENT.

Figure 1. Aerial Photo and Vicinity Map

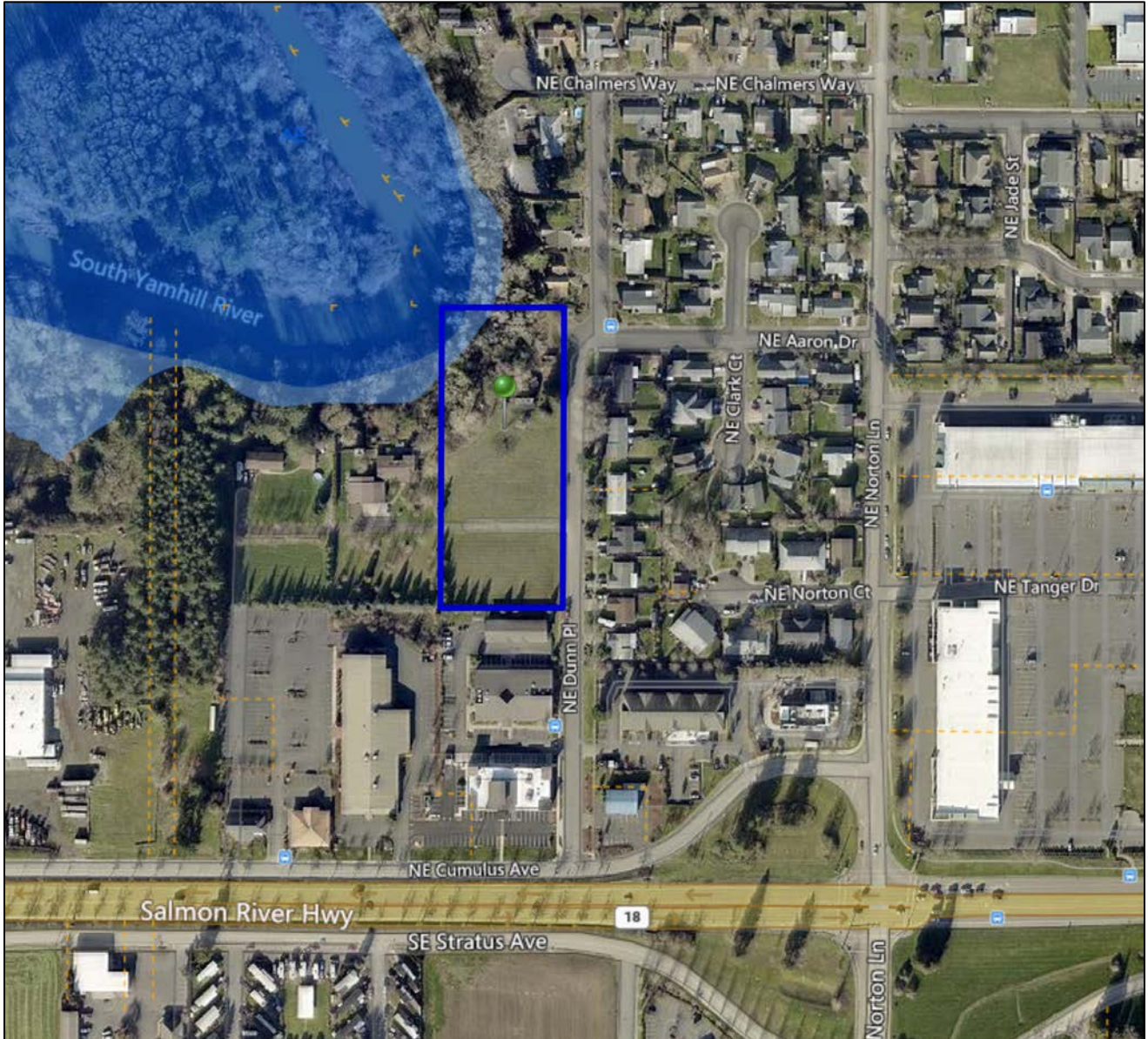


Figure 2. Zoning Map

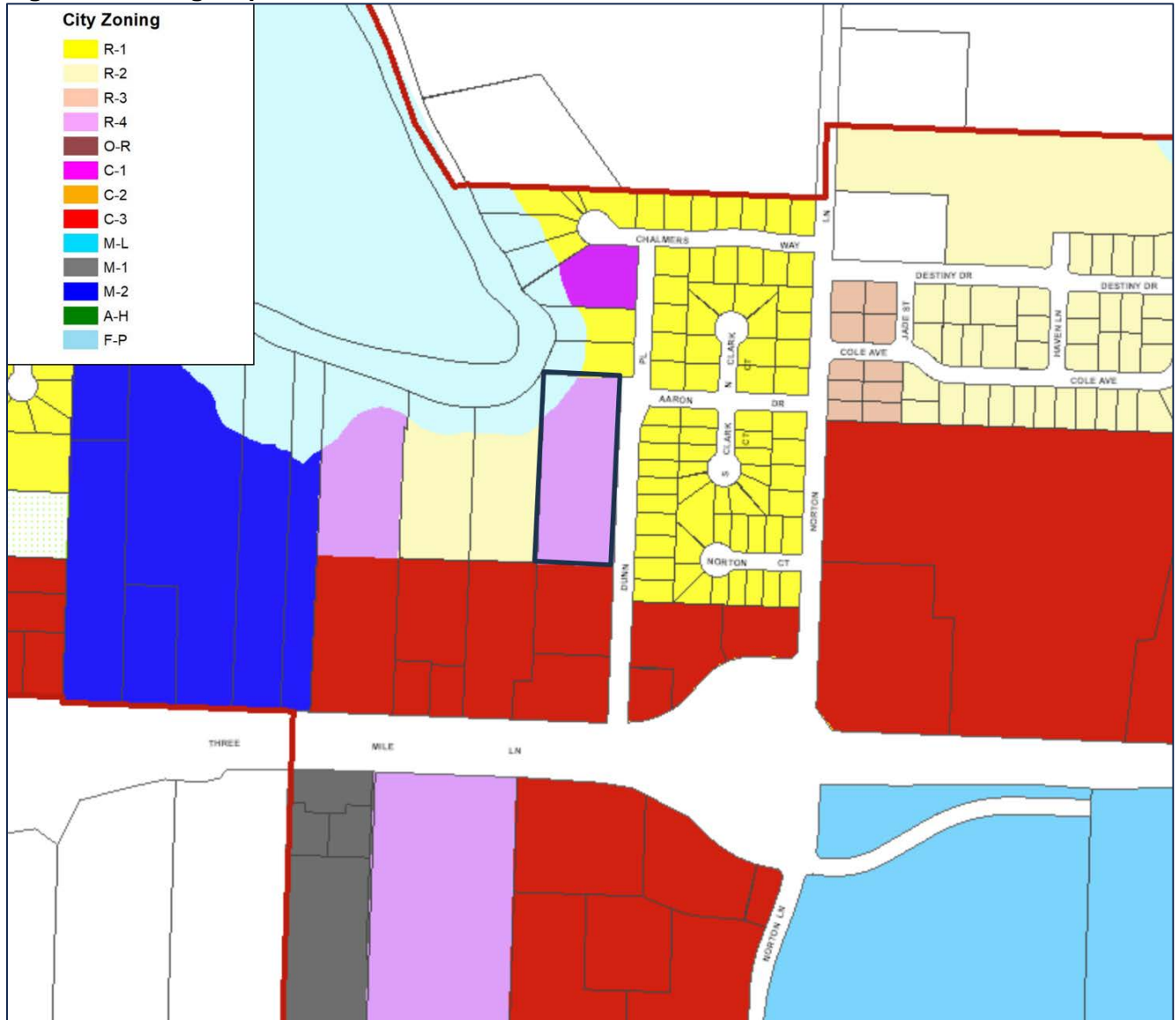


Figure 3a. Proposed Master Plan – Site Plan Summary
(See applications for detailed plans).

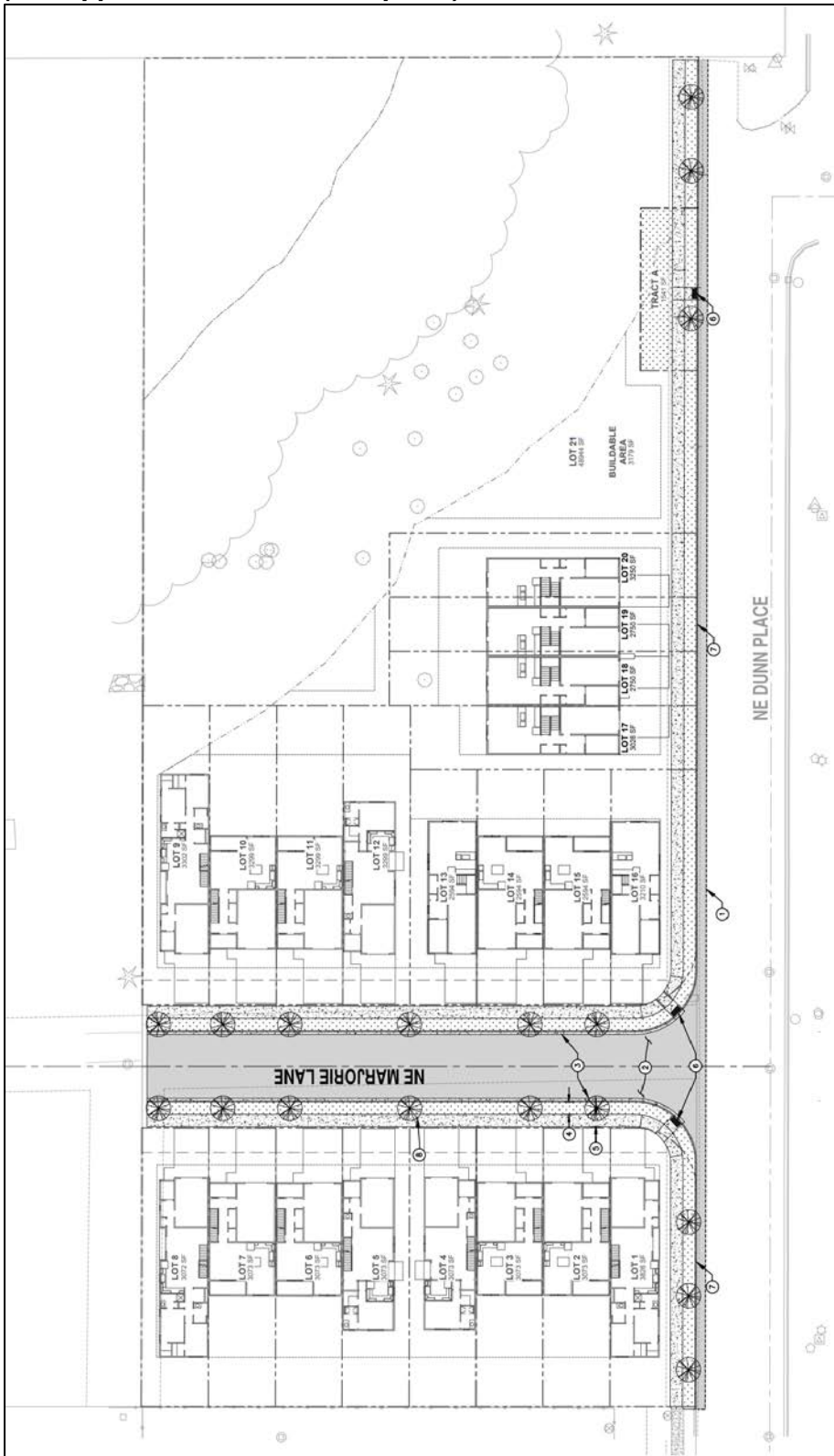


Figure 3b. Proposed Plan – Floorplans and Elevations, 1-12

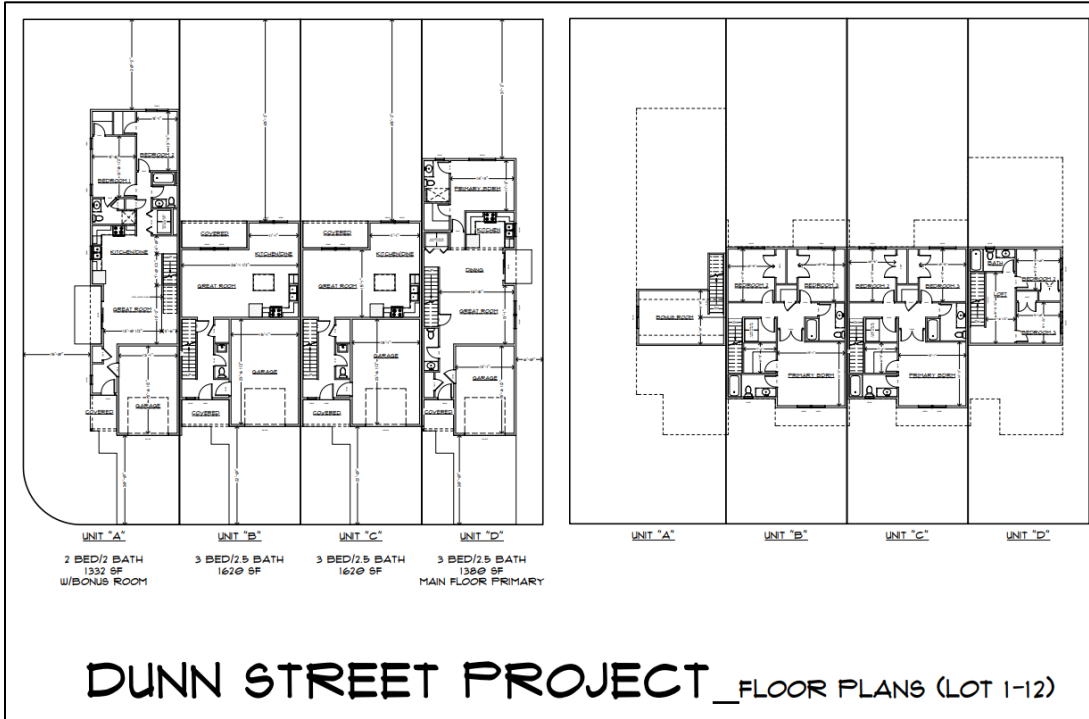


Figure 3c. Proposed Plan – Floorplans and Elevations, 13-16

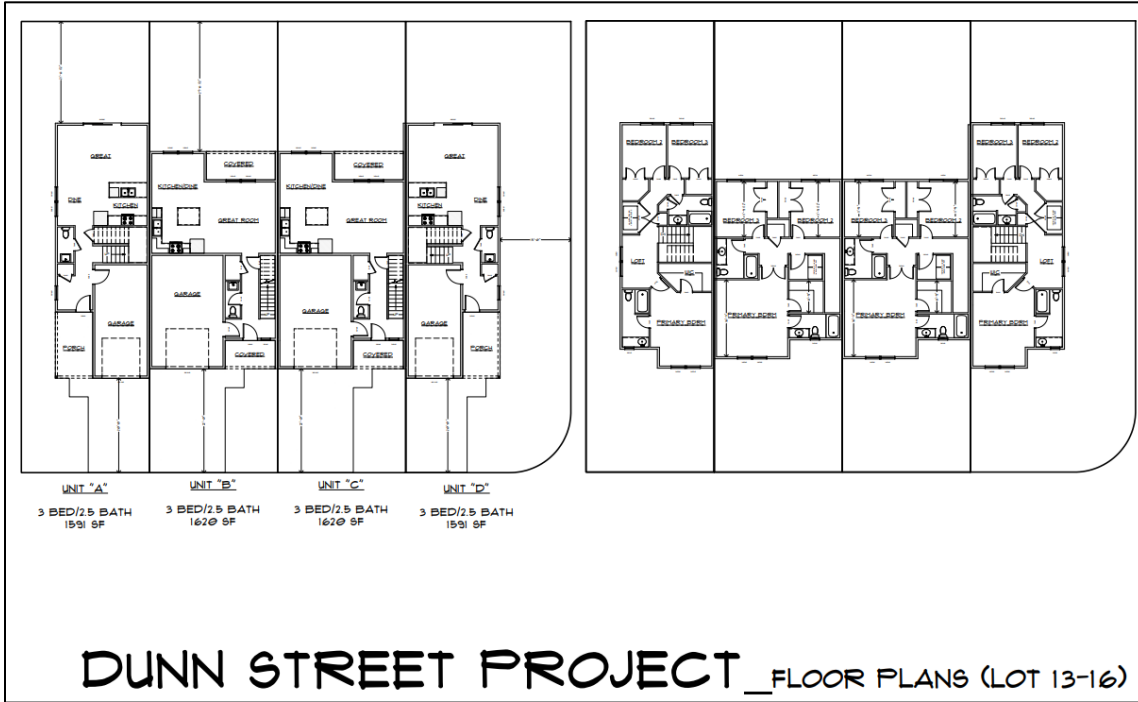
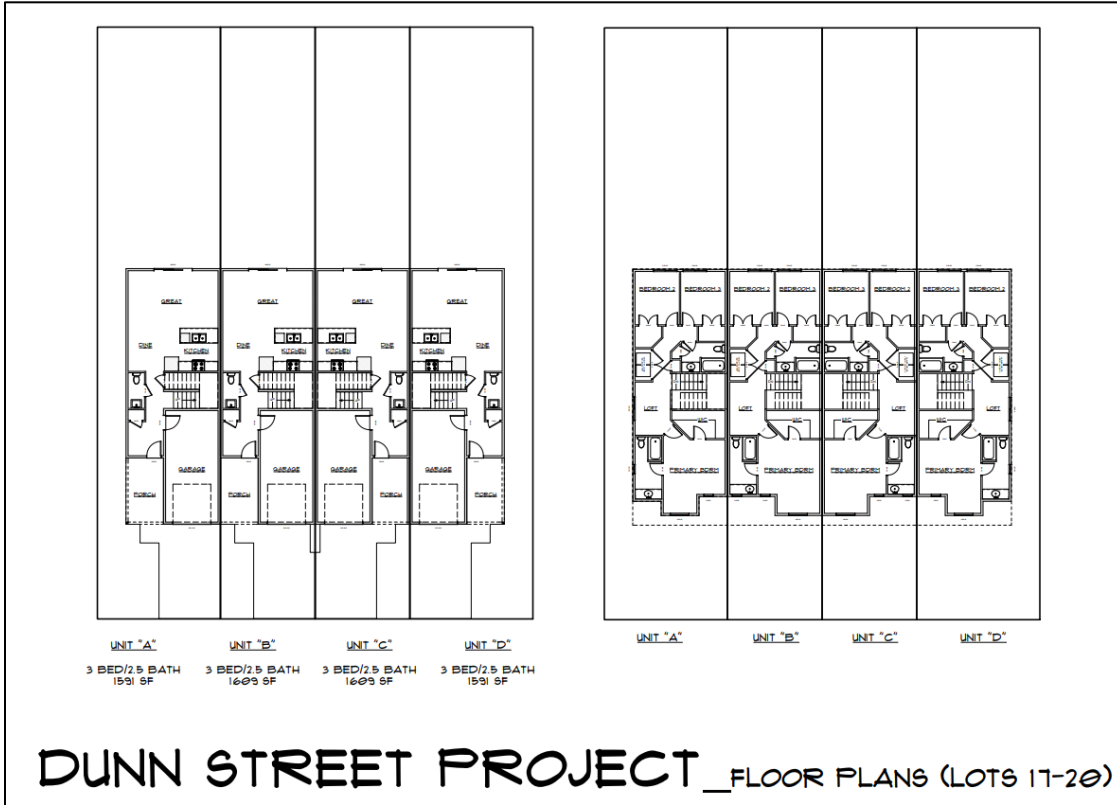


Figure 3d. Proposed Plan – Floorplans and Elevations, 17-20



Previous Master Plans –

Figure 4a. 2003

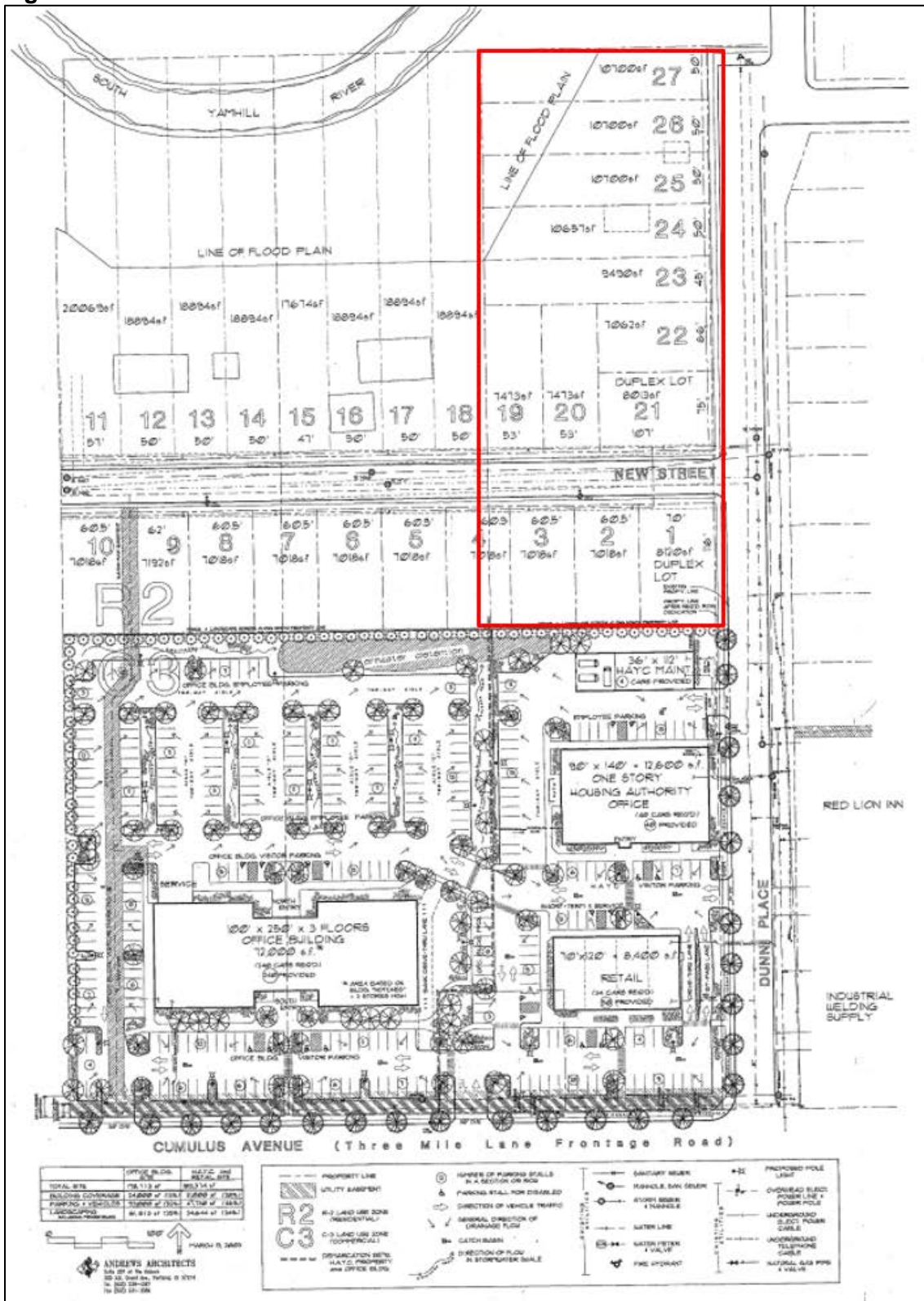


Figure 4b. 2005 - (Revision to Commercial Portion)

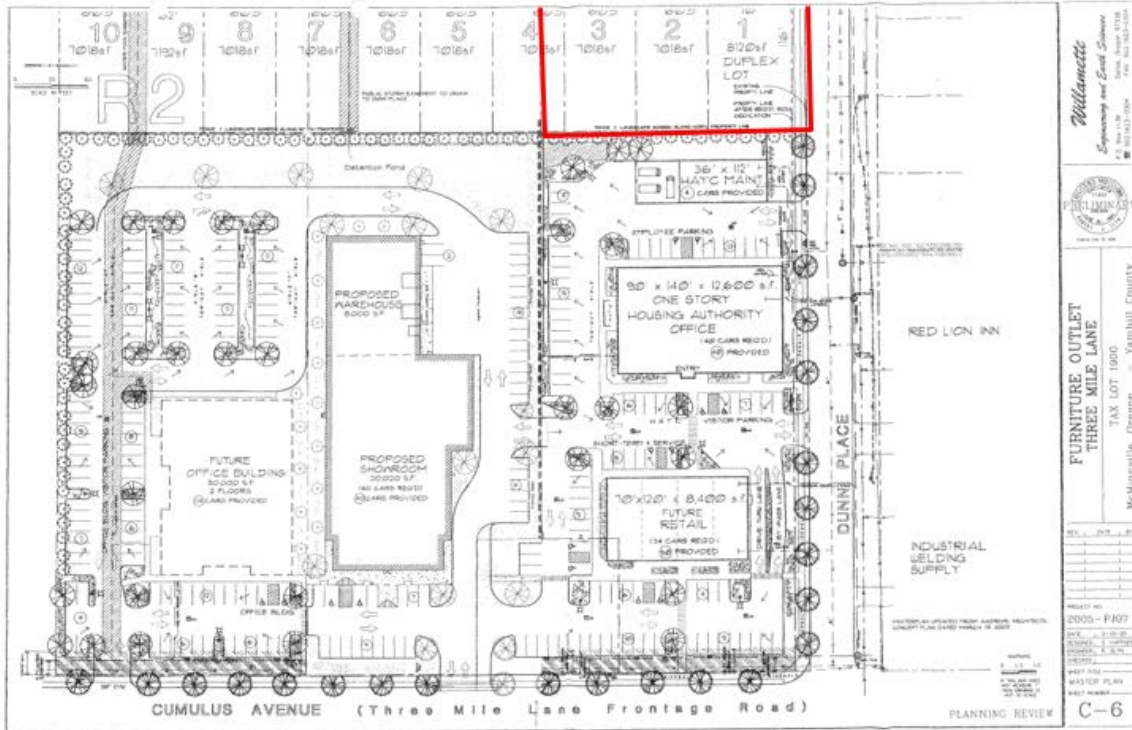


Figure 4c. 2012 - (Revision to TL 1700)

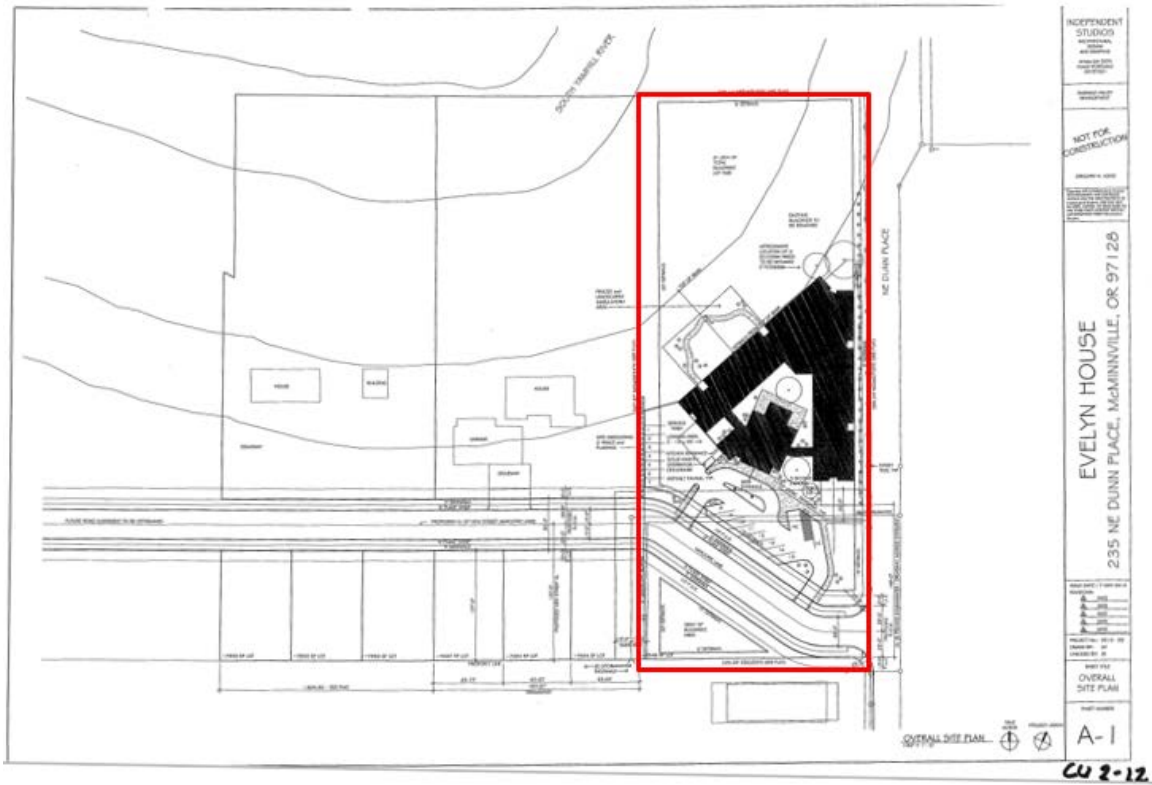
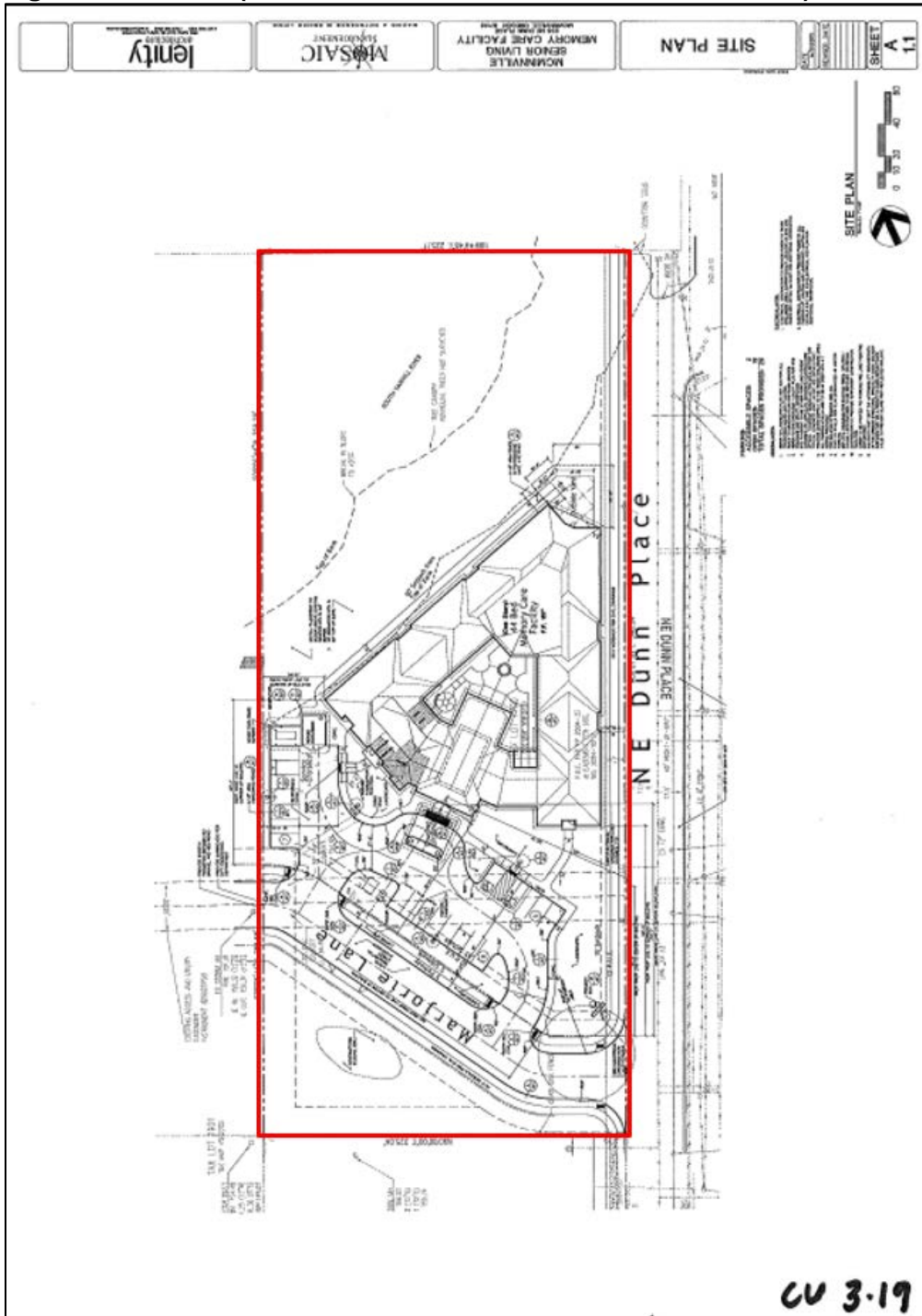


Figure 4d. 2019 – (TL 1700 - Consistent with 2012 Amendment)





**CITY OF MCMINNVILLE
COMMUNITY DEVELOPMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT, SUBDIVISION TENTATIVE PLAN, AND THREE MILE LANE REVIEW, FOR PROPERTY AT 235 NE DUNN PLACE, TAX LOT R4422CD 01700

DOCKET: PDA 1-23 (Planned Development Amendment)
S 1-23 (Subdivision Tentative Plan)
TML 5-23 (Three Mile Lane Review)

REQUEST: Applications for a Planned Development Amendment (PDA 1-23), Subdivision Tentative Plan (S 1-23), and Three Mile Lane Review (TML 5-23). The applications are submitted by the applicant for a proposal for a 21-lot subdivision and townhouse development, "Dunn Place" on property which is approximately 2.83 acres.

The requests are summarized below:

PDA 1-23. The subject property is subject to an existing Planned Development Overlay Ordinance. The proposal includes revisions to the original Planned Development master plan, which requires approval of a Planned Development Amendment.

S 1-23. The subdivision tentative plan application is for 21 lots: 20 lots for townhouses and one additional lot.

TML 5-23. The subject property is within the Three Mile Lane Planned Development Overlay, established by Ordinance 4131 and subsequently revised by Ordinances 4572, 4666, 4988, and 5101. The proposed development is subject to policies and standards of the Three Mile Lane Planned Development Overlay Ordinance.

LOCATION: Address: 235 NE Dunn Place
Map & Tax Lot: R4422CD 01700

ZONING: R-4 PD and F-P
APPLICANT: Andrey Chernishov, HBH Consulting, on behalf of property owner Evergreen Court Townhomes LLC, c/o Jason Flores

STAFF: Tom Schauer, Senior Planner

DATE DEEMED COMPLETE: October 11, 2023

DECISION MAKING

BODY & ACTION: The McMinnville Planning Commission makes the decisions on the applications. The Planning Commission's decisions are the final local decision unless their decisions are appealed to City Council.

HEARING DATE & LOCATION: December 7, 2023

This will be a hybrid meeting with the opportunity to join an in-person meeting at Civic Hall or virtually on a zoom meeting.

Meeting Location:
McMinnville Civic Hall, 200 NE 2nd Street, McMinnville, OR 97128

Zoom Online Meeting:
<https://mcminnvilleoregon.zoom.us/j/84808603865?pwd=WE03Ukt3bDU5VkUwRUhla1Jnb2w0QT09>

Meeting ID: 848 0860 3865 **Passcode:** 166748

The public may also join the Zoom meeting by phone by using the phone number and meeting ID below:

Phone: +1 253 215 8782, **Meeting ID:** 848 0860 3865

PROCEDURE: For consolidated application review, the applications are processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The applications are reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance. As specified in Ordinance 5095, the Planning Commission makes the final local decision, unless their decision is appealed to City Council.

CRITERIA: McMinnville Municipal Code (MMC) and Other Ordinance Sections:
-Planned Development Amendment: MMC 17.74.070 & Ordinances 4719 & 4956
-Subdivision Tentative Plan: MMC Chapter 17.53. Land Division Standards, Subdivision (17.53.070-079); 17.53.100-153, 17.43.150-153
-Three Mile Lane Review: Ord. 4131 as subsequently amended

Applicable Comprehensive Plan Goals and Policies are criteria for land use decisions.

APPEAL: The Planning Commission's decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed as specified in Section 17.72.180 of the Zoning Ordinance. The City's final decision is subject to a 120-day processing timeline, including resolution of any local appeal, per MMC 17.72.050 and ORS 227. A decision of the City Council is appealable to LUBA as specified in Section 17.72.190.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State

Lands; and Northwest Natural Gas. Their comments are provided in Section IV this document.

DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **APPROVES** the Planned Development Amendment (PDA 1-23), Subdivision Tentative Plan (S 1-23), and Three Mile Lane Review (TML 5-23), **subject to the conditions of approval provided in Section II of this document.**

- ////////////////////////////////////
- PDA 1-23: APPROVAL WITH CONDITIONS
 - S 1-23: APPROVAL WITH CONDITIONS
 - TML 5-23: APPROVAL WITH CONDITIONS
- ////////////////////////////////////

Planning Commission: _____
Sidonie Winfield, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

I. APPLICATION SUMMARY:

Subject Property & Request

The subject property is approximately 2.83 acres located at 235 NE Dunn Place, Tax Lot:R4422CD 01700. The applications are submitted by the applicant for a proposal for a 21-lot subdivision and townhouse development, "Dunn Place." There are three concurrent applications for review: Planned Development Amendment (PDA 1-23), Subdivision Tentative Plan (S 1-23), and Three Mile Lane Review (TML 5-23). The requests are summarized below:

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See Figure 1 for Vicinity Map & Aerial Photo and Figure 2 for Zoning Map. See Figure 3 for proposed plans. See Figure 4 for current and previous PD master plans.

The property is zoned R-4 PD and F-P. Planned Development Ordinances 4719 and 4956 include conditions, including provisions addressing the Planned Development master plan and its amendment. The property is also located within the Three Mile Lane Planned Development Overlay (Ordinance 4131/4572), within the boundary of the new Three Mile Lane Area Plan (adopted by Ordinance 5126), and the Horizontal Surface Area of Airport Overlay Zone (MMC 17.52).

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Figure 2. Zoning Map

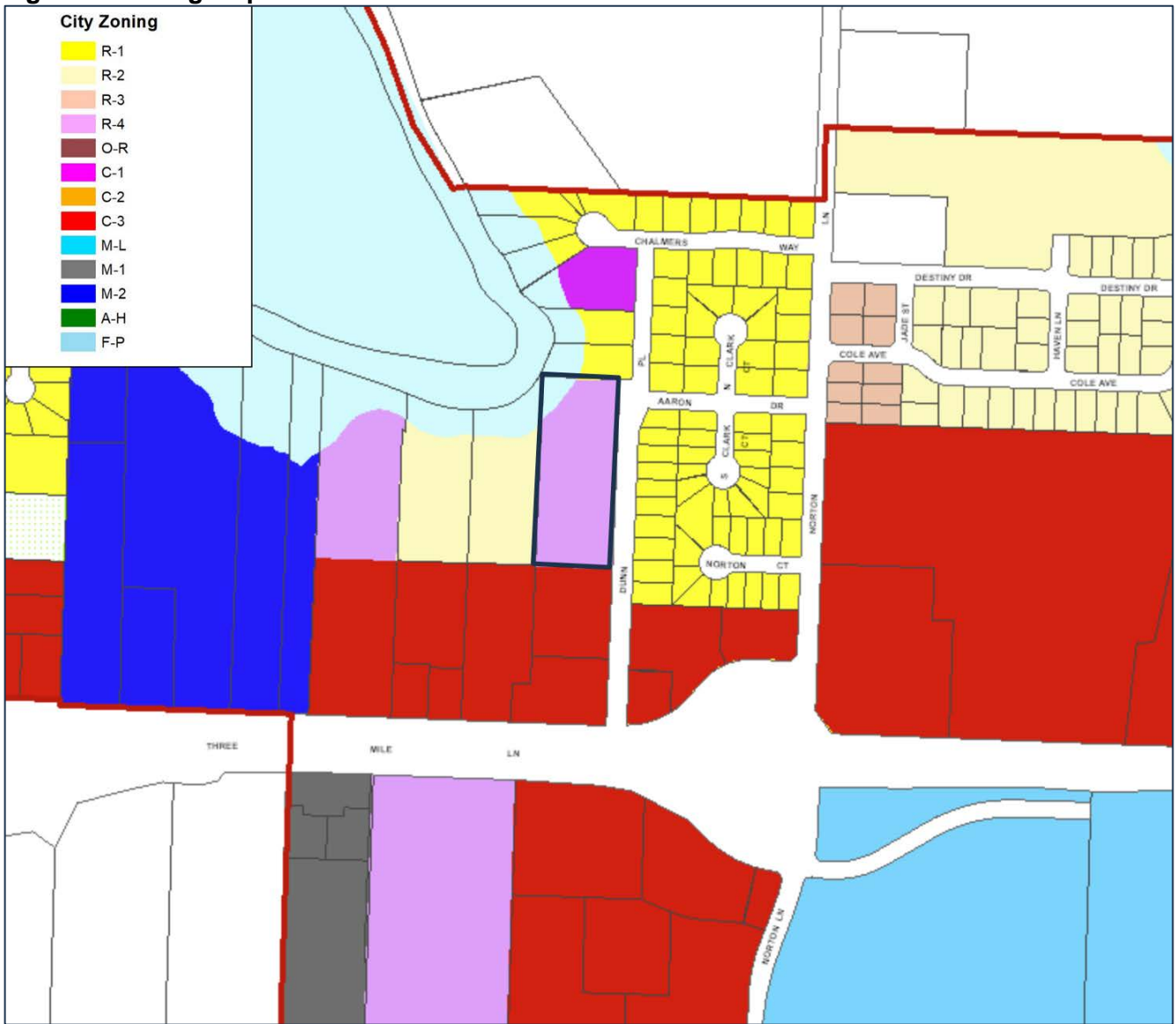


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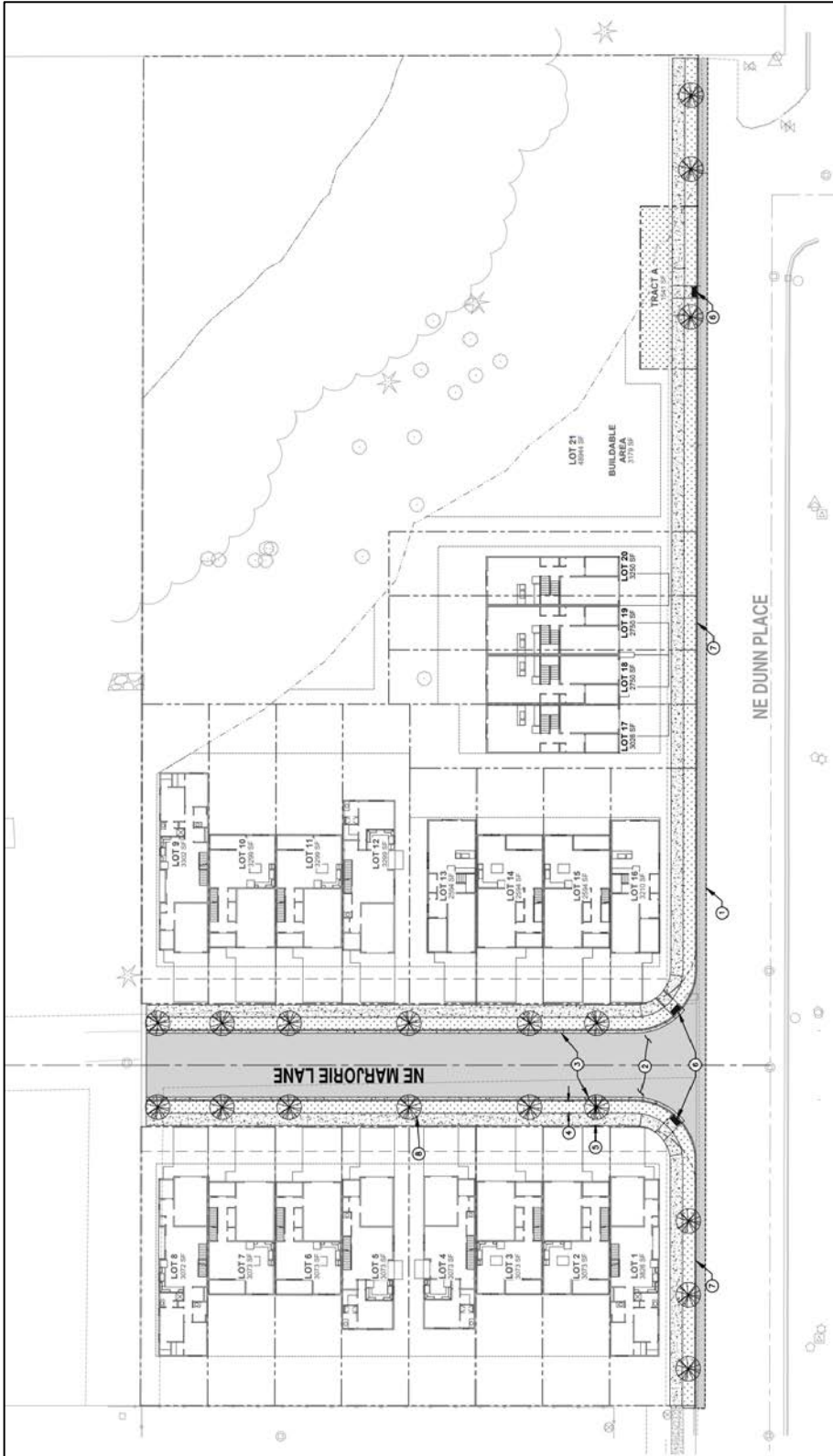


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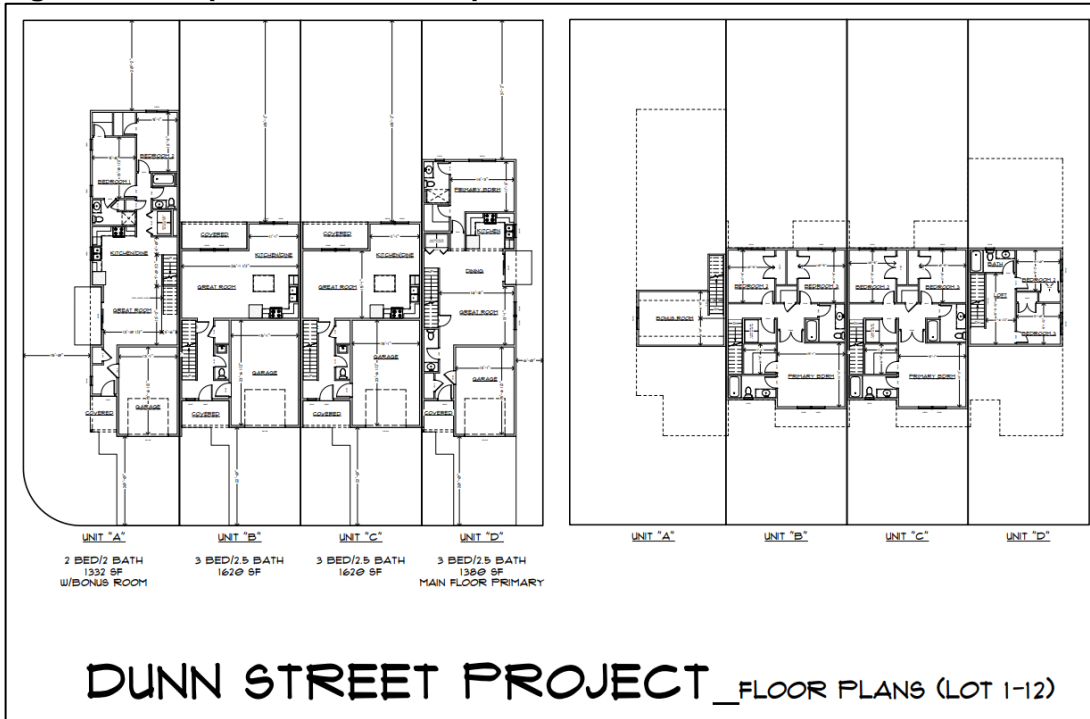


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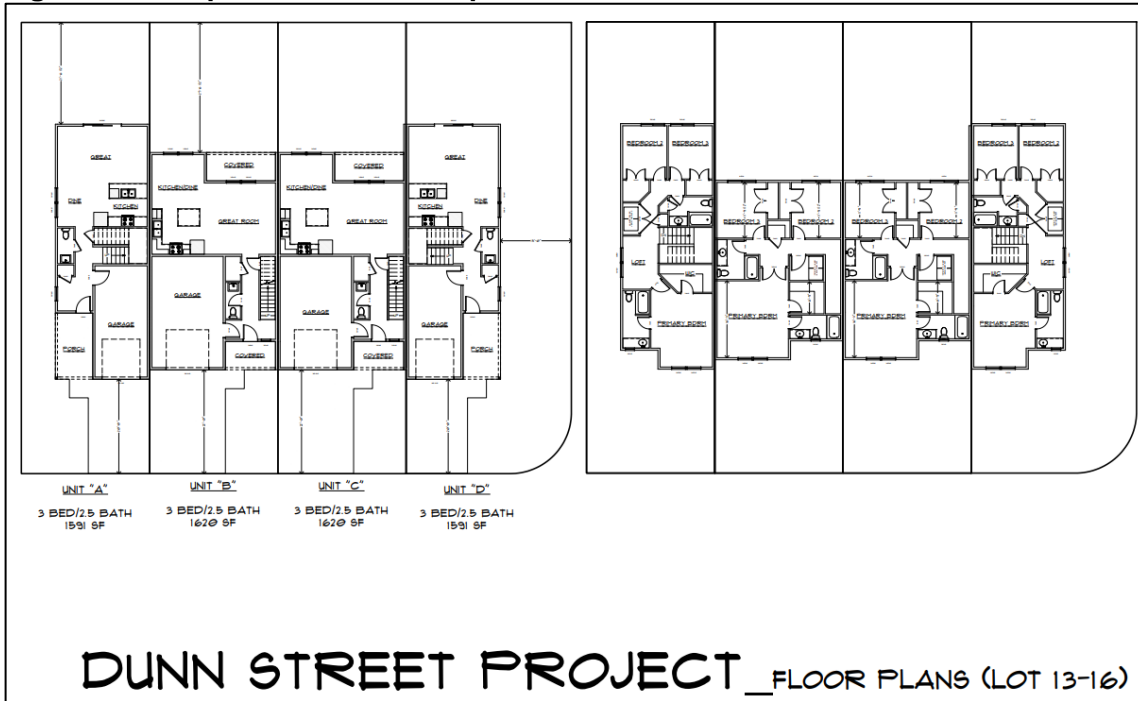
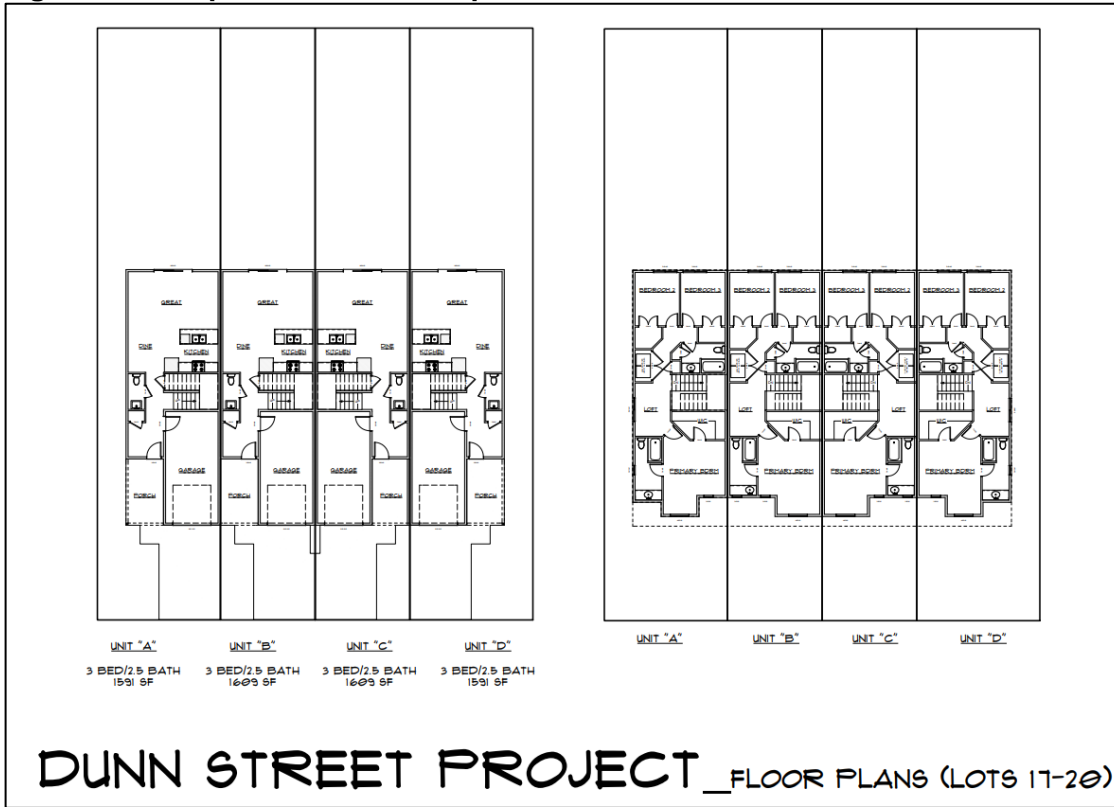


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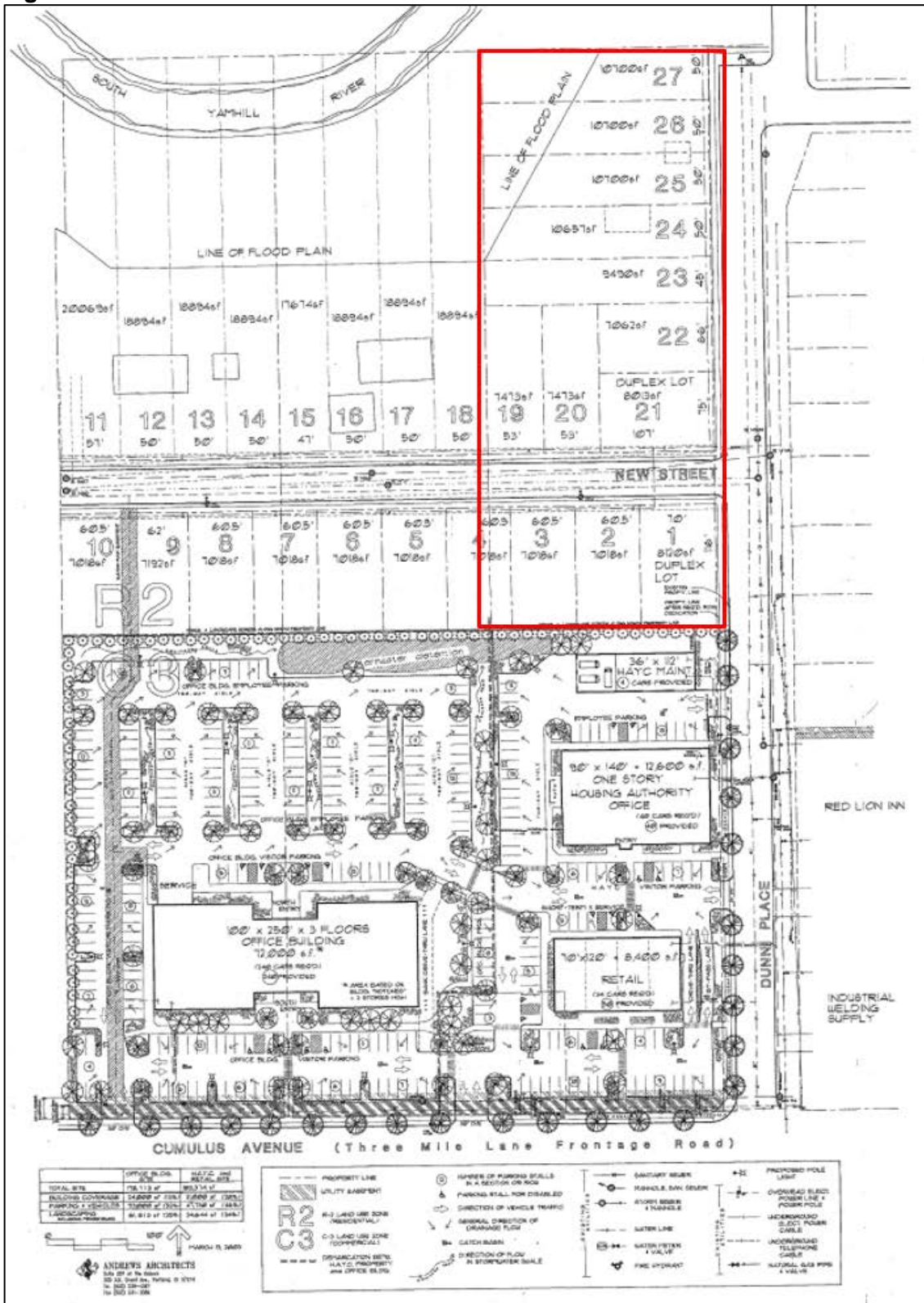


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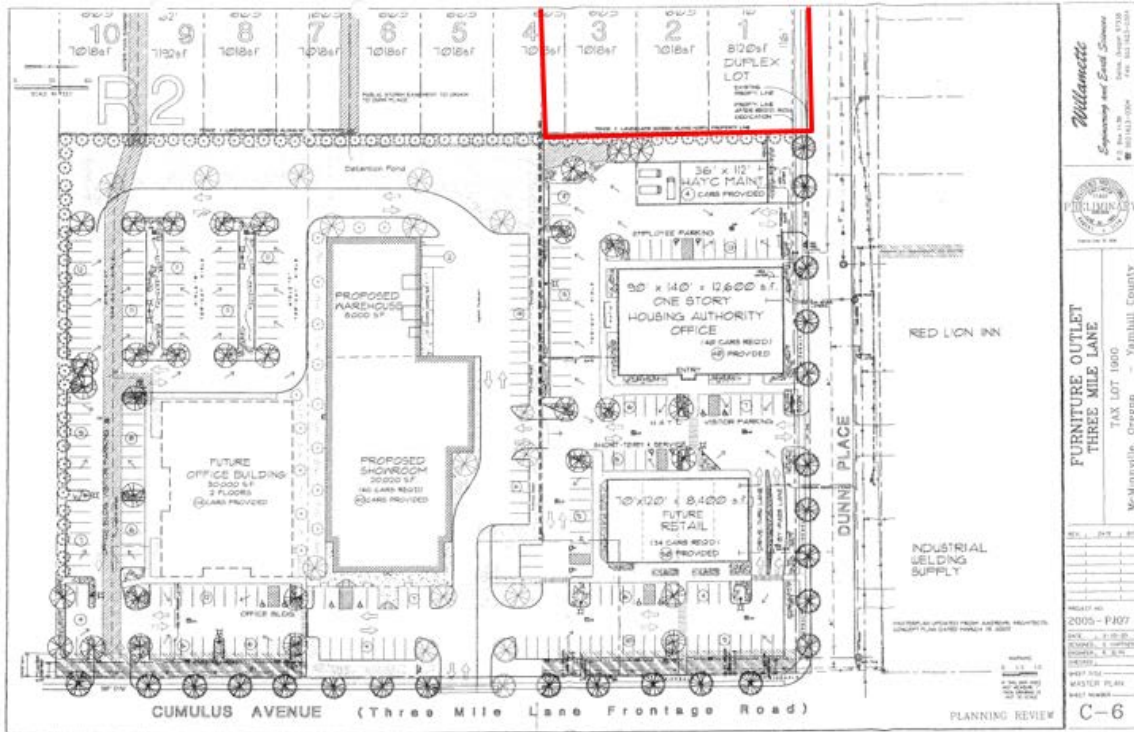


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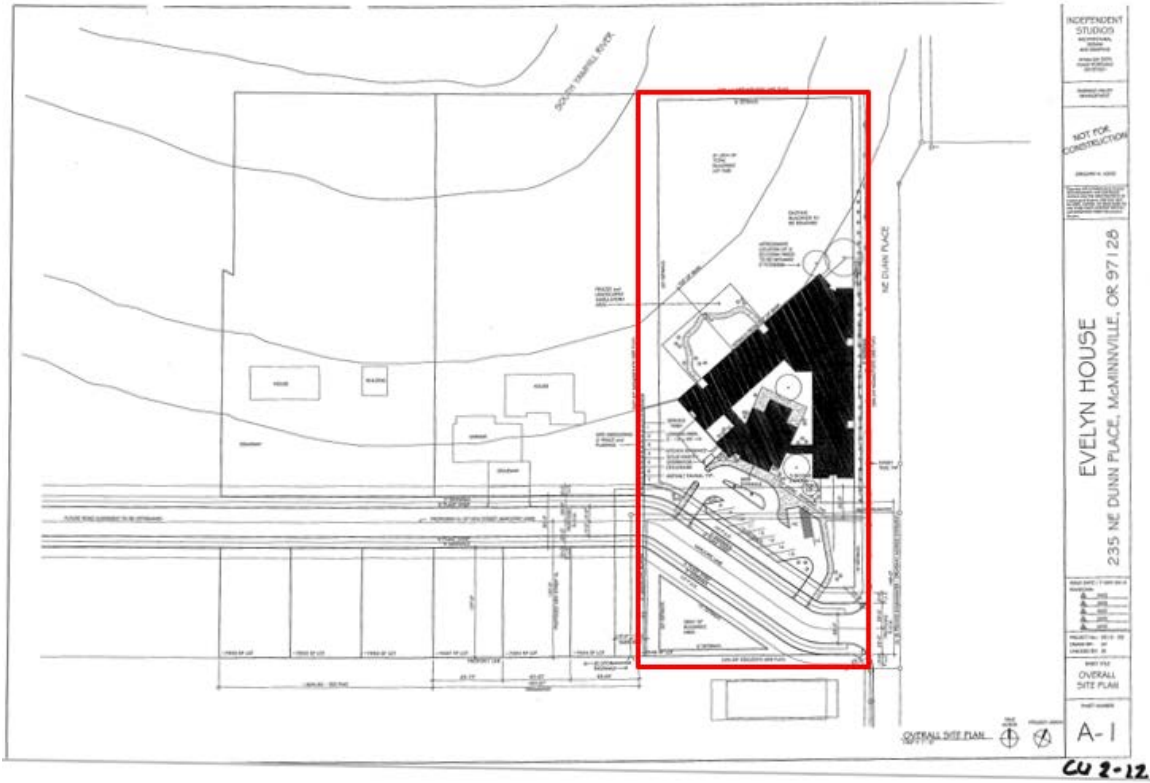
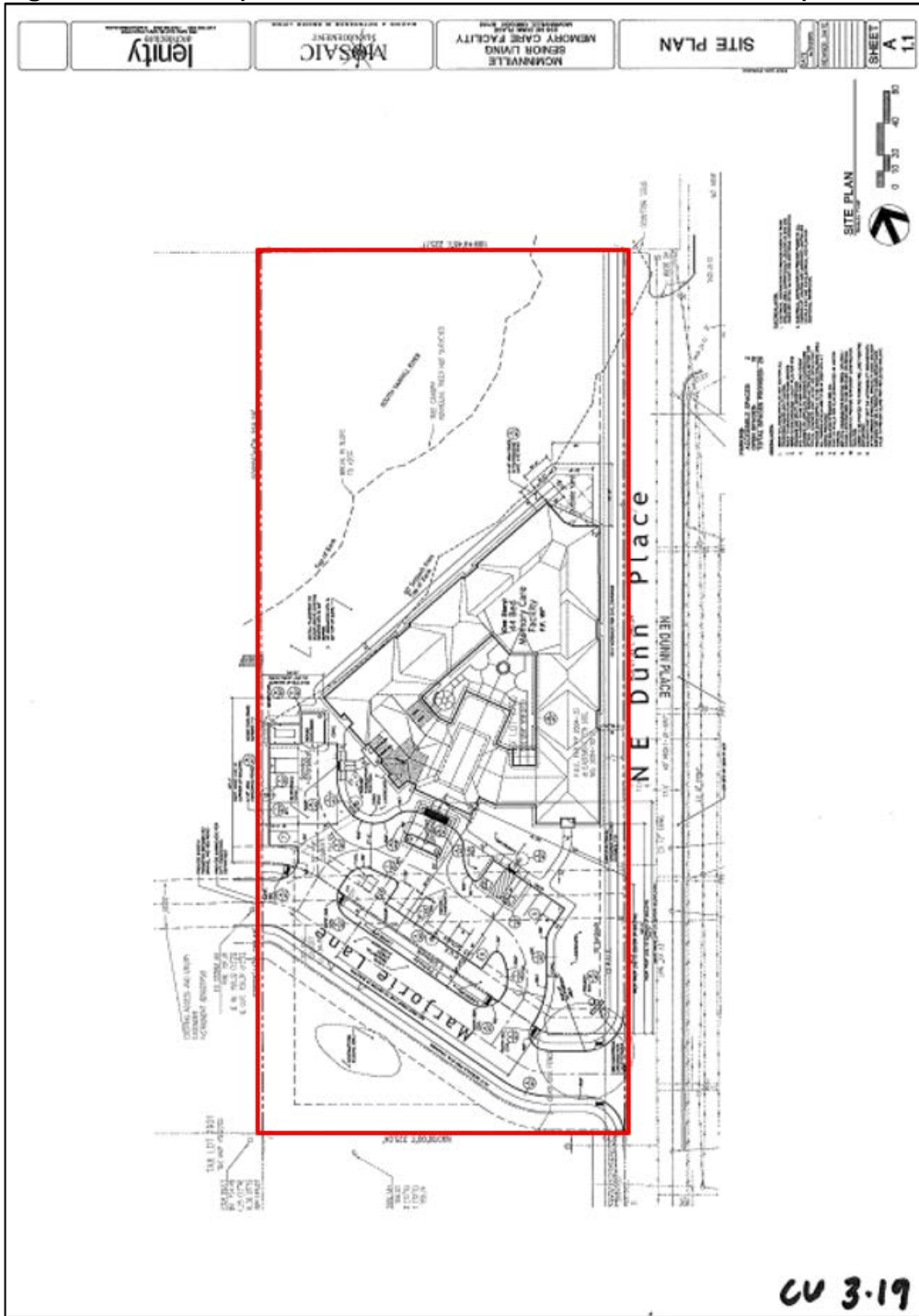


Figure 4d. 2019 – (TL 1700 - Consistent with 2012 Amendment)



Agency Comments

Notice of the proposal was sent to affected agencies and departments. Comments received from agencies are provided in Section IV of this Decision Document.

Public Comments

Written testimony will be listed in Section IV and will be attached as received. Oral testimony will be summarized in the meeting minutes.

II. CONDITIONS:

The applications are **approved subject to the following conditions:**

PDA 1-23 Conditions of Approval

1. The Planned Development Amendment PDA 1-23 authorizes the amendment to the existing approved master plan for a memory care facility on Tax Lot 1700, to be replaced with the new master plan for the 21-lot lot subdivision and development of 20 townhouses and development of one additional residential lot, consistent with the plans as approved herein, upon approval of revisions by the City as addressed in these conditions of approval. The rest of the master plan remains in effect for other properties subject to the Planned Development overlay. The Master Plan shall be part of the Planned Development and Zone of the property and binding on the developer. A copy of the approved plans shall be placed on file with the Planning Department.

The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

2. Comply with all applicable provisions of Ordinances 4719 and 4956.
3. Revise Tract A to be consistent with the Common Open Space provisions and standards of 17.11.110(C)(3) and (4) relative to the buildable area of the property and consistent with the Three Mile Lane Area Plan Policies.
4. Provide details of the driveways and space for street tree planting locations.
5. The property owner reserve to the City the option for a future easement for a trail along the riparian area.
6. Prior to subdivision final plat, submit a Street Tree Plan and Landscape Plan for Tract A for review by the Landscape Review Committee. The landscape plan for Tract A shall be consistent with the provisions of 17,11.110(C)(3) and (4) relative to the buildable area of the property and consistent with the Three Mile Lane Area Plan Policies.
7. The plan shall incorporate the 60-foot setback shown in the plans.
8. The plans show a portion of the 60-foot setback encroaching into rear yards of lots. The applicant shall record deed restrictions precluding development within the setback areas. These setbacks as shown on the plans shall also become part of the setbacks of the Planned Development Overlay. The deed restrictions shall explicitly list any applicable restrictions

regarding fencing, accessory structures, and other improvements. The applicant shall submit the proposed deed restrictions for review and approval by the Planning Director.

9. The tree retention plan included with the submittal shall be part of this approval. Only trees identified for removal shall be authorized to be removed.
10. The plans shall comply with the vision clearance standards of Chapter 17.54.
11. The applicant shall submit details of any proposed lighting to demonstrate the downcast/shielded nature of lighting such that it won't shine or cause glare facing streets or other properties. Any proposed lighting of Tract A shall be identified on the plans.
12. No sign shall be installed without first applying for applicable sign permits, building permits, and electrical permits. Signs shall comply with all applicable provisions of MMC 17.62, Planned Development Ordinances 4719 and 4956, and the Zone 1 provisions of the Three Mile Lane Planned Development Ordinance 4131 as subsequently amended by Ordinance 4572 and subsequent ordinances.

S 1-23 Conditions of Approval

1. The proposed subdivision is located North of NE Cumulus Ave and connects into NE Dunn Place from the West. The preliminary plans indicate that the new subdivision will construct NE Marjorie Ln classified as a local residential with the required 50' wide right-of-way (ROW) that connects into NE Dunn Place. NE Marjorie Lane will be constructed to a local street standard per the TSP with a 28' wide street from curb to curb with a 5' wide planter strip and a 5' wide sidewalk 1' from the edge of ROW. There will be a 10' wide public utilities easement placed behind the edge of ROW on all sides of the street.
2. On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns.
3. 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.
4. The applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to construction permitting.
5. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, curb ramps shall be constructed to meet PROWAG requirements. Crossings and receiving ramps are required at the intersection of NE Marjorie Lane and NE Dunn Place.
6. That the NE Marjorie Lane street improvements shall have the City's typical crowned section. Frontage improvements on NE Dunn Place will be consistent with existing shed street improvements and include a minimum asphalt depth of new asphalt of 6 inches along western edge of NE Dunn Place consistent with City trench patch requirements.

7. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.
8. A detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, 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.
9. At the west terminus of NE Marjorie Lane the sanitary sewer system must provide for future development to the west. The proposed manhole must be located outside the asphalt or a stub out provided for future extension. The existing sewer service will need to be connected to the manhole as shown in the preliminary plans.
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. 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 reviewed to and accepted by the City prior to the City's approval of the final plat.
12. The existing private storm drainage will either need to be removed and replaced or be shown to be built to public standards. In addition, the existing private storm easement will need to be vacated within the City right-of-way.
13. If the proposed detention facility is to be placed within a Tract, that Tract and facility shall be private and be reflected as such on the final plat. The final plat shall also reflect that access to the detention facility will be granted to the City for maintenance of the structures. The placement of this facility shall not be within the 60' setback buffer without the approval of the City Engineer.
14. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
15. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.
16. 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.
17. 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.

18. That the applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording. The supplemental information specified in Section 17.53.075(B) of the Zoning Ordinance shall be submitted with the plat.
19. Applicant to submit water and electrical plans to McMinnville Water and Light for review and approval. Applicant to provide Engineering with approved water and electrical plans prior to issuance of any construction permits. Proposed utility crossings required for franchise utility service will be installed prior to pavement installation and need to be shown on final street improvement plans.
20. Street tree locations to be confirmed following utility and frontage improvement design. Location of utilities and street light shall be coordinated to maximize space available for street tree planting locations without utility and streetlight conflicts.
21. If applicable Green Stormwater Infrastructure landscaping and irrigation to be reviewed and approved by Engineering with the stormwater design review.
22. The applicant shall decommission any wells onsite in accordance with Oregon Water Resources Department Chapter 690 requirements.
23. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Community Development Director. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Community Development Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Community Development Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.
24. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
25. That restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development and must meet with the approval of the Community Development Director prior to final plat approval.
26. Prior to issuance of permits for lots for lots 9 through 12 and 18 through 21, a site inspection must occur, as arranged by the permit applicant. This inspection is to confirm that the 60' building setback from the top of the Yamhill River bank has been adequately marked by a qualified engineer. If the location is already known, then a surveyor will need to locate that line. The contractor and building inspector are not qualified to determine the precise location of that setback. ORSC 105.9 & R403.1.9.4

27. The soils report has typical information about structural fill and compaction under slabs. Note that radon mitigation will be required for each dwelling and a compacted structural fill with fines will NOT satisfy the code minimum standard for radon control. ORSC AF103.2.
28. NOTE: A building code review was not performed as part of this referral. No obvious building code concerns are noted beyond the two listed above.
29. The Fire District will need verification that a fire hydrant is within 600ft of all the proposed structures within this new subdivision.
30. Water: Subdivision Design Application required including the per lot fee. Water design to be reviewed/approved by MW&L. Extension Agreement required for the public water system.
31. Power: Subdivision Design Application required including the per lot fee. Power design to be reviewed/approved by MW&L. Extension Agreement required for the public power system.
32. The applicant shall submit utility plans and construction agreements for review and approval of the respective standards. The applicant shall complete installation of utilities per approved plans prior to occupancy, or shall provide financial surety as may be authorized with deferred completion.
33. The applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any excavation to ensure that underground utilities are not damaged.
34. Prior to final plat, all Tract A landscaping and street trees shall be installed or security in place.
35. Within 12 (twelve) months after approval of the tentative plan, the subdivider shall prepare a final plat in conformance with the tentative plan as approved. The subdivider shall submit the original drawing and two exact copies and any supplementary information to the City Engineer. Approval of the tentative subdivision plan shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions.

TML 5-23 Conditions of Approval

1. Approval of the TML 1-23 design review is contingent on approval of the proposed Planned Development Amendment/master plan amendment PDA 1-23.
2. The approved master plan for PDA 1-23, subject to its conditions of approval, and as revised to address conditions of PDA 1-23, demonstrates compliance with the requirements of the Three Mile Lane Review.
3. At the time of submittal of any potential sign permit application, in addition to other applicable standards, the sign permit application shall be reviewed for compliance with the sign provisions for Zone 1 of the Three Mile Lane Planned Development Overlay Ordinance (Ordinance 4131 as amended by ordinance 4572 and other ordinances).
4. Because the plans become part of the Planned Development master plan, this approval doesn't expire unless the Master Plan undergoes a future major amendment, in which case a new concurrent Three Mile Lane Review would be required.

III. ATTACHMENTS: *(on file with the Planning Department)*

1. Applications and Attachments: PDA 1-23, S 1-23, TML 5-23

IV. COMMENTS:**Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. The following comments were received:

- **McMinnville Engineering Department**

Here are our comments and suggested conditions of approval regarding the above listed application:

TRANSPORTATION

1. The proposed subdivision is located North of NE Cumulus Ave and connects into NE Dunn Place from the West. The preliminary plans indicate that the new subdivision will construct NE Marjorie Ln classified as a local residential with the required 50' wide right-of-way (ROW) that connects into NE Dunn Place.
2. NE Marjorie Lane will be constructed to a local street standard per the TSP with a 28' wide street from curb to curb with a 5' wide planter strip and a 5' wide sidewalk 1' from the edge of ROW. There will be a 10' wide public utilities easement placed behind the edge of ROW on all sides of the street.
3. On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns.
4. 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.
5. The applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to construction permitting.
6. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, curb ramps shall be constructed to meet PROWAG requirements. Crossings and receiving ramps are required at the intersection of NE Marjorie Lane and NE Dunn Place.
7. That the NE Marjorie Lane street improvements shall have the City's typical crowned section. Frontage improvements on NE Dunn Place will be consistent with existing shed street improvements and include a minimum asphalt depth of new asphalt of 6inches along western edge of NE Dunn Place consistent with City trench patch requirements.

8. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.

SANITARY SEWER

Suggested conditions of approval related to sanitary sewer service include:

1. A detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, 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.
2. At the west terminus of NE Marjorie Lane the sanitary sewer system must provide for future development to the west. The proposed manhole must be located outside the asphalt or a stub out provided for future extension. The existing sewer service will need to be connected to the manhole as shown in the preliminary plans.

STORM DRAINAGE

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. 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 reviewed to and accepted by the City prior to the City's approval of the final plat.
3. The existing private storm drainage will either need to be removed and replaced or be shown to be built to public standards. In addition, the existing private storm easement will need to be vacated within the City right-of-way.
4. If the proposed detention facility is to be placed within a Tract, that Tract and facility shall be private and be reflected as such on the final plat. The final plat shall also reflect that access to the detention facility will be granted to the City for maintenance of the structures. The placement of this facility shall not be within the 60' setback buffer without the approval of the City Engineer.

MISCELLANEOUS

Additional suggested conditions of approval include:

1. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
2. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

3. 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.
4. 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.
5. That the applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
6. Applicant to submit water and electrical plans to McMinnville Water and Light for review and approval. Applicant to provide Engineering with approved water and electrical plans prior to issuance of any construction permits. Proposed utility crossings required for franchise utility service will be installed prior to pavement installation and need to be shown on final street improvement plans.
7. Street tree locations to be confirmed following utility and frontage improvement design.
8. If applicable Green Stormwater Infrastructure landscaping and irrigation to be reviewed and approved by Engineering with the stormwater design review.
9. The applicant shall decommission any wells onsite in accordance with Oregon Water Resources Department Chapter 690 requirements.
10. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Community Development Director. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Community Development Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Community Development Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.
11. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
12. That restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development that are consistent with those in place for existing adjacent single family developments and must meet with the approval of the Community Development Director prior to final plat approval.

- **McMinnville Building Department**
 - Prior to issuance of permits for lots for lots 9 through 12 and 18 through 21, a site inspection must occur, as arranged by the permit applicant. This inspection is to confirm that the 60' building setback from the top of the Yamhill River bank has been adequately marked by a qualified engineer. If the location is already known, then a surveyor will need to locate that line. The contractor and building inspector are not qualified to determine the precise location of that setback. ORSC 105.9 & R403.1.9.4
 - The soils report has typical information about structural fill and compaction under slabs. Note that radon mitigation will be required for each dwelling and a compacted structural fill with fines will NOT satisfy the code minimum standard for radon control. ORSC AF103.2.
 - A building code review was not performed as part of this referral. No obvious building code concerns are noted beyond the two listed above.
- **McMinnville Fire District**

The Fire District will need verification that a fire hydrant is within 600ft of all the proposed structures within this new subdivision.
- **McMinnville Water & Light**

McMinnville Water & Light has the following comments:

 - Water: Subdivision Design Application required including the per lot fee. Water design to be reviewed/approved by MW&L. Extension Agreement required for the public water system.
 - Power: Subdivision Design Application required including the per lot fee. Power design to be reviewed/approved by MW&L. Extension Agreement required for the public power system.
- **Comcast**

Comcast has no comments.

Public Comments

No written public comments have been received as of November 28, 2023.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant submitted the applications with payment for PDA 1-23 and S 1-23 on March 16, 2023, including documentation of the neighborhood meeting held on November 23, 2022.
2. The applications were deemed incomplete on April 14, 2023.
3. PDA 1-23 and S 1-23 were resubmitted with additional information, and TML 5-23 was submitted, on September 11, 2023.
4. The applications were deemed complete on October 11, 2023. 120 days from October 11, 2023 is February 8, 2024.
5. On November 2, 2023, notice of the applications was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville

Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas.

Comments received from agencies are addressed in Section IV of this Decision Document.

6. On November 9, 2023, notice of the applications and the December 7, 2023 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
7. Notice of the applications and the December 7, 2023 Planning Commission public hearing was published in the News Register on Friday, December 1, 2023, in accordance with Section 17.72.120 of the Zoning Ordinance.
8. On December 7, 2023, the Planning Commission held a duly noticed public hearing to consider the applications.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
 - a. Address: 235 NE Dunn Place
 - b. Map & Tax Lot: R4422CD 01700
2. **Size:** Approximately 2.83 acres
3. **Comprehensive Plan Map Designation:** Commercial, Floodplain
4. **Zoning:** R-4 PD (Planned Development Ordinances 4719 and 4956)
5. **Overlay Zones/Special Districts/Area Plans:**
 - a. Three Mile Lane Planned Development Overlay
 - b. Airport Overlay Zone
 - c. Three Mile Lane Area Plan
6. **Current Use:** Undeveloped, structures have been demolished
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None identified
 - b. **Other:** None identified
8. **Other Features:**
 - a. **Slopes and Natural Features:** The majority of the site is generally level. The northwest corner of the parcel is within the floodplain and contains a portion of the Yamhill River and riverbank, sloping steeply down to the river. That portion of the site is substantially covered with trees.

There has been slope instability along the riverbank of properties in this area. The applicant has submitted a geotechnical report, which includes a recommendation for a 60' setback from top of bank, which is shown on the applicant's plans,
 - b. **Easements:** There is an existing 12' wide public utility easement and sidewalk easement along the Dunn Place frontage. (Instrument #2004-16131 and Partition Plat 2004-33) and a 30' wide access and utility easement corresponding to the location of the existing driveways (Instrument #2002-01501)

- c. A neighboring property owner contacted staff and provided oral comments regarding history of properties in the area, and it is expected he will provide additional testimony. The communications with staff indicated history of slope instability on properties along the river in this vicinity, the changing alignment of the river, the prior history of landfilling in this vicinity, and locations of springs.
9. **Utilities:** Utilities are available to the property, and extensions will be necessary in conjunction with the proposed development.
10. **Transportation:** The subject property has frontage on NE Dunn Place. A new east-west street (NE Marjorie Lane) is proposed, connecting to NE Dunn Place. Dunn Place is functionally classified as a Local Street in the Transportation Systems Plan.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria and standards for the application.

McMinnville Zoning Ordinance

The following Sections of Title 17, Zoning Ordinance, of the McMinnville Municipal Code provide criteria and standards applicable to the requests:

Planned Development Amendment PDA 1-23 - Criteria

The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance.

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- *An increase in the amount of land within the subject site;*
- *An increase in density including the number of housing units;*
- *A reduction in the amount of open space; or*
- *Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.*

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

FINDING: SATISFIED WITH CONDITIONS. This is a major amendment to the existing Planned Development. It is being processed per Section 17.72.120 and consistent with the provisions of the Planned Development Ordinances 4719 and 4956 which apply to the property. As addressed under the respective relevant provisions of the Zoning Ordinance below, findings have been made that, with conditions, the application satisfies all relevant provisions of this ordinance and the provisions of 17.74.070(A)-(F) below. **Note:** The criteria for a Planned Development Amendment in 17.74.070(A)-(F) are the same as the provisions of Section 17.51.030(C)(1)-(7).

- A. *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

APPLICANT'S RESPONSE: The applicant seeks to amend the overlay on the parcel to meet the market need of single-family dwelling units in the form of townhomes and meet City goals of increased density in the R-4 zone. The intended use of the subdivision is a 20-lot assortment of varying size single-family, common-wall, townhomes and one single-family home lot.

The proposed PD Amendment proposes the following physical conditions that depart from standard regulation requirements to market increased density pursuant to city goals of the R-4 zone:

1. Reduce the minimum lot size from 5,000 SF to 2,500 SF for common wall, single-family lots. The approved minimum lot size for the PD is currently 5,000 SF. The applicant is proposing to reduce the approved lot size to 2,500 SF. The minimum lot size will be 2,594 SF and the maximum lot size will be 48,944 SF. The large lot is limited to 3,179 SF of buildable area due to the established sixty feet slope setback from the top bank of the South Yamhill River. The proposed lot area for this project does not meet the original PD approval. However, the R-4 zone permits common wall single family dwelling structures provided the lot area exceeds 2,500 square feet. The proposed lots exceed this threshold and meet the intent of the code regarding density.
2. Exceed lot depth to width ratio from 2:1 up to a maximum of 5.7:1. The City of McMinnville requires lots to not exceed a two times depth to width ratio or 2:1. Lots 18 and 19 would have a depth to width ratio of 5.68 and lots 9-12 would have a depth to width ratio of 4.48. All other lots would have a smaller ratio, but still exceed the 2:1, except for lot 21. The applicant has proposed a layout that exceeds this ratio to provide higher density housing consistent with the goals of City of McMinnville and the needs of the area.

FINDING, SUBSECTION (A): SATISFIED WITH CONDITIONS. The subject properties are subject to a previously approved Planned Development Master Plan for an assisted living facility, so a planned development amendment is necessary to replace that master plan with an amended master plan for the proposed subdivision and townhouse development.

In addition, the applicable Planned Development Ordinances 4719 and 4956 contain some provisions which are more restrictive than the standard regulation requirements of the R-4 zone.

The predominant purpose for the Planned Development Amendment is for the new master plan. In nearly all respects, the proposed development is otherwise consistent with the provisions of the R-4 zone, the overlay ordinances, the subdivision standards, the townhouse residential standards, and other applicable general provisions of the Zoning Ordinance. The following items are noted relative to the applicant's response above:

- The R-4 zone (12.21.030) and Townhouse residential standards (17.11) allow lots for townhouses to be smaller than other lots, and may average 1,500 sq per lot.
- While the townhouse standards specify minimum lot width, depth, and size, the land division chapter states that, "the depth of the lot shall not ordinarily exceed two times the average width." Due to the common walls, townhouse lots typically have a narrower/deeper shape than other lots.

- B. *Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*

APPLICANT'S RESPONSE: *[STAFF NOTE: The applicant's responses to this criterion are moved to the section of these Findings which address the Comprehensive Plan Goals and Policies].*

FINDING: SATISFIED WITH CONDITIONS. See Findings regarding consistency with the Comprehensive Plan in that section of this document.

- C. *The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

APPLICANT'S RESPONSE: See Applicant Responses to Policies 68.00, 77.00, 78.00, 81.00, 82.00, 117.00, 118.00, 122.00, and 132.00 of Criteria 17.74.040.B.

FINDING: SATISFIED WITH CONDITIONS. Properties to the north, east, and south are already developed. The original Planned Development master plan provided for continuation of an east-west street to the property to the west, with lots abutting the street extension on both sides. The proposed master plan amendment for Tax Lot 1701 would continue to provide a street alignment terminating where the street and utilities can be continued to the west consistent with the original master plan approval which still applies to the R-2 zoned properties to the west.

- D. *The plan can be completed within a reasonable period of time;*

APPLICANT'S RESPONSE: The development in scale is not relatively large or complex, consisting of street improvements and the creation of approximately 225 linear feet of new city street. All utilities required to serve the development are located along the development's frontage. The development is not estimated to take longer than six months to construct.

FINDING: SATISFIED. The applicant's response demonstrates completion within a reasonable period of time.

- E. *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*

APPLICANT'S RESPONSE: Based on ITE code 230 (Residential Condominium/Townhouse) from ITE's 7th Edition Trip Generation Manual at a rate of 0.52 trip ends per dwelling unit, there will be an estimated 10.4 PM peak hour trips added. This new traffic will likely take NE Dunn Place south and disburse east/west on NE Cumulus Ave. NE Cumulus Ave is a minor collector which is intended to receive higher volumes of traffic based on the City's Transportation Plan.

FINDING: SATISFIED WITH CONDITIONS. The proposed master plan for the 20 townhouse lots and one additional lot would replace the currently approved master plan for a 44-bed memory care facility on this property. A Traffic Impact Analysis isn't required for a development that generates fewer than 20 peak hour trips or 200 average daily trips. The proposed development would generate fewer trips than this threshold. The net difference between the existing master plan and proposed master plan would also be further below this threshold.

The proposed master plan continues to provide east-west connectivity. The proposed alignment is consistent with the east-west alignment in the original master plan and aligns on the west side per prior master plans. On the east side, it is substantially the same as the original master plan, but on the east side, it is a different alignment than the current master plan for the property which connects to Dunn Place further south.

The applicant is proposing frontage improvements on Dunn Place and construction of street improvements for the new street. This criterion is met subject to conditions of approval related to the requirements for these improvements.

- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

APPLICANT'S RESPONSE: Please refer to the Composite Utility Plan for more information.

See Applicant Responses to Policies 99.00, 136.00, 139.00 and 142.00 of Criteria 17.74.040.B.

There is an existing 6-inch cast iron water line located in NE Dunn Place. This will serve new properties fronting on NE Dunn Place. That 6" cast iron will be tied with a 6" tee that will extend a new 6-inch C900 PVC water main down the new NE Marjorie Lane to serve properties fronting the new road.

There is an existing 8" sanitary main behind the eastern curb & gutter on NE Dunn Place. This will serve new properties fronting on NE Dunn Place. There is an existing 8" sanitary main traversing the property from the west to the east that serves homes west of the subject property. This 8" sanitary main ties into a manhole in NE Dunn Place. This line will be abandoned and replaced with a new 8" D3034 sanitary main to serve new properties fronting the new NE Marjorie Lane. The existing 8" sanitary main remaining that serves the homes to the west will be tied into the new system via a cleanout at the western property line that extends to a new manhole at the west end of NE Marjorie Lane.

There is an existing 12" concrete storm main on NE Dunn Place. An underground storm detention system with upstream pollution control and downstream flow control manholes will be installed to detain runoff stormwater from the development and release the runoff at predeveloped or lower flow rates for the 10-year storm.

Power, natural gas, and communications all exist on NE Dunn Place and can be extended to serve the site.

FINDING: SATISFIED WITH CONDITIONS. Affected agencies and departments have reviewed the proposed development plans. Subject to conditions of approval, including requirements for provision of utilities and requirement addressing drainage, the development will have adequate utility and drainage facilities.

- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

APPLICANT'S RESPONSE: Construction will adhere to City of McMinnville municipal code 8.10.260 for noise control. The development is large enough to be subject to DEQ 1200C regulations. Construction will be permitted and comply with local and DEQ erosion and sedimentation control standards to prevent the development from causing any

significant adverse impact to the surrounding air and water quality in the vicinity, existing public utilities, or the city.

FINDING: SATISFIED. There are no aspects of this subdivision and townhouse development as a Planned Development that are substantively different than would otherwise occur if the site was developed without a Planned Development overlay as a permitted use in the underlying R-4 zone for this property. There are no unique noise, air, or water pollutants associated with this residential development.

Planned Development Overlay Ordinances 4719 and 4956:

Ordinance 4719:

That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference, is hereby rezoned from a County EF-40 zone and City AH zone to a C-3 PD (on the southern 6.7 acres of the site) and R-2 PD zone (on the northern 7.6 acres of the site) subject to the following conditions:

1. *That the zone change requests shall not take effect until and unless CPA 12-99 and CPA 13-99 are approved by the City Council.*

FINDING: SATISFIED/NOT APPLICABLE. This provision previously went into effect as a result of those approvals having occurred. In addition, the zoning was subsequently changed to R-4 PD by Ordinance 4956. (See below).

2. *That development and use of the site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended. Further, that a detailed Master Plan for the subject site shall be submitted to the McMinnville Planning Commission for review and approval, pursuant to the procedures of McMinnville Zoning Ordinance 17.51, Planned Development Overlay, prior to any development occurring on the commercial area of the site. The plan shall include, at a minimum, proposed land uses and their location(s), building locations, traffic circulation patterns and commercial drive locations, grading and drainage information, location and size of public utilities and services, off-street parking areas, direct pedestrian access, and other information deemed necessary to convey the details of the proposed development plans to the Planning Commission.*

FINDING: SATISFIED WITH CONDITIONS. The master plan for the larger area encompassed in this planned development was subsequently approved. A portion of the master plan was subsequently amended by Ordinance 4956, adopting the Evelyn House master plan for the northly portion of the property. The current application would amend the northerly portion of the master plan consistent with the Planned Development Amendment criteria in Chapter 17.74 of the Zoning Ordinance (which are the same criteria as provided in Chapter 17.51). Consistency with the provisions of the Three Mile Lane Planned Development Ordinance, as amended, is addressed through the concurrent application TML 5-23 for Three Mile Lane review.

3. *That detailed plans for the proposed commercial development showing site layout, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Three Mile Lane Design Review Committee prior to the issuance of any building permits for said development. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, and provide an architectural style appropriate to a "gateway" or entrance to the City of McMinnville. In addition, approval or denial of the exterior building design shall be based on a finding that, to the extent possible, the building design incorporates design*

and architectural features that would serve to break up the building's horizontal plane and provide visual interest. This may include, but is not limited to, the use of vertical columns, gables, variety of compatible and complimentary building materials, providing openings in the building facade, and landscaping at the building perimeter. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval.

The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The applicant may appeal the decision of the Three Mile Lane Design Review Committee to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Committee's decision.

FINDING: NOT APPLICABLE. This condition relates to the commercial portion of the southerly portion of the property within the Planned Development Overlay as designated by Ordinance 4719.

4. *That final development plans for the commercial area include landscape plans to be submitted to and approved by the McMinnville Landscape Review Committee and Three Mile Lane Design Review Committee. A minimum of 14 percent of the site must be landscaped. A solid wood fence, arborvitae hedge, or some similar type of planted visual screen shall be required along the commercial site's western property line as applicable to screen the existing single-family residence. Such landscaping screening shall also exist along the proposed commercial area's northern property line, and landscaping emphasis shall exist along the site's eastern and southern property lines, adjacent to NE Dunn Place, and the Three Mile Lane frontage road, with particular emphasis at the intersection(s) of any future commercial driveways. These streets, and any future street(s) shall be planted with required street trees. In addition, landscape islands are required to be located throughout proposed off-street parking areas.*

Street trees within a curbside planting strip along street frontages are required to have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

FINDING: NOT APPLICABLE. This condition relates to the commercial portion of the southerly portion of the property within the Planned Development Overlay as designated by Ordinance 4719. **Note:** *The applicant will still need to submit a street tree plan for review and approval by the Landscape Review Committee.*

5. *That prior to development of the site the applicant shall submit a detailed utility plan for review and approval by the City Engineer, McMinnville Water & Light, and other agencies as appropriate. At a minimum, plans for the provision of storm drainage, sanitary sewer service, and public water shall be detailed within the submitted plan.*

FINDING: SATISFIED WITH CONDITIONS. The applicant has submitted a utility plan. As a condition of approval, the applicant will need to provide final civil plans addressing the conditions of approval and any associated documents.

6. *That no building shall exceed the height of 35 feet.*

FINDING: SATISFIED. The proposed townhouses do not exceed 35 feet in height. The elevation drawings show maximum height of different buildings to be 28'-0" and 29'-4".

7. *That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.*

FINDING: SATISFIED WITH CONDITIONS. Proposed lighting will include streetlights and lighting of individual homes. Street lighting will be per City specifications. Other lighting shall comply with this requirement as a condition of approval.

8. *That signs located on the site shall be subject to the requirements of McMinnville Ordinance No. 4572 (A).*

FINDING: SATISFIED WITH CONDITIONS. Ordinance 4572 is an amendment to the original Three Mile Lane Overlay Zone, Ordinance 4131. The subject property is within the "Zone 1" area for sign regulations, which is what is referenced by Subsection (A) above. No signage is proposed at this time. If any signage is proposed, at the time of sign permit application, it will be reviewed for consistency with all applicable sign regulations including the Zone 1 sign standards in Subsection (A) of Ordinance 4572. This is included as a condition of approval.

9. *That all business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading.*

FINDING: SATISFIED WITH CONDITIONS No business use is proposed. Any business uses that might occur as home occupations shall comply with this requirement and all applicable home occupation standards.

10. *That drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; gasoline stations; and, automobile service stations are prohibited from locating on the subject site.*

FINDING: SATISFIED/NOT APPLICABLE. This condition applies to the commercial portion of the Planned Development and isn't applicable to this residential property. These uses are not proposed as part of the residential townhouse development.

11. *That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.*

FINDING: SATISFIED WITH CONDITIONS. If any restrictive covenants are proposed, the applicant shall submit them for review and approval by the Planning Director as a condition of approval.

12. *That an approved Master Plan for the commercial area, as approved by the Planning Commission, 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 final development plans. Minor changes to the details of the adopted plan may be approved by the City 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.*

FINDING: SATISFIED/NOT APPLICABLE. This condition addresses the southerly, commercial portion of the property that is within the Planned Development Overlay, and isn't applicable to the subject property.

13. *That required right-of-way dedication and improvements to the NE Dunn Place road frontage, and required improvements to the Three Mile Lane frontage road (as may be required by the City Engineer), shall be done at the developer's expense and be finalized prior to release of any occupancy permits. Prior to the division of any lands within the subject site, plans for the improvement of any and all streets shall be submitted to the City Engineer for review and approval prior to their construction.*

FINDING: SATISFIED WITH CONDITIONS. For the subject property, right-of-way dedication, dedication of public utility easements and public improvements to NE Dunn Place and the new public street will need to be completed prior to final plat and prior to occupancy, except for completion of items which are authorized to be secured prior to final plat with a completion timeline.

Ordinance 4956:

Section 2. That the property described in Exhibit "A," is hereby rezoned from a City R-2 PD (Single-Family Residential, Planned Development) zone to a City R4 PD (Multi-Family Residential, Planned Development) zone, subject to the following conditions.

1. *That all applicable requirements of McMinnville Planned Development Ordinance No. 4719 shall remain in effect.*

FINDING: SATISFIED WITH CONDITIONS. This ordinance amended Ordinance 4719, changing the zoning from R-2 PD to R-4 PD, which continues to apply. All other requirements of Ordinance 4719 continue to apply, except as provided in Subsection 2 below, where the Evelyn House master plan became part of the approved master plan for the property, which currently applies to the subject property.

2. *That the Evelyn House master plan, submitted as part of this application, shall be placed on file with the Planning Department and become a part of the zone, and binding on the owner and developer. That the developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.*

FINDING: SATISFIED WITH CONDITIONS. In combination, the result of Ordinances 4719 and 4956 is that the property is now zoned R-4 PD, subject to the provisions of Ordinance 4719. The master plan approved as part of Ordinance 4719 that encompassed a larger area remains in effect, except for that portion amended by Ordinance 4956 applicable to the subject property, replacing that portion of the master plan for tax lot 1700 that was originally identified as residential lots with the Evelyn House master plan.

As specified in Condition #2 of Ordinance 4956, major changes to the master plan must be approved by the Planning Commission. Per Condition #2, with the current application for PDA 1-23, the applicant is requesting a major amendment to the Planned Development to amend

the portion of the master plan for tax lot 1700 from the Evelyn House plan to the proposed 21-lot subdivision and townhouse development.

Subdivision Tentative Plan (S 1-23)

MMC Chapter 17.53. Land Division Standards, Subdivision (17.53.070-079)

17.53.070. Submission of Tentative Subdivision Plan

- A. Scale
- B. General Information
- C. Existing Conditions
- D. Proposed Plan of Subdivision
- E. Partial Development
- F. Explanatory Information with Tentative Subdivision Plan
- G. Supplemental Plans with Tentative Subdivision Plans

FINDING: SATISFIED WITH CONDITIONS. The applicant has submitted the required information.

- A. The plan is drawn to a suitable scale.
- B. The application includes the required items in the General Information Section (B). Subsection (5) specifies, "In the event the subdivider plans to utilize the provisions of ORS 92.060 as pertains to "Delayed Monumentation," he shall notify the County Surveyor and Planning Commission and report said fact on the tentative plan.
- C. The application contains the required items in the Existing Conditions Section (C). Subsection (5) specifies inclusion of the following, "Natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees. Areas noted in the Comprehensive Plan, Volume I Background Element, Chapter VII, The Parks and Recreation and Open Space Master Plan (1999), as potential open space lands should be identified."
- D. The application contains the required items in the Proposed Plan of Subdivision Section (D)
- E. The applicant is not proposing partial development of a tract owned by the subdivider. There is one large lot proposed , but the majority of the area is unbuildable and within the floodplain and within a proposed setback from top of river bank. Therefore, a future development plan per Section 17.53.090 is not needed.
- F. The applicant has provided explanatory information per Section (F). Subsection (2) requires proposed deed restrictions, if any, in outline form. The applicant has not submitted any proposed deed restrictions. Subsection 4 requires "special studies of areas which appear to be hazardous due to local conditions such as inundation or slippage." The applicant has provided a geotechnical report.
- G. The applicant has provided information as part of Subsection (G), and which "may be required by the Planning Commission." Additional information to be provided is specified in conditions of approval to be reviewed by the Engineering Department and utility providers.

17.53.071. Preliminary Review of Tentative Subdivision Plan

... A tentative plan for a subdivision with more than 10 (ten) lots shall be subject to Planning Commission review as required in Section 17.72.120.

FINDING: SATISFIED. The proposal includes a subdivision with more than 10 lots, and is therefore reviewed by the Planning Commission consistent with the procedures in Section 17.72.120.

17.53.073. Preliminary Approval of Tentative Subdivision Plan

The tentative plan shall “substantially conform to the requirements of this Chapter.”

FINDING: SATISFIED WITH CONDITIONS. The plans have been submitted to affected agencies and departments for review and comment, and their comments are provided herein. When necessary to address conformance with requirements of this Chapter, the respective Zoning District, and other ordinances or policies, conditions of approval have been incorporated.

Future Development Plan17.53.080 Submission of Future Development Plan

17.53.080.A. A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:

- 1. Any potential future lots (lot size shall be depicted).*
- 2. Existing and proposed utilities including water, sewer and storm drains.*
- 3. Streets and access points for potential future lots.*

APPLICANT RESPONSE: None of the proposed lots can be divided in the future, including lot 21. Even though lot 21 is 48,944 SF, due to the 60' wide slope setback recommended by geotechnical engineers, no building can take place within this 60' wide slope setback from the Yamhill River top of bank. Therefore, the building area is limited to 3,179 SF, which cannot be subdivided or partitioned in the future. Therefore, this section is not applicable.

17.53.080.B. It shall be the responsibility of the engineering department and planning department to review a future plan to ensure that it substantially conforms to the requirements of this chapter. The review body will ensure that infrastructure for the future plan is consistent with the current development requirements. The planning director may reject a future plan if it is found that it does not substantially conform to the requirements of this chapter. The review body may make any of the following recommendations:

- 1. The construction of streets and utilities or the dedication of right-of-way for future improvements.*
- 2. Any easements as deemed necessary for the extension of utility services.*

APPLICANT RESPONSE: None of the proposed lots can be divided in the future, including lot 21. Even though lot 21 is 48,944 SF, due to the 60' wide slope setback recommended by geotechnical engineers, no building can take place within this 60' wide slope setback from the Yamhill River top of bank. Therefore, the building area is limited to 3,179 SF, which cannot be subdivided or partitioned in the future. Therefore, this section is not applicable.

FINDING: SATISFIED. One proposed lot would be large enough for further division; however, the majority of the lot is constrained in unbuildable area; therefore, a future development plan is not required to address potential future division.

Approval of Streets and Ways (Sections 17.53.100-153):17.53.100. Creation of Streets17.53.101. Streets17.53.103. Blocks17.53.105. Lots17.53.110. Lot Grading17.53.120. Building Lines

17.53.130. Large Lot Subdivision

17.53.140. Left-Over Land

FINDING: SATISFIED WITH CONDITIONS.

- **Creation of Streets.** Proposed access of the lots is all onto public streets. Right-of-way and public utility easements would be dedicated on the plat.
- **Streets.** The proposed new street alignment is consistent with the original Planned Development approval in Ordinance 4719 and provides for extension consistent with the Planned Development master plan for the properties to the west. The right-of-way and street widths will be consistent with City standards.

The alignment of Dunn Place on abutting properties includes an easement along the frontage including a sidewalk easement where the street is offset from the centerline, and the proposed plan will continue the alignment consistent with direction and recommended conditions addressed by the Engineering Department. The T intersection at Dunn Place will be adequately offset from the centerlines of other existing streets. The proposed new street would dead-end at the west property line consistent with the Planned Development master plan that applies to the properties to the west, allowing for its future extension consistent with the master plan. The proposed street intersects at a 90 degree angle with Dunn Place.

Conditions of approval are included for construction of the frontage of Dunn Place to City standards. No cul-de-sacs or eyebrows are proposed. There are no adjacent railroads, frontage roads, or existing or proposed alleys, private ways, residential collector streets, or gated roads. Bikeways, sidewalks, and planter strips will be provided consistent with City standards.

- **Blocks.** The proposed street alignment is consistent with the original Planned Development master plan providing for east-west street connectivity. Existing development to the south and natural constraints to the north preclude additional street connections to the north or south or with further blocks connecting to properties to the west.
- **Easements.**
 - Utilities. Utility easements are required as conditions of approval.
 - Water courses. Drainage is proposed to be addressed with conveyance to the public system.
 - Pedestrian ways. At this time, pedestrian facilities are provided in the public right-of-way and/or sidewalk easements.
- **Lots.** The proposed lots are consistent with the standards of Section 17.53.105, except that the lot depth/width ratio is greater than 2:1. This is not unusual for townhouse lots where there are common walls and zero lot line development, and the applicant has requested flexibility to this standard as part of the Planned Development Amendment. The lots also meet the standards of 17.11.070(C) in Table 1 for Townhouse Lots. There is no direct access onto an arterial or collector. No through lots are proposed. Side lot lines are at right angles to the streets. No flag lots are proposed.
- **Lot Grading.** The portion of the property to be developed is generally level. Grading shall comply with the provisions of Section 17.53.110. The applicant's storm drainage plan shall address the requirements of the Engineering Department.

- **Building Lines.** The applicant's plan shows the rear portions of some lots are within the 60' setback from top of bank. While the proposed townhouses are not within the 60' setback, the applicant shall establish special setback lines that restrict structures such as accessory structures within the 60-setback. This shall be included in deed restrictions and shall be restriction of the Planned Development and Subdivision.
- **Large Lot Subdivision.** Not applicable. The proposal doesn't include large lots which in the future are likely to be re-subdivided.
- **Left-over Land.** Not applicable. The proposal doesn't leave remnants of leftover land that are leftover or unsubdivided.

Improvements (Sections 17.53.150-153):

- 17.53.150. Improvement Procedures
 17.53.151. Specifications for Improvements
 17.53.153. Improvement Requirements

FINDING: SATISFIED WITH CONDITIONS. Improvements shall be completed in conjunction with final approved plans and construction agreements addressing conditions of approval.

Three Mile Lane Review (TML 5-23), Subject to Ordinance 4131, as amended by Ordinance 4572 and additional ordinances

APPLICANT RESPONSE: As part of the Three Mile Lane Application, City of McMinnville requested HBH address Section 4 and Section 5 of Ordinance 4572, which replaced Ordinance 4131. Please refer to the submitted applications, plans and documents that were provided in concurrence with this application for your reference. Applicable criteria from Section 4 and Section 5 of Ordinance 4572 are stated below in italics followed by a response to how the development addresses those criteria.

Section 4. Policies. The following policies shall apply to the property described on the map in Exhibit "A":

- A. The goals and policies of the McMinnville Comprehensive Plan, Volume II, applicable regulations and standards in Volume III, and other City codes shall be adhered to.*

APPLICANT RESPONSE: See written responses to either concurrently submitted 17.74.070 Criteria or Written Findings narratives. Both address the goals and policies of the Comprehensive Plan Volume II. Volume III is all ordinances and measures that were created to carry out the goals and policies of the comprehensive plan. Currently the applicant is adhering to Ordinances 4572 (replaced 4131), repealing the master plan of Ordinance 4956 and replacing with the submitted masterplan (Sheet C5 of the submitted plans), adhering to Ordinance 4719, and submitting a variance to adhere to Zoning Ordinance 3380. The City shall inform the applicant if other Ordinances or Codes are applicable for compliance.

FINDING: SATISFIED WITH CONDITIONS. Findings regarding the Goals and Policies in Volume II of the Comprehensive Plan are addressed in the respective sections of this decision document. Findings regarding applicable implementing regulations and standards that comprise Volume III of the Comprehensive Plan are also addressed in the respective sections of this decision document.

- B. A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.*

APPLICANT RESPONSE: This property is not along the highway and ergo not subject to this provision.

FINDING: SATISFIED/NOT APPLICABLE. The subject property is not within 120 feet of the centerline of the highway.

C. Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:

- 1. The minimization of entrances onto Three Mile Lane;*

APPLICANT RESPONSE: The project site is not along the highway. The development does not propose any alterations to, nor is expected to contribute a significant impact to any of the entrances onto Three Mile Lane.

FINDING: SATISFIED. No direct access is proposed from the subject property to Three Mile Lane. Access is proposed to Dunn Place and the new street, both of which are functionally classified as local streets.

- 2. The development of on-site circulation systems, connecting to adjoining properties, including public frontage roads;*

APPLICANT RESPONSE: The applicant is developing public frontage improvements along the west side NE Dunn Place and adding a new public street connected to NE Dunn Place to serve the development. These improvements will provide direct connectivity for each lot of the development to the public right of way.

FINDING: SATISFIED. No direct access is proposed from the subject property to Three Mile Lane or a frontage road. Access is proposed to Dunn Place and to the new street, both of which are functionally classified as local streets. The proposed new street provides for a future connection to the west, consistent with the point of connection in the currently and previously approved master plans for the Planned Development.

- 3. The provisions of acceleration-deceleration lanes and left-turn refuges when and where necessary and practicable.*

APPLICANT RESPONSE: Neither NE Dunn Place or Marjorie Lane, given they are both local roads, will have sufficient width, traffic, or speed to necessitate the need for acceleration-deceleration lanes or left-turn refuges. The development will not significantly impact any nearby intersections to the effect of necessitating the installation of either of these features.

FINDING: SATISFIED. Access is proposed to Dunn Place and to the new street, both of which are functionally classified as local streets. Acceleration and deceleration lanes are not required and are not conducive to design speeds for local residential streets.

- 4. The provision of bikeways along frontage roads or on-site circulation systems. Bikeway connections accessing Three Mile Lane shall be provided so that the frontage road or on-site circulation system can serve as an alternative route for cyclists traveling along Three Mile Lane.*

APPLICANT RESPONSE: Bike facilities are not incorporated with this development to conform to the surrounding neighborhood and the City's TSP. Bicycle lanes do not exist in this neighborhood nor on adjacent minor collector NE Cumulus Avenue. Per the City's TSP, the only bicycle facilities warranted are along Highway 18.

FINDING: SATISFIED WITH CONDITIONS. Proposed access is via public streets. The streets are functionally classified as local streets, which do not include on-street bike lanes.

D. Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.

APPLICANT RESPONSE: This property does not front the highway and ergo not subject to these requirements.

FINDING: NOT APPLICABLE. The subject property does not abut the highway or frontage road. Access is provided to local residential streets.

E. Mixed housing-type residential developments shall be allowed and encouraged in those areas designated as residential.

APPLICANT RESPONSE: This development is zoned as residential. This development is a style of housing that is not currently present in the neighborhood, which will diversify the housing type in the area.

FINDING: SATISFIED. The subject property is zoned R-4 PD. Townhouse development, as well as detached single or middle housing, is permitted use in the R-4 PD zone.

F. Temporary signage shall be allowed as per Section 17.62.060(B) (3) of the McMinnville Zoning Ordinance.

APPLICANT RESPONSE: Temporary signage is not proposed. However, if temporary signage is constructed, the placement shall adhere to provisions of City Municipal Code 17.62.060(B)(3).

FINDING: SATISFIED/NOT APPLICABLE. No temporary signage is proposed, but would be authorized as specified in the Zoning Ordinance.

Section 5. Signs.

...

APPLICANT RESPONSE: The property is neither industrial nor commercial. Signs are not proposed for this development. Therefore, this section does not apply. If the applicant decides to have a sign at a later date, it is understood that this section will need to be met.

FINDING: SATISFIED WITH CONDITIONS. The applicant isn't proposing signage. If any future signage is proposed, the applicant will need to submit a sign permit application prior to any signage. The Planning Director will review signage for consistency with the provisions of Zone 1 of the Three Mile Lane Planned Development Ordinance as well as any applicable provisions of the Planned Development Ordinances and Chapter 17.62 of the Zoning Ordinance.

Section 6. Procedures for Review

...

FINDING: SATISFIED. This Three Mile Lane Review addresses the requirements of Section 6. This is a consolidated concurrent review of applications, with the Planning Commission making the decision.

Comprehensive Plan Volume II:

The implementation of the goal, policy, and proposal statements in Volume II of the Comprehensive Plan shall occur in one of two ways. First, the specific goal, policy, or proposal shall be applied to a land use decision as a criterion for approval, denial, or modification of the proposed request. In this case the goal, the policy, or the proposal is directly applied. The second method for implementing these

statements is through the application of provisions and regulations in ordinances and measures created to carry out the goals and policies. This method involves the indirect application of the statements.

Certain Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request. The implementation of many of the goals, policies, and proposals as they apply to quasi-judicial land use applications are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply certain applications, and are not addressed below.

The following findings are made relating to specific Goals and Policies:

APPLICANT'S RESPONSE: Italicized below are the applicable comprehensive plan goals and policies followed by a response stating how they are satisfied.

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

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

General Housing Policies

GOAL V.2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policies:

Policy 68.00 *The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.*

Applicants Response: Policy 68 is satisfied. Urban services exist adjacent to the subject site and are available to serve the subject property.

Policy 71.00 *The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*

Applicants Response: Policy 71.00 is satisfied. The applicant proposes to develop townhome style housing. This style of housing is not common in the immediate area and will help to diversify the types of housing available to the community.

Planned Development Policies:

Policy 73.00: *Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*

Applicants Response: Policy 73.00 is satisfied. The existing PD overlay zone was approved for a senior care facility. Approving the PD modification would allow for a greater variety of housing types in the area at varying price ranges based on size.

Policy 75.00 & 76.00 *Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is*

not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area. Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

Applicants Response: Policy 75.00 and 76.00 is satisfied. The applicant is dedicating Tract A to the HOA as open space. This area also includes a proposed underground stormwater detention facility that serves the entire subdivision. The tract will also have a 3' tall black chain link fence north of the public sidewalk. The tract will feature landscaping with shrubs along the fence line and grass in the center meeting city landscaping requirements. Due to the underground stormwater facility and stormwater pipes, shrubs with small roots are proposed in order to not negatively impact the underground utilities.

Policy 77.00 & 78.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways. Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Applicants Response: Policy 77.00 and 78.00 is satisfied. The proposed vehicle and pedestrian traffic system provides safe and compatible patterns with the adjoining transportation system. Bike facilities are not incorporated with this development to conform to the surrounding areas and the City's TSP. Public sidewalks are proposed on all public road frontages to be used as pedestrian pathways.

Residential Design Policies:

Policy 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.

Applicants Response: Policy 81.00 is satisfied. The sidewalks from the development also bring access to nearby Bend-O-River mini-park and the McMinnville Cinemas, approximately a block away from the development.

Policy 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.

Applicants Response: Policy 82.00 is satisfied. NE Marjorie Lane can be extended through the neighboring two properties to the west without impacting the existing homes on the two properties. This could allow for the development of the currently vacant southern half of these two lots while maintaining the existing homes to the north of the lots (see Neighborhood Master Plan on submitted plans). Full development north and south of future NE Marjorie Lane would also be an option for these properties.

Urban Policies:

Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to: 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available. 2. Storm sewer and drainage facilities (as required). 3. Streets within the development and providing access to the development, improved to city standards (as required). 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water & Light).

Applicants Response: Policy 99.00 is satisfied. Urban services can be provided concurrently with the proposed residential development and are proposed to be constructed that way. An existing eight-inch sanitary sewer is available in NE Dunn Place and is proposed to be extended to service this project. There is an existing 12-inch storm drain line in NE Dunn Place that is proposed to be extended to service this project. Water and power are available to serve the subject property in NE Dunn Place. A six-inch water line is available in NE Dunn Place and is proposed to be extended to service this project.

FINDING (CHAPTER V): SATISFIED WITH CONDITIONS. The property is zoned R-4 PD, and the proposed use is a permitted use in the zone. Utilities are available to serve the development and will need to be constructed and/or extended as part of the development to serve the proposed lots and homes. The street layout is consistent with the connectivity in the previous Planned Development master plan approvals, allowing for extension to abutting properties. The proposed street improvements will be consistent with the City's local street standards. The street layout provides relatively direct street connections for bikes, pedestrians, and vehicles. The standards for local residential streets do not include bike lanes.

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. MASS TRANSPORTATION

Streets

Policy 117.00 City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:

- 1. Minimal adverse effects on, and advantageous utilization of natural features of the land.*
- 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
- 3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
- 4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and footpaths). (Ord.4922, February 23, 2010)*
- 5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist.*

Applicants Response: Policies 117.00 and 118.00 are satisfied. Every parcel will be served by a driveway that accesses a public street. The driveways will be constructed to City standards. The west side of NE Dunn Place will be improved to City standards with curbs, sidewalks and planter strips that provide multi-modal transportation. NE Marjorie Lane will be constructed to City standards with asphalt, curbs, sidewalks, and planter strips that provide multi-modal transportation needs. NE Marjorie Lane is aligned such that the two properties to the west could be partially or fully developed in a similar manner when continuing the road along the proposed alignment to the west.

The South Yamhill River runs through the northwest corner of the property. A site geotechnical investigation (attached) was prepared by Strata Design, LLC in 2014 for

the memory care facility that was proposed as part of application CU3-19. The section of property of which the South Yamhill River runs through features steep slopes. A prior slope stability investigation in 2005 found that these steep slopes were unsuitable for construction. The 2005 report imposed a 60 feet setback buffer on the property where no buildings should be constructed. The 2014 report performed soil investigations of the steep slopes and compared them to the original 2005 findings. The 2014 report found the 2005 findings to be conservative in nature and reaffirmed the 60 feet of setback should be abided by. Also attached is a recent 2023 geotechnical report that agrees with the previous geotechnical reports, following two site visits in 2023, since the site conditions have not changed for this property.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functioned road classifications:

...

3. Local Streets -Designs should minimize through-traffic and serve local areas only. -Street widths should be appropriate for the existing and future needs of the area. -Off-street parking should be encouraged wherever possible. -Landscaping should be encouraged along public rights-of-way.

Applicants Response: Policy 122.00 (3) is satisfied. The new NE Marjorie Lane will be a local street that primarily serves the residential properties fronting the road. The only expected through traffic on NE Marjorie Lane will be the residents of the two properties directly to the west. These residents already use an existing gravel road that is in the location of the proposed NE Marjorie Lane. The increased traffic on NE Dunn Place from the development is expected to primarily head south and disperse on the minor collector NE Cumulus Avenue. The cross-sectional widths, depths, and materials of NE Marjorie Lane and the intersection with NE Dunn Place will be to City standards. Five-foot-wide landscaping buffers will be installed between the back of curb with a five-foot-wide sidewalk on NE Dunn Place and NE Marjorie Lane.

Parking

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

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

Applicants Response: Policies 126.00 and 127.00 are satisfied. Two parking spaces will be provided on each lot. These parking spaces will encourage off-street parking.

Bike Paths

Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)

Applicants Response: Policy 132.00 is satisfied. The tentative plan for the subject property provides for public walkways that connect to adjacent neighborhoods, a nearby City park, and movie theaters.

FINDING (CHAPTER VI): SATISFIED WITH CONDITIONS. The proposal includes required off-street parking. The street layout is consistent with the connectivity in the previous Planned Development

master plan approvals, allowing for extension to abutting properties. It provides the most direct connectivity given constraints of existing development and natural features, with relatively direct connections for bikes, pedestrians, and vehicles. The proposed street improvements will be consistent with the City's local street standards. The standards for local residential streets do not include bike lanes.

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

Policy 136.00 *The City of McMinnville shall insure urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.*

Policy 139.00 *The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below: VOLUME II Goals and Policies Page 48*

1. *Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*
2. *Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
3. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*
4. *Extensions will implement applicable goals and policies of the comprehensive plan.*

Applicants Response: Policy 136.00 and 139.00 are satisfied. A public sanitary sewer collection system will be constructed with the development of the streets and public utilities to provide service to each individual lot within the subject development. The proposed eight-inch sanitary sewer extension in NE Marjorie Lane has sufficient capacity to service the subdivision based on the proposed density of the project.

Storm Drainage

Policy 142.00 *The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.*

Applicants Response: Policy 142.00 is satisfied. The City of McMinnville has identified the downstream 12-inch pipe as having capacity issues. Per City of McMinnville design standards, a stormwater detention facility is proposed to detain and release stormwater runoff at predeveloped or lower peak flow rates for the 10-year storm event.

FINDING (CHAPTER VII): SATISFIED WITH CONDITIONS. As conditions of approval, all utilities and public facilities will be designed and installed in accordance with applicable standards.

CHAPTER IX URBANIZATION

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMinnville Comprehensive Plan

GREAT NEIGHBORHOOD PRINCIPLES:*Policies:*

187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle

Applicants Response: As part of the Planned Development Amendment Application and Subdivision Applications, City of McMinnville requested HBH to address the Great Neighborhood Principles in policies 187.10-187.50 of the Comprehensive Plan. Please refer to the submitted plans and documents for your reference. The Great Neighborhood Principles are identified numbers 1-13 in Comprehensive Plan policy 187.50. Those principles are listed below in italics followed by a response to how the development addresses these principles.

187.50.1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.

a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.

Applicants Response: The subject property contains a portion of the South Yamhill River on the northwest corner of the property. The proposed improvements would be set back 60 feet from the top of bank to minimize impacts to natural areas. This setback will allow for the natural area near the river to remain undisturbed. Trees along the riverbank and riparian area will be preserved. Some trees near the existing dwelling and outbuildings would need to be removed to allow demolition of the structures. A precise plan indicating which trees will be demolished is shown on sheet C2. No development will occur near steep slopes along the riverbank.

187.50.2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.

a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.

Applicants Response: The proposed townhomes will consist of two-story structures that are a maximum of 29 feet and 4 inches in height. This lower building height will help preserve views of the river to the north and the surrounding skyline.

187.50.3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.

- a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.
- b. Central parks and plazas shall be used to create public gathering spaces where appropriate.
- c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.

Applicants Response: The applicant is dedicating Tract A to the HOA as open space. This area also includes a proposed underground stormwater detention facility that serves the entire subdivision. The tract will also have a 3' tall black chain link fence north of the public sidewalk. The tract will feature landscaping with shrubs along the fence line and grass in the center meeting city landscaping requirements. Due to the underground stormwater facility and stormwater pipes, shrubs with small roots are proposed in order to not negatively impact the underground utilities. The nearest park is Bend O River mini park located between the cul-de-sacs of NE Clark Ct and NE Norton Ct one block away from the proposed development.

187.50.4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.

- a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.
- b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).
The plan can be completed within a reasonable period of time.

Applicants Response: A sidewalk five feet wide will be developed on each side of the proposed Marjorie Lane, providing pedestrian access to the site. Additionally, street improvements along NE Dunn Place will span the length of the subject property, including street trees and sidewalk on the west side of the street.

187.50.5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.

- a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.
- b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.
Bike facilities are not incorporated with this development to conform to the surrounding area and the City's TSP.

187.50.6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.

- a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.
- b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.

Applicants Response: The proposed project would develop a new public road, Marjorie Lane, with the required sidewalk and planter strips for street trees. These sidewalks are connected to an existing local sidewalk system that provides access to nearby parks, retail, and industry. The sidewalk system also connects the development to Yamhill County Transit Route #2. The transit route is part of the greater Yamhill County Transit System which connects Grand Ronde, Hillsboro, Newberg, West Salem, Lafayette, Dundee, Sherwood, King City, Tualatin, and Tigard. Route #2 has a stop directly along the property's frontage at the intersection of Dunn Place and NE Aaron Drive. Route #2 also has a stop at the Yamhill County Housing Authority, which is the property directly south of the development.

187.50.7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.

- a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
- b. Design practices should strive for best practices and not minimum practices.*

Applicants Response: The neighborhood will construct sidewalks, ramps, and intersections meeting current PROWAG and City design regulations.

187.50.8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.

- a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
- b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
- c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

Applicants Response: The development will feature buildings orientated towards the public right-of-way. There will be street lighting meeting city and CPTED standards. Residential construction is consistent with the surrounding areas. There will be street trees, public sidewalks, and grassed landscaping along all developed ROW frontages.

187.50.9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.

- a. Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
- b. Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
- c. Neighborhoods are designed such that owning a vehicle can be optional.*

Applicants Response: There are many recreational, dining, and medical options within walking distance of the proposed project. Willamette Valley Medical Center and satellite medical offices exist within approximately a ¼ mile of the development. McMinnville Cinemas and Chemeketa Community College also exist within the same radius of the development. The frontage of the development currently features an existing bus stop that connects to the county-wide transit system.

187.50.10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.

a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.

Applicants Response: The site is not adjacent to any rural land uses. The site is bordered to the north, east, and west with single family residential homes. The south side of the property is bordered by government offices.

187.50.11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.

a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.

Applicants Response: Townhomes are in variance from the surrounding forms of housing, which primarily are single-story, single-family homes on lots average five to ten thousand square feet. There are two single-family residential lots to the west that are approximately 2.5 acres per lot. The proposed lots are smaller the surrounding, ranging from 2,594 to 48,944 square feet. The large lot is limited to 3,179 SF of buildable area due to the established sixty feet slope setback from the top bank of the South Yamhill River. The townhome lots would complement the area with a previously unavailable housing style and lot size. This would increase availability for a wider range of people and families seeking residence in the neighborhood.

187.50.12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.

a. Neighborhoods shall have several different housing types.

b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.

Applicants Response: Townhomes are in variance from the surrounding forms of housing, which are primarily single-story, single-family homes on lots average five to ten thousand square feet. There are two single-family residential lots to the west that are approximately 2.5 acres per lot. The proposed lots are smaller, ranging from 2,594 to 48,944 square feet. The large lot is limited to 3,179 SF of buildable area due to the established sixty feet slope setback from the top bank of the South Yamhill River. The townhome lots would complement the neighborhood with a previously unavailable housing style and lot size.

The townhomes, being a single building assigned to multiple tax lots, by design will be similar for several adjacent tax lots. The applicant is proposing multiple building layouts and styles to supply aesthetic variance to the development.

187.50.13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:

a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.

b. Opportunities for public art provided in private and public spaces.

c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood. (Ord 5066 §2, April 9, 2019)

Applicants Response: The proposed development will be designed to meet building code standards for water and energy conservation. There are no current plans for public art. The pedestrian amenities of the site include streetlights, ADA accessible concrete ramps and sidewalks, landscaping, and paved driveways. The design approach will integrate the form and function of these features with the main building design.

FINDING (CHAPTER IX): SATISFIED WITH CONDITIONS. Subject to conditions of approval, the proposal is consistent with the Great Neighborhood Principles in Chapter IX.

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.*

FINDING: SATISFIED. The proposal includes a proposed amendment to a Planned Development and master plan and a Subdivision, which require a noticed public hearing and a Planning Commission decision. The Zoning Ordinance provides for a concurrent consolidated review process when there are multiple applications associated with a development proposal, using the procedure that provides the greatest opportunity for public involvement. The Three Mile Lane Review is included in this concurrent review which provides greater opportunity for public involvement.

In addition, the procedures require the applicant to conduct a neighborhood meeting prior to submitting the application. The applicant conducted the required neighborhood meeting and submitted the required documentation with the application.

Three Mile Lane Area Plan (Ordinance 5126) – Policies and Urban Design Elements

See separate supplemental submittal with applicant's responses.

GENERAL FINDING:

Three Mile Lane Area Plan Policies

As described in the Plan: "The following policies are intended to guide development and future planning decisions in the Three Mile Lane area. These policies implement the Three Mile Lane Area Plan goals and describe how Great Neighborhood Principles are expected to be expressed in the future growth and development of the Three Mile Lane Area."

Please also note that OAR 660-046-0215 specifies:

Permitted Uses and Approval Process.

Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307. Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications

and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

The definition of middle housing includes townhouses. The property is subject to a Planned Development Overlay, and the applicant has requested a Planned Development Amendment. The purpose of a Planned Development is, in part, "To provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance," which is an alternative approval process based on criteria that are not clear and objective. The Planned Development Amendment amends the master plan. The applicant has requested minimal flexibility to the underlying adopted clear and objective standards for the subdivision and townhouse development standards.

1. Require future development to be consistent with the design elements of the Three Mile Lane Area Plan.

FINDING: SATISFIED. The applicant has proposed complementary but differing building designs in the different townhouse units. The architecture incorporates board and batten siding, a material used in agricultural buildings.

2. Public improvements and private development shall strive to protect tree groves and mature individual trees.

3. Riparian corridors and adjacent native landscape shall be protected.

FINDING: (Policies 2 and 3): SATISFIED. The proposed plan preserves the riparian area and the majority of the mature trees in the proposed 60-foot setback from top of streambank.

4. The built environment will be designed to provide and protect views to rolling hills and volcanoes and to enhance visual and physical access to the North Yamhill River. New streets and open spaces will be oriented to capture views.

FINDING: SATISFIED. The street layout is consistent with the previous connectivity, and is limited by existing development and natural features. The two-story development and the distance from the highway doesn't obstruct views from the highway corridor.

5. Enhancing connections to existing trails and open space, such as connections into Joe Dancer Park and McBee Park, and creating a public greenway along South Yamhill River with trails and connections to the Three Mile Lane Area is a priority.

FINDING: SATISFIED WITH CONDITIONS. As a condition of approval, staff recommends that the property owner reserve to the City the option for a future easement for a trail along the riparian area.

6. New gathering spaces will be designed to incorporate natural areas and views.

FINDING: SATISFIED. The proposed common area is Tract A, near the treed riparian area.

7. Require native landscape plantings with seasonal variation and tree plantings that include shade streets with mature tree canopy.

FINDING: SATISFIED WITH CONDITIONS. The landscaping for individual lots is subject to clear and objective standards. The applicant will be required to submit a street tree plan for review and approval. The Tract A common area shall be designed to be consistent with this policy.

8. *A network of sidewalks and trails will connect people to key locations within the Three Mile Lane Area.*

FINDING: SATISFIED. As a condition of approval, staff recommends that the property owner reserve to the City the option for a future easement for a trail along the riparian area.

9. *The Three Mile Lane Area will have safe bicycle routes for residents and touring cyclists.*

10. *Proposed new streets will connect to the existing local street grid, consistent with the conceptual designs in the Three Mile Lane Area Plan and in compliance with Transportation System Plan standards.*

FINDING: SATISFIED WITH CONDITIONS. The proposal includes local street connectivity with opportunity for further connectivity to the west, and the new street connects to Dunn Place with sidewalk connectivity to the existing street grid.

11. *New commercial developments should be designed to be at a walkable, human scale and for ease of use by all ages and abilities.*

FINDING: NOT APPLICABLE. The proposal is not a commercial development.

12. *New commercial, office, mixed-use, and multi-family developments should be designed to reflect the micro-climate and enhance outdoor life through the incorporation of features such as porches, balconies, courtyards, plazas, etc.*

FINDING: NOT APPLICABLE. The proposed use is single-attached dwellings (townhouses).

13. *New commercial, office, mixed-use, and industrial campus developments should promote inclusion and interaction within the right-of-way.*

14. *Encourage mixed-use development where feasible.*

FINDING: NOT APPLICABLE. The proposal doesn't include these uses.

15. *Proposed site landscape for new development should strive to reflect patterns of wine industry—eg, rows of vines, southern orientation, shelter belts of trees – and consider functional site planning of vineyard and farm complexes as conceptual models.*

FINDING: SATISFIED WITH CONDITIONS. The landscaping for individual lots is subject to clear and objective standards. The applicant will be required to submit a street tree plan for review and approval. The Tract A common area shall be designed to be consistent with this policy.

16. *New development should consider adjacency to agricultural fields and respect this heritage through careful transitions.*

FINDING: NOT APPLICABLE. The property is not adjacent to rural agricultural use.

17. *Architectural building design that includes simple roof forms (industrial and agricultural) is encouraged in the Three Mile Lane Area.*

18. *Encourage a diversity of future housing forms, types, and design that respect the current character of the area.*

FINDING (17&18): SATISFIED. The proposal includes different building types with hip and gable roof forms. There are variations between the townhouse buildings and the units which comprise each building.

19. *Ensure that new commercial and industrial campus development creates a welcoming and visible interface with Three Mile Lane.*

FINDING: NOT APPLICABLE. This project is not commercial or industrial campus development.

20. *Encourage site design and architecture that visibly convey the historic or current industry on the site (e.g., aviation, wine-making).*

FINDING: SATISFIED. Townhouse developments limit the site design component due to the common wall lot and building layout. The buildings incorporate board and batten siding which has historically been used in agricultural buildings.

21. *New commercial, mixed-use, office, and industrial campus development should consider using local materials for cladding and building structure (timber, corrugated steel cladding, red brick), and incorporating vibrant color.*

FINDING: NOT APPLICABLE. The proposal doesn't include these uses.

22. *Public safety services shall be considered as part of the master planning, including access, response times, and opportunity for substations if needed.*

FINDING: SATISFIED WITH CONDITIONS. While this policy appears to address larger master planning aspects of Three Mile Lane, this application has been reviewed by the Fire Marshal, and the site development will need to be consistent with applicable fire codes.

23. *Ensure that no incompatible heavy industrial uses are allowed along Highway 18 in the Three Mile Lane Area or as part of the Innovation Campus.*

FINDING: NOT APPLICABLE. No industrial use is proposed.

24. *Significant natural features shall be inventoried and protected as much as possible within new development plans.*

FINDING: SATISFIED WITH CONDITIONS. The plans show the heavily treed riparian area and floodplain and trees above the top of bank. The majority of those trees are to be retained, and a 60-foot setback is proposed from top of bank.

ZONING ORDINANCE

Chapter 17.11. Residential Design and Development Standards...

FINDING (Section 17.11.090, Residential Design and Development Standards: Townhouses, and 17.11.100 Universal Design Standards): SATISFIED WITH CONDITIONS. Section 17.11.012 provides the Introduction to Housing Types. Townhouses are a permitted use in the R-4 zone, subject to the standards in Section 17.11.070 of the Zoning Ordinance and the Universal Design Standards in Section 17.11.100. The applicant is not requesting flexibility to these standards as part of the Planned Development and will submit plans in substantial compliance with the submitted proposal for building permit review.

FINDING (Section 17.11.110. Planned Development Residential Design and Development Standards). SATISFIED WITH CONDITIONS. Many of these standards repeat aspects of the Great Neighborhood Principles and are addressed through the findings regarding the Great Neighborhood Principles. The common open space provisions of Section 17.11.110(C)(3) and (4) need to be addressed relative to the size and design of the Tract A common open space, based on the buildable portion of the site.

Chapter 17.21. R-4 Zone.

FINDING (Chapter 17.21): SATISFIED. The property is subject to the provisions of the R-4 zone, as modified by the provisions of the Planned Development Overlay Ordinances. Townhouses are a permitted use in the R-4 zone. The R-4 zone specifies that density maximum may not apply to permitted housing types other than single attached dwellings, which shall not exceed four units per 5,000 square feet, with minimum lot size for townhouses averaging no less than 1,500 square feet per lot. average no more than 1,500 square feet in area.

Chapter 17.52. Airport Overlay Zone

...

17.52.030 General Restrictions. No use in the Airport Overlay Zone shall:

- A. Create electrical interference with navigational signals or radio communication between the airport and aircraft; or*
- B. Otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.*

...

17.52.060 Horizontal Zone Restrictions. The following uses are prohibited in the Horizontal Zone: Any structure which exceeds a height greater than 309 feet above MSL except that a structure may be constructed to a vertical height no greater than 35 feet above the ground in the Eola Hills.

...

FINDING (Chapter 17.52): SATISFIED. The subject property is within the Airport Overlay Zone, which is comprised of several sub-areas. The subject property is within the Horizontal Zone. 17.52.030, General Restrictions, and 17.52.060, Horizontal Zone Restrictions, apply to the subject property.

The general restrictions of the Airport Overlay Zone will continue to be applicable to the property and the operation of the use since it is located within the Airport Overlay Zone. There is nothing related to the residential use or development that is expected to create electrical interference or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

The proposed structures will not exceed a height greater than 309 feet above mean sea level (MSL). The published airport elevation is 163 above MSL, so a building exceeding 309 feet above MSL would be approximately 146 feet tall.

Chapter 17.54. General Provisions

FINDING (Chapter 17.54): SATISFIED WITH CONDITIONS. This Chapter includes various provisions, including those regarding exceptions to building height, fences (recodified as MMC 8.10.210), yards, and clear vision areas. Fences within interior side and rear yards are limited to seven feet in height. Clear vision areas are to be maintained at driveway approaches and street intersections. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding three (3) feet in height, measured from the top of the curb or, where no curb exists, from three and one-half (3.5) feet above the edge of the pavement, or top of asphalt measured at the property line, except that the following may be allowed in a clear vision area.

1. Trees exceeding this height may be located in the clear vision area provided all branches and foliage are removed to a height of eight feet above the grade;
2. Telephone, power, and cable television pole, electrical junction boxes.
3. Government issued traffic safety signs.
4. Telephone switch boxes provided they are less than 10 inches wide at the widest dimension.

Chapter 17.57. Landscaping

FINDING (Chapter 17.57): SATISFIED WITH CONDITIONS. Landscape Plan Reviews are not required for Townhouse Lots. The applicant shall apply for Street Tree Plan approval and landscape plan approval for the common open space tract.

Chapter 17.58. Trees

...

17.58.080 Street Tree Planting - When Required. All new multi-dwelling development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

17.58.100 Street Tree Plans.

A. Submittal.

1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.

17.58.110 Street Tree Planting.

A. Residential subdivisions and partitions.

1. Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.

FINDING (Chapter 17.58): SATISFIED WITH CONDITIONS. The applicant shall apply for Street Tree Plan approval and landscape plan approval for the common open space tract, addressing the requirements of 17.58,090 & 100.

Chapter 17.60. Off-Street Parking and Loading

Section 17.60.060.A. Spaces, Number required.

Residential land use categories

6. Middle housing: One space per dwelling unit

FINDING (Chapter 17.60. Off-Street Parking and Loading): SATISFIED. The proposal includes the required minimum parking. Garages are setback the required minimum 20 feet from the property line, and where sidewalks are within an easement rather than public right-of-way, garage setbacks are increased to be a minimum of 20 feet from the back of sidewalk.

Chapter 17.62. Signs

FINDING (Chapter 17.62. Signs): SATISFIED WITH CONDITIONS. No signs are currently proposed. As a condition of approval, the applicant shall separately submit any potential future application for a sign permit. The application will be reviewed for consistency with the applicable sign regulations of this Chapter and the specific provisions of the Planned Development Overlay Ordinance. Any sign permit application will also be reviewed for consistency with the provisions of Zone 1 of the Three Mile Lane Planned Development Overlay Ordinance.

TS

Dunn Place Subdivision and Townhouse Development PDA 1-23, S 1-23, TML 5-23 Application Materials

The applicant is requesting concurrent review and approval of three applications for the Dunn Place 21-Lot Subdivision Townhouse Development: a Planned Development Amendment for an amended Master Plan (PDA 1-23), Subdivision Tentative Plan approval for the 21-lot subdivision (S 1-23), Three Mile Lane Review (TML 5-23).

(Materials required for multiple applications are attached once as listed below, rather than attaching duplicate materials with each application).

- PDA 1-23 Application Form with Attachments:
 - Title Report
 - PD Ordinance 4956
 - Neighborhood Meeting Materials
- PDA 1-23 Findings (Response to Questions on Application Form)
- PDA 1-23 Findings (PDA Criteria in MMC 17.74.070), also S 1-23 Findings for MMC 17.53.080.
- PDA 1-23 Findings (Additional Comprehensive Plan Policies: Great Neighborhood Principles)

- S 1-23 Application Form

- TML 5-23 Application Form
- TML 5-23 Findings

- Subdivision Tentative Plan – Plan Sheets

- Architectural Floor Plans and Elevations

- 2014 Geotechnical Report

- 2023 Geotechnical Report Letter



Planning Department

231 NE Fifth Street ◦ McMinnville, OR 97128
(503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:	
File #	_____
Date	_____
Fee	_____
Rec	_____
Rec	_____

UPDATED
PROPERTY
OWNER
INFO

Planned Development Amendment Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other Civil Engineer

Applicant Name Andrey Chernishov Phone 503-554-9553

Contact Name _____ Phone _____
(If different than above)

Address 501 E First Street

City, State, Zip Newberg, OR 97132

Contact Email achernishov@hbh-consulting.com

Property Owner Information

Property Owner Name Evergreen Court Townhomes LLC Phone _____
(If different than above)

Contact Name Jason Flores Phone 503-580-6422

Address PO Box 20025

City, State, Zip Keizer, OR 97307

Contact Email jason@celticbuilthomes.com

Site Location and Description

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

Property Address 235 NE Dunn Place, Taxlot 1700

Assessor Map No. SEC22 R4W T4S SW1/4 SE1/4 Total Site Area 2.83 Acres

Subdivision N/A Block N/A Lot 1700

Comprehensive Plan Designation Residential Zoning Designation R4

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

See Attached Written Findings

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

See Attached Written Findings

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

See Attached Written Findings

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

See Attached Written Findings

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

See Attached Written Findings


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

See Attached Written Findings

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

- A site plan (drawn to scale, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.).
- A copy of the current planned development overlay ordinance.
- A legal description of the subject site, preferably taken from the deed.
- Compliance of Neighborhood Meeting Requirements.
- 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

09/09/2023

Date



Property Owner's Signature

9/11/23

Date



AmeriTitle, LLC
 320 Church St. NE, Salem, OR 97301
 PHONE (503)581-1431 FAX (503)364-8716

January 6, 2022
 File Number: 517536AM
 Report No.: 1
 Title Officer: Whitney Estes
 Escrow Officer: Tasha Walery

PRELIMINARY TITLE REPORT

Property Address: 235 NE Dunn Place, McMinnville, OR 97128

Policy or Policies to be issued:
 OWNER'S STANDARD COVERAGE
 Proposed Insured: **To Come**

<u>Liability</u>	<u>Premium</u>
To Come	\$To Come
Reissue Rate	

Local Government Lien Search	\$50.00
------------------------------	---------

We are prepared to issue ALTA (06/17/06) title insurance policy(ies) of Old Republic National Title Insurance Company, in the usual form insuring the title to the land described as follows:

Legal description attached hereto and made a part hereof marked Exhibit "A"

and dated as of 27th day of December, 2021 at 7:30 a.m., title is vested in:

Evergreen Court Townhomes LLC, an Oregon Limited Liability Company who acquired title as Evergreen Court Townhomes LLC, an Oregon Limited Liability Company

The estate or interest in the land described or referred to in this Preliminary Title Report and covered herein is:

FEE SIMPLE

Except for the items properly cleared through closing, Schedule B of the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:

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. 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, 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 subject 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.

EXCEPTIONS 1 THROUGH 5 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

Tax Information:

Taxes assessed under Code No. 40.0 Account No. 167875 Map No. R4422CD 01700
NOTE: The 2021-2022 Taxes: \$4,392.25, are Paid

6. City liens, if any, of the City of McMinnville. (None as of December 30, 2021)
7. The property lies within and is subject to the levies and assessments of the Marion Soil and Water Conservation District.
8. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.
9. Easement Dedication and Maintenance Covenant, including the terms and provisions thereof,
Recorded: January 22, 2002
Instrument No.: 2002-01501
10. Easements as shown on the Partition Plat No. 2004-33.
11. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: City of McMinnville, a municipal corporation of the State of Oregon, acting by and through its Water & Light Commission
Recorded: August 5, 2004
Instrument No.: 2004-16131

12. The Company will require a copy of the Operating Agreement (including any approvals of withdrawal of member(s) or acceptance of new member(s)) and the Articles of Organization of Evergreen Court Townhomes LLC for its examination prior to closing. Any conveyance or encumbrance of the Limited Liability Company's property must be executed by all of the members unless otherwise provided for in the Operating Agreement.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

13. Rights of tenants under existing leases or tenancies.

INFORMATIONAL NOTES:

NOTE: Our examination of the title to the subject property discloses no open Deeds of Trust or Mortgages of record. The accuracy of this conclusion should be confirmed in writing prior to closing of the proposed transaction.

NOTE: We find the following deed affecting said Land recorded within 24 months of the date of this report:
Document: Statutory Warranty Deed
Grantor: McMinnville Senior Living, LLC, an Oregon Limited Liability Company
Grantee: Evergreen Court Townhomes LLC, an Oregon Limited Liability Company
Recorded: July 19, 2021
Instrument No.: 2021-14907

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.

THIS PRELIMINARY TITLE REPORT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

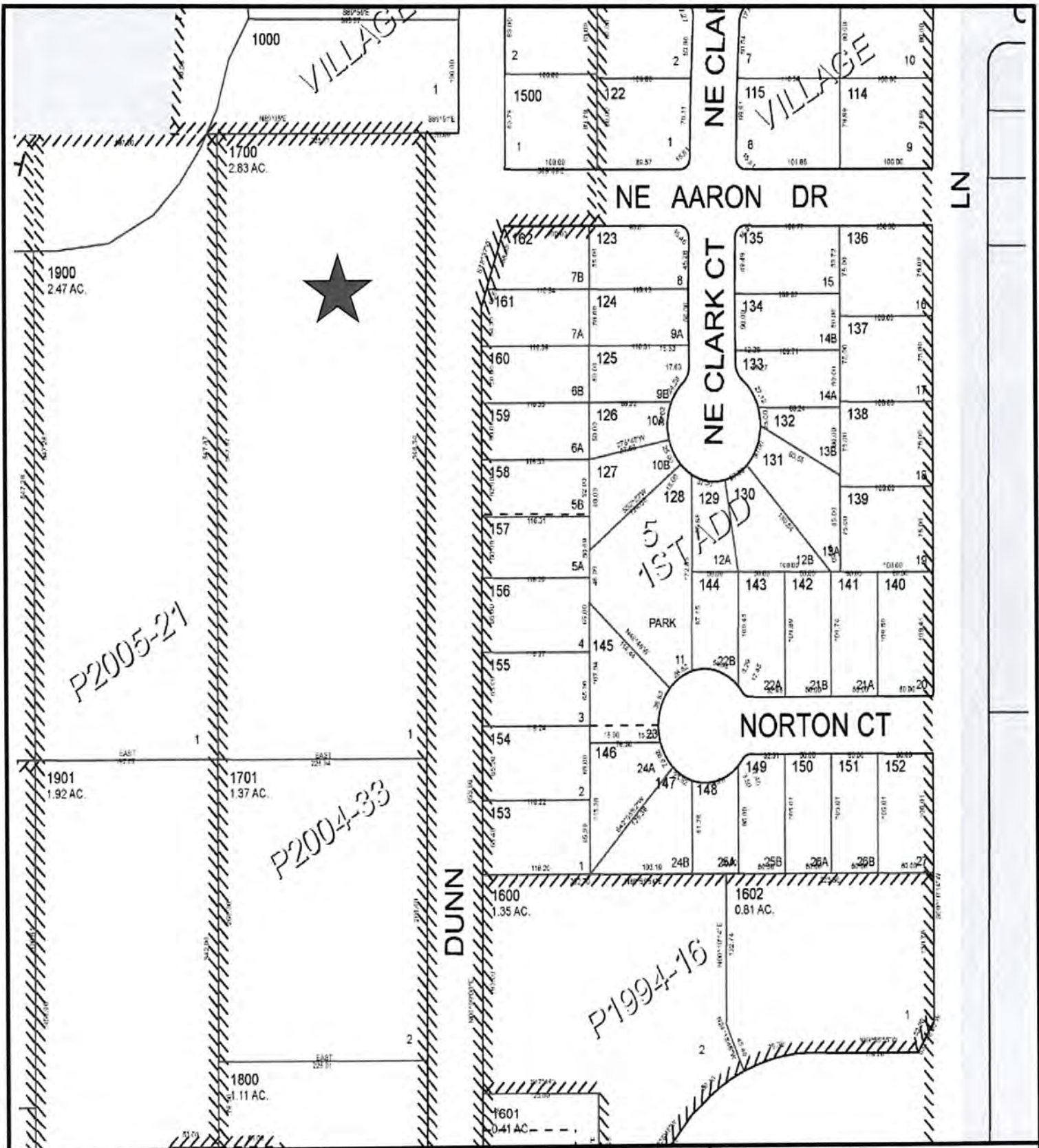
This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

End of Report

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1 of PARTITION PLAT 2004-33, recorded October 21, 2004 as Instrument No. 200421499, Deed and Mortgage Records, Yamhill County, State of Oregon.



235 NE Dunn Place
McMinnville, OR 97128

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF

PARTITION 2004-33

for : **Liberty Trust**
North Pacific Trust

Location: SW 1/4 Section 22, T. 4 S. R. 4 W., WM.,
Nehemiah Martin DLC & L.M. Johns DLC,
City of McMinnville, Yamhill County, OR

Date: 20 July 2004.

Narrative

The purpose of this survey is to partition that tract of land described in deed from MARY L. NEHEMIAH MARTIN to JOHN BATZEL, trustee of NORTH PACIFIC TRUST and CHARLES SASS, trustee of NORTH PACIFIC TRUST, to LUCY LIBERTY TRUST, 2003 in Instrument No. 200329845, Yamhill County Deed Records. This survey is based comparably on monuments and measurement of CS-11646. The basis of bearing is per CS-11646.

Monument Notes

- (B) 3/4" IP, CSP-5315 on line and 1.36' south of corner
- (7) 3/4" IP, CSP-5315, post, 0.5' diam. held for the end in 1.31' south of corner

Legend

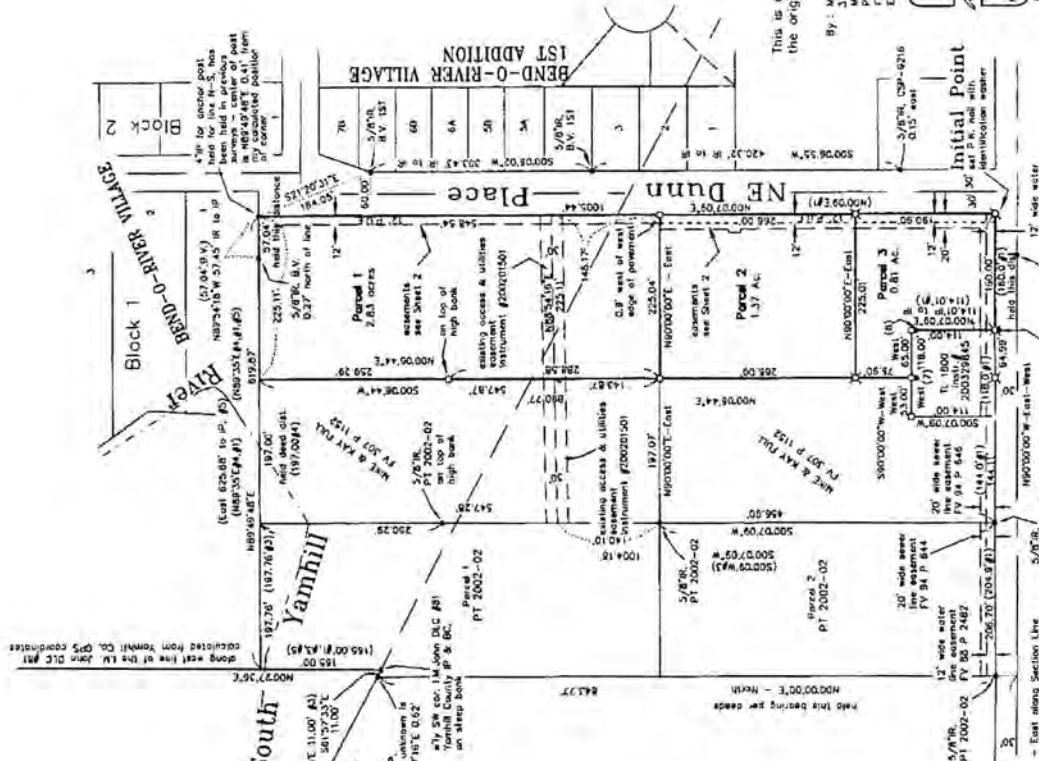
- = monument found, flush to 0.2' diam. in good condition unless otherwise noted. Chip(s) staked if worn.
- O = 5/8" cap nail with yellow plastic cap marked "Dumciet & Associates"
- = set 5/8" iron nail with yellow plastic cap marked "Dumciet & Associates"
- β = set P.K. nail with identification washer marked "Dumciet & Assoc."
- B.V. = BEND-O-RIVER VILLAGE
- B.V. 151 = BEND-O-RIVER VILLAGE 151 ADDITION
- () #1 = date of record per CSP-5315
- () #3 = date of record per instrument #195012945
- () #4 = date of record per Film Volume 307 Page 1152
- () #5 = date of record per Book 122 Page 322
- Existing easement
- - - Easement Created by this Plat

21	22
28	27

SW corner Section 22,
3/4" IP with 0007 aluminum
chip, in min. box

Recorded July 23, 2004
County Survey

2004-33



This is an exact copy of the original partition plat.

By: Matt Dumciet & Assoc.
3165 Riverside Drive, 97126
McMinnville, OR 97128
Phone: 503-472-7804
Fax: 503-472-0367
Email: dumciet@dsd.com

MATT DUMCIET
PROFESSIONAL
LAND SURVEYOR

OREGON
MATT DUMCIET
1532
Renewed 21 December 2002

PARTITION 2004-33

for : Liberty Trust North Pacific Trust

Location: SW 1/4 Section 22, T. 4 S., R. 4 W., WM.,
Mehemiah Martin DLC & IM, Johns DLC,
City of McMinnville, Yamhill County, OR

Date: 20 July 2004

Notes

- 1) This plat dedicates a 12' wide Public Utilities Easement & Side-walk Easement along the east line of Parcels 1, 2 & 3.

APPROVALS :

John E. Scholt
City of McMinnville
Community Development Director
Date: 8/12/04

John E. Scholt
Planning Director
Date: 9/20/04
Minor Partition MP 5-03 (revised)

John E. Scholt
Yamhill County Surveyor
Date: 10/7/04

Pursuant to O.R.S. 92.095,
I have hereon been paid or bond
posted to this
date: 6-30-2005
John E. Scholt
Yamhill County Tax Collector

OFFICE: YAMHILL COUNTY RECORDS
JIM COLEMAN, COUNTY CLERK
2004-33
\$65.00
10/21/2004 11:13:38 AM
M-PAER9 CHS1 S002 08178
\$45.00 \$10.00 \$11.00

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT JOHN BATZER, Trustee of NORTH PACIFIC TRUST, and JOHN BATZER, Trustee of LIBERTY TRUST, are the owners and legal representatives of the attached map and more particularly described in the Surveyors Certificate and have caused said lands to be partitioned into the 3 parcels and easements as shown.

Affidavit of Consent to the Declaration
BY CHARLES SOES, Trustee of LIBERTY TRUST
Recorded in Instrument No. 2004-21497
21st Day of October, 2004
JAN COLEMAN, Yamhill County, Clerk

Affidavit of Consent to the Declaration
BY JOHN BATZER, Trustee of NORTH PACIFIC TRUST
Recorded in Instrument No. 2004-21498
21st Day of October, 2004
JAN COLEMAN, Yamhill County, Clerk

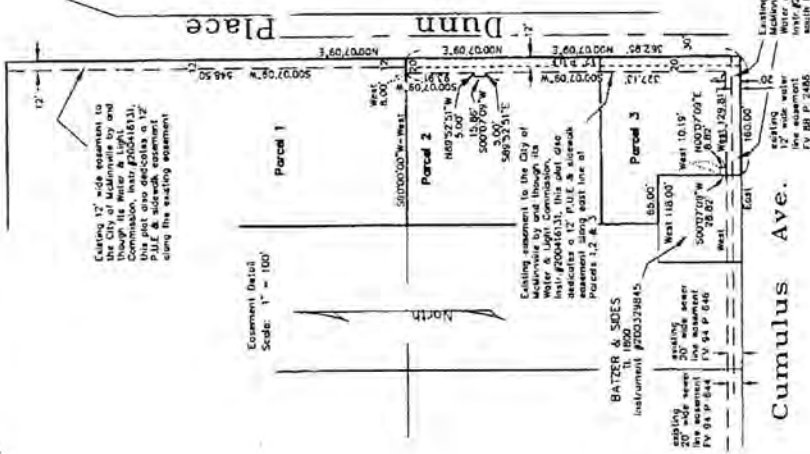
SURVEYOR'S CERTIFICATE

I, Matt Dunchel, do hereby certify that I have correctly surveyed and marked with copper monuments the land hereon shown as Parcels 1, 2 and 3, which is that tract of land described in deed from MATHIAS JOHNS, Trustee of LIBERTY TRUST, to JOHN BATZER, Trustee of LIBERTY TRUST, and recorded November 25, 2003 in instrument No. 200329948, Yamhill County Deed Records, boundary of which is described as follows:

Beginning at the intersection of the north margin of Cumulus Avenue and the west margin of Dunn Place, hence West (N80D0000W) 100.00' to the corner of the LIBERTY TRUST tract; thence N00D00'44"E, 114.00' along the west line of said tract; thence West (S80D00'00"W) 65.00' along said line; thence N00D00'44"E, 890.77' along said west line to the northwest corner of said tract; thence N89D48'45"E, 225.11' to the 1002.41' along said west margin to the point of beginning.

MATT DUNCHEL
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
MATHIAS JOHNS
November 31, December 2005

Matt Dunchel & Assoc.
3765 Riverside
McMinnville, Oregon, 97128
Phone: 503-432-7904
Fax: 503-432-7904
Email: matt@mattdunchel.com



2004-33
10/21/04
County Survey

ORDINANCE NO. 4950

An Ordinance rezoning certain property from a City R-2 PD (Single-Family Residential, Planned Development) zone to a City R-4 PD (Multiple-Family Residential, Planned Development) zone on a 2.83-acre parcel of land.

RECITALS

The Planning Department received an application (ZC 1-12/CU 2-12) from Emerald Valley Development, LLC, for a zone change from a City R-2 PD (Single-Family Residential, Planned Development) zone to a City R-4 PD (Multi-Family Residential, Planned Development) zone on a 2.83-acre parcel of land to accommodate a future residential development. Concurrent with this zone change request was an application for a conditional use permit to allow construction of a residential memory care facility on this site. The subject site is located west of NE Dunn Place and north of Cumulus Avenue, and is more specifically described as Tax Lot 1700, Section 22CD, T. 4 S., R. 4 W., W.M.

A public hearing was held on July 19, 2012, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on July 11, 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 Emerald Valley Development, LLC.

Section 2. That the property described in Exhibit "A," is hereby rezoned from a City R-2 PD (Single-Family Residential, Planned Development) zone to a City R-4 PD (Multi-Family Residential, Planned Development) zone, subject to the following conditions:

1. That all applicable requirements of McMinnville Planned Development Ordinance No. 4719 shall remain in effect.
2. That the Evelyn House master plan, submitted as part of this application, shall be placed on file with the Planning Department and become a part of the zone, and binding on the owner and developer. That the developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to

what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

Passed by the Council this 28th day of August 2012, by the following votes:

Ayes: Jeffries, Menke, Ruden, Yoder


Nays: _____

Approved this 28th day of August 2012.



MAYOR

Attest:



CITY RECORDER

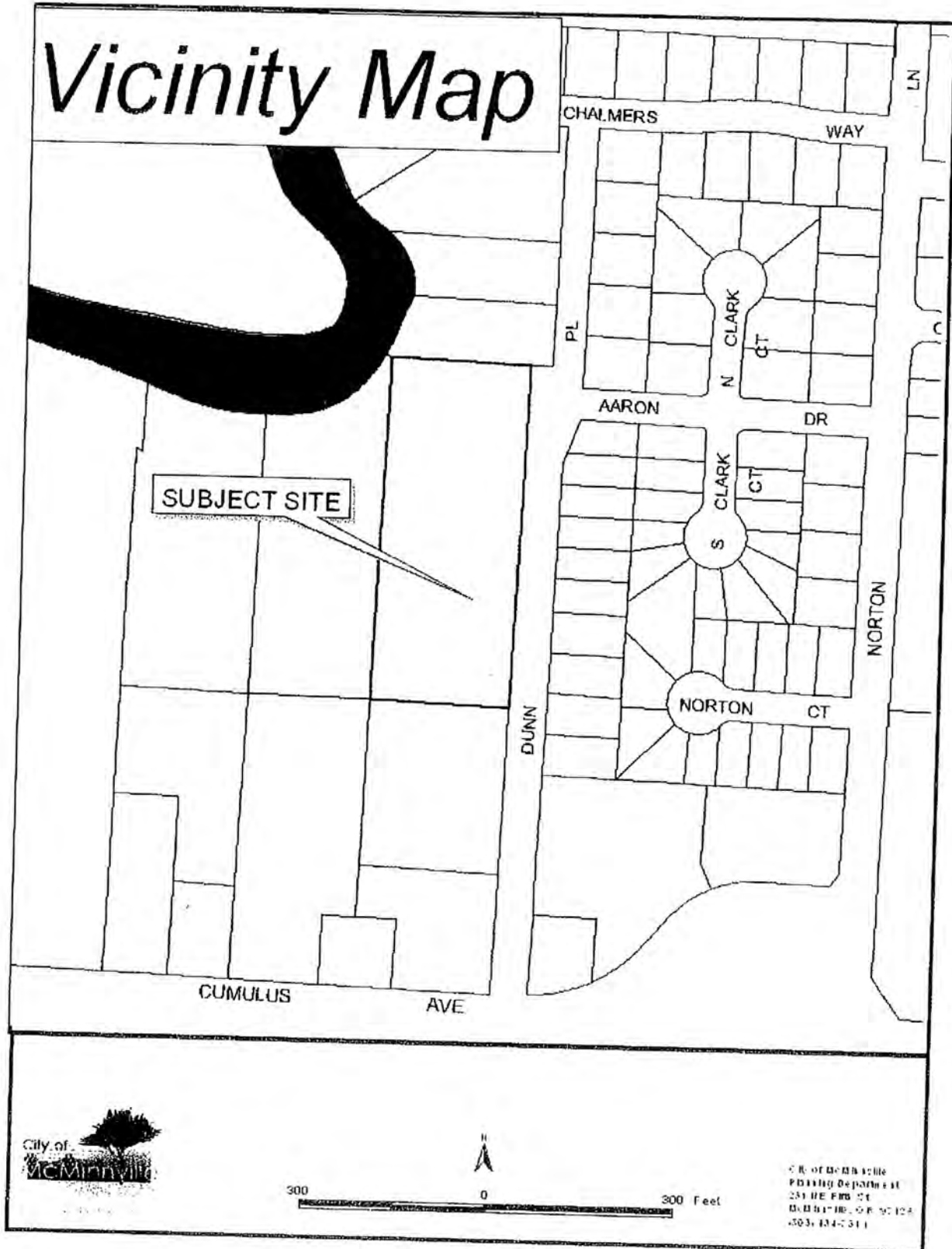
Approved as to form:



CITY ATTORNEY

Exhibit "A"

Parcel 1, PARTITION PLAT NO. 2004-33, in the City of McMinnville, County of Yamhill, State of Oregon.



ORDINANCE COPIES (4/7)

ORDINANCE NO. 4719

An Ordinance approving comprehensive plan amendments from Industrial to Commercial, and from Industrial to Residential on some 14.3 acres of land; corresponding zone changes from a County EF-40 (Exclusive Farm Use – 40-acre minimum) zone and City AH (Agricultural Holding) zone to a C-3 PD (General Commercial Planned Development) zone on the southern 6.7 acres of the site and an R-2 PD (Single-Family Residential Planned Development) zone on the northern 7.6 acres of the site. The site is located south of the South Yamhill River, west of NE Dunn Place, and north of Three Mile Lane Frontage Road.

RECITALS

The Planning Commission received applications (CPA 12-99 / CPA 13-99 / ZC 22-99 / ZC 23-99) from Mike and Kay Full, Dorothy Full, and Mary Bennett, dated September 28, 1999; requesting comprehensive plan map amendments from Industrial to Commercial, and from Industrial to Residential on some 14.3 acres of land; corresponding zone changes from a County EF-40 (Exclusive Farm Use – 40-acre minimum) zone and City AH (Agricultural Holding) zone to a C-3 PD (General Commercial Planned Development) zone on the southern 6.7 acres of the site and an R-2 PD (Single-Family Residential Planned Development) zone on the northern 7.6 acres of the site. The site is located south of the South Yamhill River, west of NE Dunn Place, and north of Three Mile Lane Frontage Road and more specifically described as Tax Lots 1700, 1800, 1900, and 2000, Section 22CD, T. 4 S., R. 4 W., W.M.

A public hearing was held December 16, 1999, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on December 11, 1999, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said requests, found that said changes conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and the findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the amendments and zone changes are consistent with the Comprehensive Plan; and

The Planning Commission approved said amendments and zone changes and has recommended said changes to the Council, 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 Mike and Kay Full, Dorothy Full, and Mary Bennett.

ORDINANCE COPIES (5/7)

Section 2. That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference, is hereby rezoned from a County EF-40 zone and City AH zone to a C-3 PD (on the southern 6.7 acres of the site) and R-2 PD zone (on the northern 7.6 acres of the site) subject to the following conditions:

1. That the zone change requests shall not take effect until and unless CPA 12-99 and CPA 13-99 are approved by the City Council.
2. That development and use of the site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended. Further, that a detailed Master Plan for the subject site shall be submitted to the McMinnville Planning Commission for review and approval, pursuant to the procedures of McMinnville Zoning Ordinance 17.51, Planned Development Overlay, prior to any development occurring on the commercial area of the site. The plan shall include, at a minimum, proposed land uses and their location(s), building locations, traffic circulation patterns and commercial drive locations, grading and drainage information, location and size of public utilities and services, off-street parking areas, direct pedestrian access, and other information deemed necessary to convey the details of the proposed development plans to the Planning Commission.
3. That detailed plans for the proposed commercial development showing site layout, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Three Mile Lane Design Review Committee prior to the issuance of any building permits for said development. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, and provide an architectural style appropriate to a "gateway" or entrance to the City of McMinnville. In addition, approval or denial of the exterior building design shall be based on a finding that, to the extent possible, the building design incorporates design and architectural features that would serve to break up the building's horizontal plane and provide visual interest. This may include, but is not limited to, the use of vertical columns, gables, variety of compatible and complimentary building materials, providing openings in the building facade, and landscaping at the building perimeter. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval.

The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The applicant may appeal the decision of the Three Mile Lane Design Review Committee to the Planning Commission if

ORDINANCE COPIES (6/7)

notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Committee's decision.

4. That final development plans for the commercial area include landscape plans to be submitted to and approved by the McMinnville Landscape Review Committee and Three Mile Lane Design Review Committee. A minimum of 14 percent of the site must be landscaped. A solid wood fence, arborvitae hedge, or some similar type of planted visual screen shall be required along the commercial site's western property line as applicable to screen the existing single-family residence. Such landscaping screening shall also exist along the proposed commercial area's northern property line, and landscaping emphasis shall exist along the site's eastern and southern property lines, adjacent to NE Dunn Place, and the Three Mile Lane frontage road, with particular emphasis at the intersection(s) of any future commercial driveways. These streets, and any future street(s) shall be planted with required street trees. In addition, landscape islands are required to be located throughout proposed off-street parking areas.

Street trees within a curbside planting strip along street frontages are required to have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

5. That prior to development of the site the applicant shall submit a detailed utility plan for review and approval by the City Engineer, McMinnville Water & Light, and other agencies as appropriate. At a minimum, plans for the provision of storm drainage, sanitary sewer service, and public water shall be detailed within the submitted plan.
6. That no building shall exceed the height of 35 feet.
7. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
8. That signs located on the site shall be subject to the requirements of McMinnville Ordinance No. 4572 (A).
9. That all business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading.
10. That drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; gasoline stations; and, automobile service stations are prohibited from locating on the subject site.

ORDINANCE COPIES (7/7)

11. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.
12. That an approved Master Plan for the commercial area, as approved by the Planning Commission, 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 final development plans. Minor changes to the details of the adopted plan may be approved by the City 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.
13. That required right-of-way dedication and improvements to the NE Dunn Place road frontage, and required improvements to the Three Mile Lane frontage road (as may be required by the City Engineer), shall be done at the developer's expense and be finalized prior to release of any occupancy permits. Prior to the division of any lands within the subject site, plans for the improvement of any and all streets shall be submitted to the City Engineer for review and approval prior to their construction.

Adopted by the Council this 25th day of January 2000 by the following votes:

Ayes: Aleman, Hughes, Kirchner, Pavne, Rabe, Windle

Nays: _____

Approved this 25th day of January 2000.



MAYOR

Attest:



RECORDER PRO TEM

NEIGHBORHOOD MEETING COMPLIANCE PACKET

H B H CONSULTING ENGINEERS

501 E First Street
Newberg, Oregon 97132
503/554-9553 · Fax 503/537-9554

Neighborhood Meeting Minutes

A Neighborhood Meeting was held at the McMinnville Public Library in the Carnegie Room at 6:00 PM on November 23rd, 2022. Copies of the site plan were provided to everyone at the meeting. The sign in sheet with the names and addresses of people in attendance is attached to these meeting minutes.

The following items were discussed at the meeting:

- The 2.83-acre property is located at 235 NE Dunn Place (Tax Lot 1700) and zoned residential R4.
- The subdivision will split Tax Lot 1700 into 21 lots and one tract dedicated to the city.
- Lots 1-20 will consist of common-wall townhomes. Four townhomes will be within each of the five buildings on these lots.
- Lots 1-20 will average approximately 3,003 square feet. The footprint of each townhome will be approximately 1,120 square feet.
- The townhomes will range in width from 20'-27', length from 46'-73', and height from 19'-28'.
- Lot 21 is a larger lot on the north end of the site. However, a 60-foot buffer from the top of riverbank will be maintained to exclude building structures within the buffer. This buffer results in a buildable area of approximately 4,100 SF on lot 21.
- The proposed gross density per acre of the entire subdivision will be 8.3 DU/acre.
- Driveway access for lots 1-16 will come from a new public street (28 feet wide from curb to curb) extended west from the existing NE Dunn Place. Driveway access for Lots 17-21 will come from the existing NE Dunn Place.
- A small Tract A is being dedicated to the City of McMinnville for an underground stormwater facility to mitigate stormwater generated by the development.
- Landscaping will be provided along the planter strips of both streets, along all front yards, and Tract A.
- Existing trees along the top of the bank will remain in an effort to keep the ground near the bank as stable as possible.
- The meeting was opened up for attendees to ask questions of the applicant.
- The most common concern among the applicants was the stability of the existing top of bank along the NW corner of this property. Several neighbors live north and west of this property, which also have the riverbank along their properties. According to the neighbors, the South Yamhill River has been eroding the river bank for many years. According to the neighbors, the erosion appears to be a combination of several items:
 - Undocumented fill, such as garbage/trash, has been dumped over the bank for many years prior to the "Bend-O-River Village" subdivision being created.
 - The South Yamhill River has a very sharp bend upstream and downstream of this property, which causes erosion of the bank.
 - Underground water seeping through the riverbank slope may be causing erosion.

- Attendees wanted to make sure this development did not increase riverbank erosion. The applicant stated a 60-foot buffer will be maintained from the top of the riverbank and no buildings will be located within the buffer. In addition, the applicant's engineer stated stormwater will be captured on impervious surfaces, such as the proposed townhomes, driveways, sidewalks, and newly paved roads. The captured stormwater will be detained onsite and slowly released to an existing public stormwater pipe in NE Dunn Place. This will result in less stormwater seeping into the ground or running off along the surface over the riverbank, which would slightly reduce erosion of the riverbank along this property.
- One attendee wanted to know where parking will be provided for the new subdivision. The applicant explained that each townhome/lot will have a garage and driveway, which may be used for parking. In addition, on street parking on both sides of the street will be available in between driveways along the proposed new local street and along NE Dunn Place.

H B H
CONSULTING
ENGINEERS

501 E First Street
Newberg, Oregon 97132
503/554-9553 · Fax 503/537-9554

A property owner in your neighborhood has applied to the City of McMinnville to subdivide their residential property. The subdivision will split Tax Lot 1700 into 21 lots and one tract dedicated to the city (see attachments). Lots 1-20 will consist of common-wall townhomes. Four townhomes will be within each of the five buildings on these lots. Lots 1-20 will average approximately 3,003 square feet. The footprint of each townhome will be approximately 1,120 square feet. The townhomes will range in width from 20'-27', length from 46'-73', and height from 19'-28'. Lot 21 is a larger lot on the north end of the site. However, a 60-foot buffer from the top of riverbank will be maintained to exclude building structures within the buffer. This buffer results in a buildable area of approximately 4,100 SF on lot 21. Driveway access for lots 1-16 will come from a new public street extended west from the existing NE Dunn Place. Driveway access for Lots 17-21 will come from the existing NE Dunn Place. A small Tract A is being dedicated to the City of McMinnville for an underground stormwater facility to mitigate stormwater generated by the development.

You are invited to provide comments in an open discussion about this development during a Neighborhood Meeting held at the McMinnville Public Library in the Carnegie Room at 6:00 PM on November 23rd, 2022.

Date Mailed: 10/26/2022

PHOTO OF POSTED SIGN

**NEIGHBORHOOD
MEETING**
Future Land Use Application
SUBDIVISION
Date: 11-23-2022
Time: 6:00pm
Meeting Location:
McMinnville Public Library
Contact Name:
H2H CONSULTING ENGINEERS
Contact Number:
503-554-9553

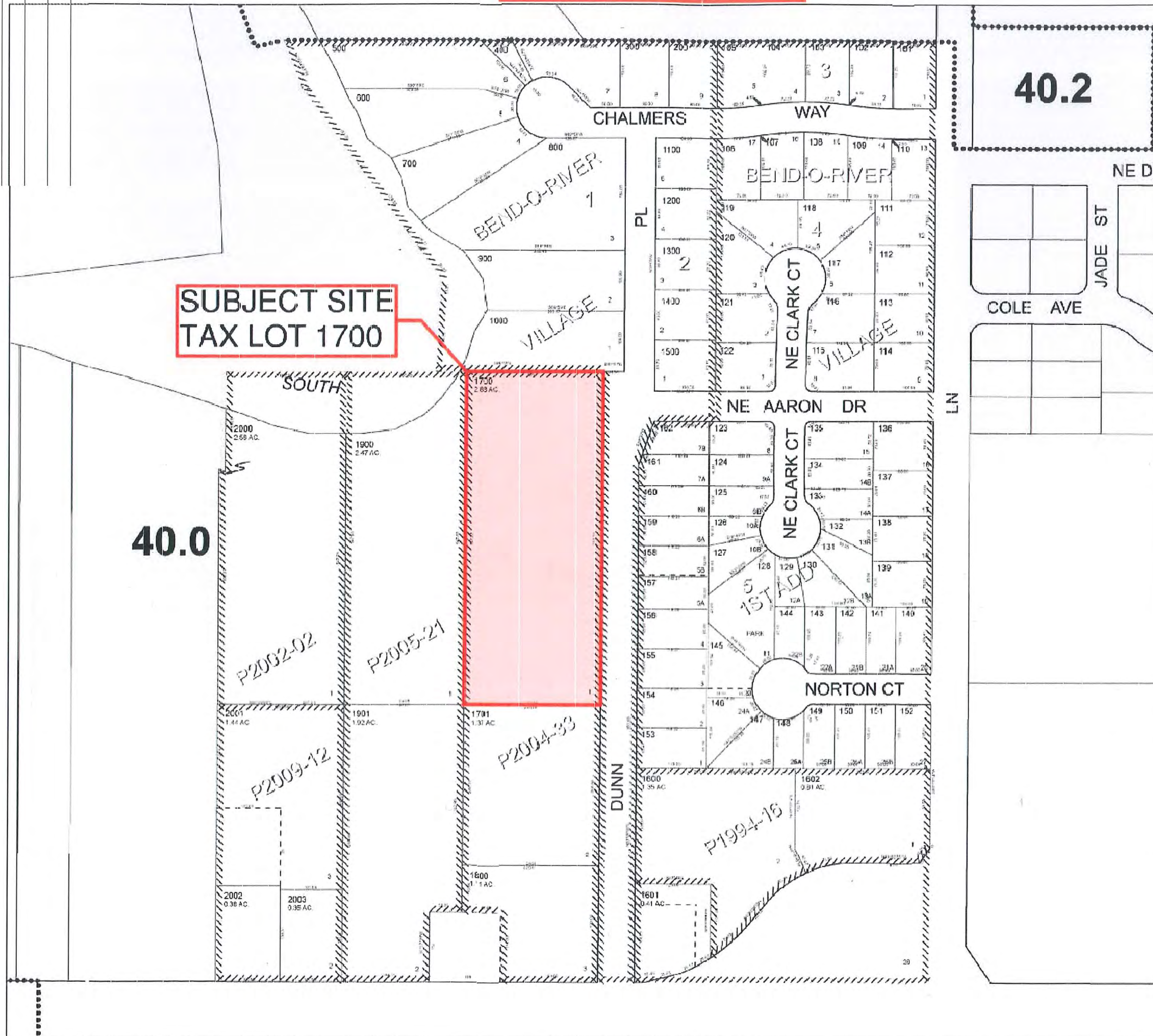
235 NE DUNN PLACE
MAILING LIST

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
1	567 NE CLARK CT	R4422CD 00120	SORCENELLI SHAWN	SORCENELLI JOHN D JR	567 NE CLARK CT	MCMINNVILLE	OR	97128
2	535 NE CLARK CT	R4422CD 00121	NEUBIG SCOTT R	NEUBIG CYNTHIA L	535 NE CLARK CT	MCMINNVILLE	OR	97128
3	507 NE CLARK CT	R4422CD 00122	HOLDER FAMILY TRUST	HOLDER RONALD S CO-TRUSTEE	507 NE CLARK CT	MCMINNVILLE	OR	97128
4	2526 NE AARON DR	R4422CD 00123	PALASKY NANCY		2526 NE AARON DR	MCMINNVILLE	OR	97128
5	457 NE CLARK CT	R4422CD 00124	GARCIA JUAN A	GARCIA YENY	457 NE CLARK CT	MCMINNVILLE	OR	97128
6	463 NE CLARK CT	R4422CD 00125	GAVIDIA CLAY A		463 NE CLARK CT	MCMINNVILLE	OR	97128
7	439 NE CLARK CT	R4422CD 00126	OHANNESSIAN STEVEN	OHANNESSIAN BREANNE	439 NE CLARK CT	MCMINNVILLE	OR	97128
8	431 NE CLARK CT	R4422CD 00127	PARTIDA CARLA I		431 NE CLARK CT	MCMINNVILLE	OR	97128
9	2525 NE NORTON CT	R4422CD 00128	MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
10	410 NE CLARK CT	R4422CD 00129	SANCHEZ MARIO C	JAIMES HORTENCIA DIAZ	22990 NE HAGEY RD	DUNDEE	OR	97115
11	2523 NE NORTON CT	R4422CD 00144	TURNER LARRY L TRUSTEE	TURNER LYDIA TRUSTEE	5350 E EDELWEISS LN	DAYTON	OR	97114
12	2515 NE NORTON CT	R4422CD 00145	LIMON JOSE	OSUNA JOSE	2515 NE NORTON CT	MCMINNVILLE	OR	97128
13	2516 NE NORTON CT	R4422CD 00146	TRUNK ELIZABETH J		3801 NE HAYES ST #401	NEWBERG	OR	97132
14	2532 NE NORTON CT	R4422CD 00148	MCQUEEN RENTALS LLC		23400 NE HYLAND DR	NEWBERG	OR	97132
15	140 NE DUNN PL	R4422CD 00153	ORTEGA ROBERTO S		140 NE DUNN PL	MCMINNVILLE	OR	97128
16	150 NE DUNN PL	R4422CD 00154	GRANT ROBERT A &	GRANT JAMIE M	150 NE DUNN PL	MCMINNVILLE	OR	97128
17	160 NE DUNN PL	R4422CD 00155	VARGAS ARTURO		160 NE DUNN PL	MCMINNVILLE	OR	97128
18	170 NE DUNN PL	R4422CD 00156	GASCA CHRISTINA C		170 NE DUNN PL	MCMINNVILLE	OR	97128
19	180 NE DUNN PL	R4422CD 00157	FOLKERT SHAWN		180 NE DUNN PL	MCMINNVILLE	OR	97128
20	190 NE DUNN PL	R4422CD 00158	AMIEL GEORGE E TRUSTEE	AMIEL CHRISTINE TRUSTEE	1655 SE QUEENBOROUGH CT	MCMINNVILLE	OR	97128
21	210 NE DUNN PL	R4422CD 00159	OHARA LINDA C		1580 SW ASHLEY DR	MCMINNVILLE	OR	97128
22	230 NE DUNN PL	R4422CD 00161	JOHNSTON BRIAN W		11320 SE LAFAYETTE HWY	DAYTON	OR	97114
23	240 NE DUNN PL	R4422CD 00162	ETHERTON KIM L TRUST	ETHERTON KIM L TRUSTEE	PO BOX 1452	MCMINNVILLE	OR	97128
24		R4422CD 00700	NOAH JON CLAIRE LLC		215 N BLAINE ST	NEWBERG	OR	97132
25	301 NE DUNN PL	R4422CD 00800	SEIGFRIED GEORGE R	SEIGFRIED REBECCA	301 NE DUNN PL	MCMINNVILLE	OR	97128
26	275 NE DUNN PL	R4422CD 00900	BURCH SANDRA		275 NE DUNN PL	MCMINNVILLE	OR	97128
27	265 NE DUNN PL	R4422CD 01000	TRACY DAVID L	TRACY BARBARA B	265 NE DUNN PL	MCMINNVILLE	OR	97128
28	306 NE DUNN PL	R4422CD 01200	GASKINS JAMES D		306 NE DUNN PL	MCMINNVILLE	OR	97128
29	280 NE DUNN PL	R4422CD 01300	NOVODOCZKY DONALD (WROS)	HART NANCY V (WROS)	280 NE DUNN PL	MCMINNVILLE	OR	97128
30	262 NE DUNN PL	R4422CD 01400	PIRISKY FAMILY TRUST	PIRISKY JULIA A CO-TRUSTEE	262 NE DUNN PL	MCMINNVILLE	OR	97128
31	250 NE DUNN PL	R4422CD 01500	KYLE RICHARD R		250 NE DUNN PL	MCMINNVILLE	OR	97128
32	2535 NE CUMULUS AVE	R4422CD 01600	EJJ PROPERTIES INC		2535 NE CUMULUS AVE	MCMINNVILLE	OR	97128
33	235 NE DUNN PL	R4422CD 01700	EVERGREEN COURT TOWNHOMES LLC		6150 CROOKED STICK LOOP SE	SALEM	OR	97306
34	135 NE DUNN PL	R4422CD 01701	HOUSING AUTHORITY OF YAMHILL COUNTY		135 NE DUNN PLACE	MCMINNVILLE	OR	97128
35	165 NE DUNN PL	R4422CD 01900	FULL MICHAEL	FULL KAY	165 NE DUNN PL	MCMINNVILLE	OR	97128
36	2435 NE CUMULUS AVE	R4422CD 01901	PMC INVESTMENTS LLC		2435 NE CUMULUS AVE STE A	MCMINNVILLE	OR	97128
37	2395 NE CUMULUS AVE	R4422CD 02000	LINCK DELWIN	LINCK ANGELA	2395 NE CUMULUS AVE	MCMINNVILLE	OR	97128
38	2445 NE CUMULUS AVE	R4422CD 01800	M2HB LLC		2445 NE CUMULUS AVE	MCMINNVILLE	OR	97128
39			CITY OF MCMINNVILLE	PLANNING DEPARTMENT	231 NE 5TH ST	MCMINNVILLE	OR	97128



ASSESSMENT & TAX
CARTOGRAPHY

S.E. 1/4 S.W. 1/4 SEC. 22 T.4S. R.4W. W.M.
YAMHILL COUNTY OREGON
1" = 100'



40.2

40.0

SUBJECT SITE
TAX LOT 1700

CANCELLED TAXLOTS:
163
100

DATE PRINTED: 4/14/2017

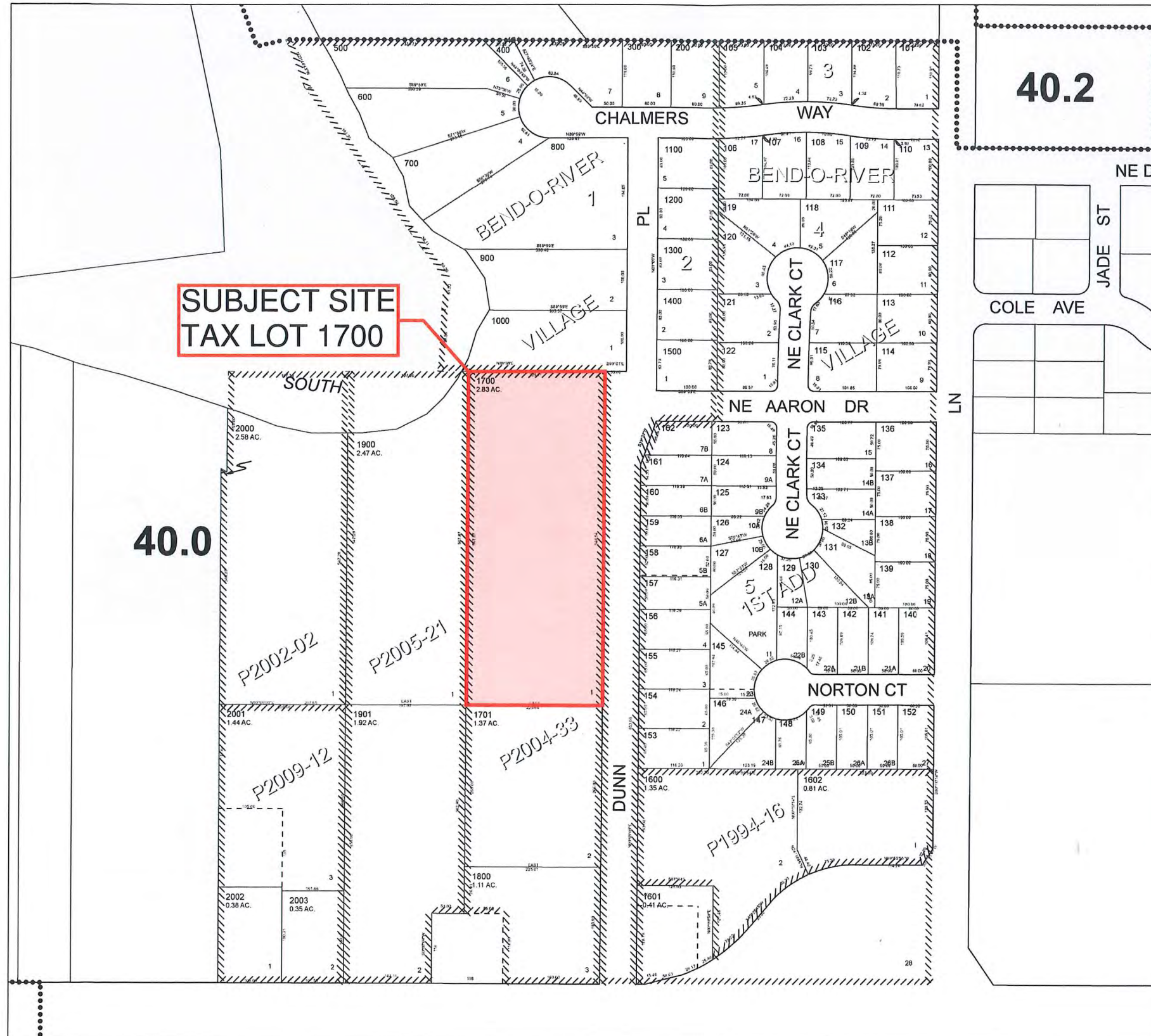
This product is for Assessment and Taxation (A&T) purposes only, and has not been prepared or is suitable for legal, engineering, surveying or any purposes other than assessment and taxation.

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ASSESSMENT & TAX
CARTOGRAPHY

S.E. 1/4 S.W. 1/4 SEC. 22 T.4S. R.4W. W.M.
YAMHILL COUNTY OREGON
1" = 100'



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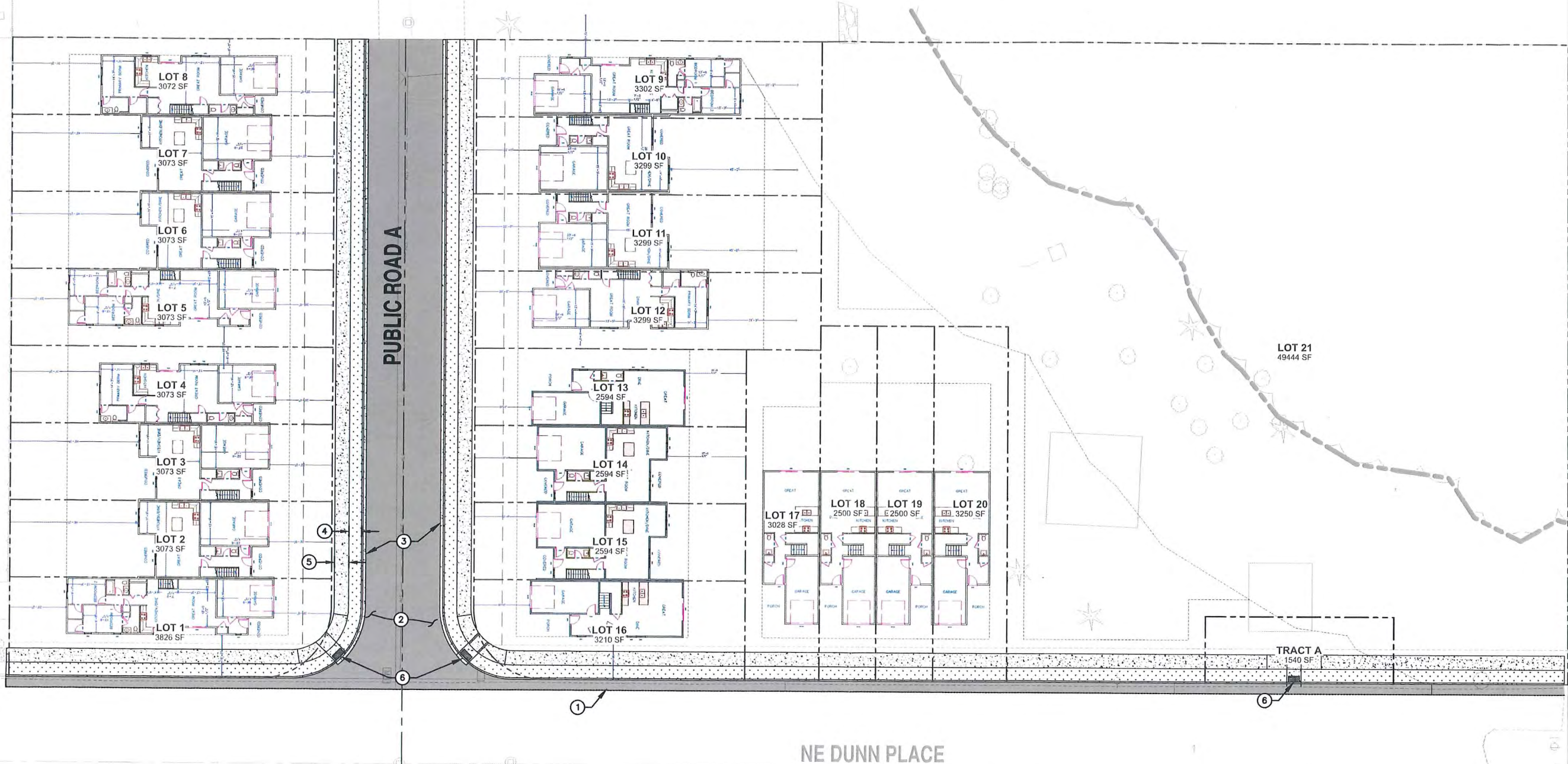
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H B H
 CONSULTING ENGINEERS
 501 E First Street
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 email: mail@hbh-engineers.com

Designed By: ARC | Drawn By: ARE | Checked By: ARC | Submittal No.: PRELIMINARY
 L:2021-0084-Design/DWG/SITE PLAN.dwg
 File:



REV	DATE	DESCRIPTION	BY

0" = 1"
 IF THIS LINE IS NOT 1 INCH
 SCALE IS NOT AS SHOWN

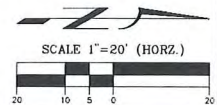
JASON FLORES
 N/A
DUNN PLACE SUBDIVISION
 NE AARON DRIVE + NE DUNN PLACE
SITE PLAN

SITE PLAN

SCALE: 1" = 20'

(XX) SITE PLAN KEYED NOTES

1. SAWCUT EXISTING ASPHALT
2. INSTALL ASPHALT ROADWAY
3. INSTALL 18" CURB & GUTTER
4. INSTALL 4.5' WIDE PLANTER STRIP (TYP)
5. INSTALL 5.0' SIDEWALK (TYP)
6. ADA RAMP (TYP)





501 E First Street
Newberg, Oregon 97132
503/554-9553 · Fax 503/537-9554

Date: **9/9/2023**

Project Number: **2021-008**

To: **Whom It May Concern**

From: **Andrey Chernishov, PE**

Preparer: **Andrew Bates, PE**

RE: **Planned Development Amendment Application – Written Findings**

Please refer to the submitted plans and documents for your reference.

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

The applicant is seeking to amend the current planned development overlay for the subject property from an assisted living facility to townhomes, repealing and replacing Ordinance 4956. An updated master plan for the area has been included in the submitted plans on sheet C5. The zone will retain the zoning classification R-4 PD that was designated as part of Ordinance 4956 with amendments detailed below. The proposed alignment of Marjorie Lane will shift slightly to the north, while still accommodating for lots greater 7,000 square feet on the neighboring two properties to the west, consistent with R-2 zoning of these properties. The applicant's PD requests no amendments to, will be part of, and subject to all conditions of Ordinance 4719 and 4956 where applicable.

The applicant is also seeking to amend the existing Planned Development (PD) overlay from the City of McMinnville to vary from the underlying R-4 PD zone. The PD Amendment seeks to amend the overlay on the parcel to meet the market need of single-family dwelling units and meet City goals of increased density in the R-4 zone.

Previous submissions showed the patio of the townhome building on Lot 1 fronting NE Dunn Place as outside the building setback line. This patio has been remedied to behind the setback line. This alleviates any issues that would need to be resolved via amendments or variances. Any fencing proposed along this frontage will meet the requirements of City of McMinnville Municipal Code 8.10.210.A.1(a & b) and which will not require amendments or variance to the underlying zone. A six-foot-tall wooden good neighbor fence is proposed along the exterior side yards of corner lots 1 and 16, which will be located along the existing PUE line and end at the front of the homes. This will provide adequate vision clearance for vehicles travelling on all public ways adjacent to these lots.

The intended use of the subdivision is a 20-lot assortment of varying size single-family, common-wall, townhomes and one single family home lot. Two parking stalls per lot will directly access either NE Dunn Place or NE Marjorie Lane via a City standard driveway. The density for this development would be an average 8.3 DU/acre, greater than the existing subdivisions to the north, east and west. The previous PD amendment changed the underlying zone from R-2 to R-4.

The proposed PD Amendment proposes the following adjustments:

1. Reduce minimum lot size from 5,000 SF to 2,500 SF for non-common wall, single-family lots.
2. Exceed lot depth to width ratio from 2:1 up to 5.7:1

PD Amendment No. 1- Average Lot Size

The approved minimum lot size for the PD is currently 5,000 SF. The applicant is proposing to reduce the approved lot size to 2,500 SF. The minimum lot size will be 2,594 SF and the maximum lot size will be 48,944 SF. There is only one lot sized at 48,944 SF. The large lot is limited to 3,179 SF of buildable area due to the established sixty feet slope setback from the top bank of the South Yamhill River. The proposed lot area for this project does not meet the original PD approval. However, the R-4 zone permits common wall single family dwelling structures

provided the lot area exceeds 2,500 square feet. The proposed lots exceed this threshold and meet the intent of the code regarding density.

PD Amendment No. 2- Lot Depth to Width Ratio

City of McMinnville requires lots to not exceed a two times depth to width ratio. The applicant seeks to vary this up to a maximum of 5.7:1. Lots 18 and 19 would have a depth to width ratio of 5.68 and lots 9-12 would have a depth to width ratio of 4.48. All other lots would have a smaller ratio, but still exceed the 2:1, except for lot 21. The applicant has proposed a layout that exceeds this ratio to provide higher density housing consistent with the goals of City of McMinnville and the needs of the area.

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

Italicized below are the applicable comprehensive plan goals and policies followed by a response stating how they are satisfied.

Policy 68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

Applicants Response: Policy 68 is satisfied. Urban services exist adjacent to the subject site and are available to serve the subject property.

Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

Applicants Response: Policy 71.00 is satisfied. The applicant proposes to develop townhome style housing. This style of housing is not common in the immediate area and will help to diversify the types of housing available to the community.

Policy 73.00: Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

Applicants Response: Policy 73.00 is satisfied. The existing PD overlay zone was approved for a senior care facility. Approving the PD modification would allow for a greater variety of housing types in the area at varying price ranges based on size.

Policy 75.00 & 76.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area. Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

Applicants Response: Policy 75.00 and 76.00 is satisfied. The applicant is dedicating Tract A to the HOA as open space. This area also includes a proposed underground stormwater detention facility that serves the entire subdivision. The tract will also have a 3' tall black chain link fence north of the public sidewalk. The tract will feature landscaping with shrubs along the fence line and grass in the center meeting city landscaping requirements. Due to the underground stormwater facility and stormwater pipes, shrubs with small roots are proposed in order to not negatively impact the underground utilities.

Policy 77.00 & 78.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways. Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Applicants Response: Policy 77.00 and 78.00 is satisfied. The proposed vehicle and pedestrian traffic system provides safe and compatible patterns with the adjoining transportation system. Bike facilities are not incorporated

with this development to conform to the surrounding areas and the City's TSP. Public sidewalks are proposed on all public road frontages to be used as pedestrian pathways.

Policy 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.

Applicants Response: Policy 81.00 is satisfied. The sidewalks from the development also bring access to nearby Bend-O-River mini-park and the McMinnville Cinemas, approximately a block away from the development.

Policy 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.

Applicants Response: Policy 82.00 is satisfied. NE Marjorie Lane can be extended through the neighboring two properties to the west without impacting the existing homes on the two properties. This could allow for the development of the currently vacant southern half of these two lots while maintaining the existing homes to the north of the lots (see Neighborhood Master Plan on submitted plans). Full development north and south of future NE Marjorie Lane would also be an option for these properties.

Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to: 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available. 2. Storm sewer and drainage facilities (as required). 3. Streets within the development and providing access to the development, improved to city standards (as required). 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water & Light).

Applicants Response: Policy 99.00 is satisfied. Urban services can be provided concurrently with the proposed residential development and are proposed to be constructed that way. An existing eight-inch sanitary sewer is available in NE Dunn Place and is proposed to be extended to service this project. There is an existing 12-inch storm drain line in NE Dunn Place that is proposed to be extended to service this project. Water and power are available to serve the subject property in NE Dunn Place. A six-inch water line is available in NE Dunn Place and is proposed to be extended to service this project.

Policy 117.00 & 118.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel. The City of McMinnville shall encourage development of roads that include the following design factors:

- 1. Minimal adverse effects on, and advantageous utilization of natural features of the land.*
- 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
- 3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
- 4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and footpaths). (Ord.4922, February 23, 2010) VOLUME II Goals and Policies Page 28*
- 5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist.*

Applicants Response: Policies 117.00 and 118.00 are satisfied. Every parcel will be served by a driveway that accesses a public street. The driveways will be constructed to City standards. The west side of NE Dunn Place will be improved to City standards with curbs, sidewalks and planter strips that provide multi-modal transportation. NE Marjorie Lane will be constructed to City standards with asphalt, curbs, sidewalks, and planter strips that provide multi-modal transportation needs. NE Marjorie Lane is aligned such that the two properties to the west could be partially or fully developed in a similar manner when continuing the road along the proposed alignment to the west.

The South Yamhill River runs through the northwest corner of the property. A site geotechnical investigation (attached) was prepared by Strata Design, LLC in 2014 for the memory care facility that was proposed as part of application CU3-19. The section of property of which the South Yamhill River runs through features steep slopes. A prior slope stability investigation in 2005 found that these steep slopes were unsuitable for construction. The 2005 report imposed a 60 feet setback buffer on the property where no buildings should be constructed. The 2014 report performed soil investigations of the steep slopes and compared them to the original 2005 findings. The 2014

report found the 2005 findings to be conservative in nature and reaffirmed the 60 feet of setback should be abided by. Also attached is a recent 2023 geotechnical report that agrees with the previous geotechnical reports, following two site visits in 2023, since the site conditions have not changed for this property.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functioned road classifications:

3. Local Streets -Designs should minimize through-traffic and serve local areas only. -Street widths should be appropriate for the existing and future needs of the area. -Off-street parking should be encouraged wherever possible. -Landscaping should be encouraged along public rights-of-way.

Applicants Response: Policy 122.00 (3) is satisfied. The new NE Marjorie Lane will be a local street that primarily serves the residential properties fronting the road. The only expected through traffic on NE Marjorie Lane will be the residents of the two properties directly to the west. These residents already use an existing gravel road that is in the location of the proposed NE Marjorie Lane. The increased traffic on NE Dunn Place from the development is expected to primarily head south and disperse on the minor collector NE Cumulus Avenue. The cross-sectional widths, depths, and materials of NE Marjorie Lane and the intersection with NE Dunn Place will be to City standards. Five-foot-wide landscaping buffers will be installed between the back of curb with a five-foot-wide sidewalk on NE Dunn Place and NE Marjorie Lane.

Policy 126.00 & 127.00 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.

Applicants Response: Policies 126.00 and 127.00 are satisfied. Two parking spaces will be provided on each lot. These parking spaces will encourage off-street parking.

Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)

Applicants Response: Policy 132.00 is satisfied. The tentative plan for the subject property provides for public walkways that connect to adjacent neighborhoods, a nearby City park, and movie theaters.

Policy 136.00 & 139.00 The City of McMinnville shall insure urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations. 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below: VOLUME II Goals and Policies Page 48

- 1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*
- 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
- 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*
- 4. Extensions will implement applicable goals and policies of the comprehensive plan.*

Applicants Response: Policy 136.00 and 139.00 are satisfied. A public sanitary sewer collection system will be constructed with the development of the streets and public utilities to provide service to each individual lot within the subject development. The proposed eight-inch sanitary sewer extension in NE Marjorie Lane has sufficient capacity to service the subdivision based on the proposed density of the project.

Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

Applicants Response: Policy 142.00 is satisfied. The City of McMinnville has identified the downstream 12-inch pipe as having capacity issues. Per City of McMinnville design standards, a stormwater detention facility is proposed to detain and release stormwater runoff at predeveloped or lower peak flow rates for the 10-year storm event.

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

The proposal is orderly, conforming to the applicant and property owner's desire to achieve a higher-density single-family development that is different than typical in the area. The surrounding land uses are single-family residential to the east, west, and north; this use would blend in with the surrounding uses. The proposal is timely given the immediate need and desire for high-density single-family housing in McMinnville.

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

The subject property was approved by the voters for a residential use. The Applicant's existing R-4 residential use is consistent with the City's desire to achieve higher density in the southeast area of town.

5. 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.

Please refer to the Composite Utility Plan for more information.

There is an existing 6-inch cast iron water line located in NE Dunn Place. This will serve new properties fronting on NE Dunn Place. That 6-inch cast iron will be tied with a 6-inch tee that will extend a new 6-inch C900 PVC water main down the new NE Marjorie Lane to serve properties fronting the new road.

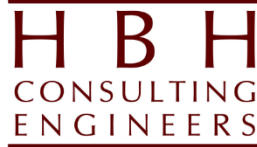
There is an existing 8-inch sanitary main behind the eastern curb & gutter on NE Dunn Place. This will serve new properties fronting on NE Dunn Place. There is an existing 8-inch sanitary main traversing the property from the west to the east that serves homes west of the subject property. This 8-inch sanitary main ties into a manhole in NE Dunn Place. This line will be abandoned and replaced with a new 8-inch D3034 sanitary main to serve new properties fronting the new NE Marjorie Lane. The existing 8-inch sanitary main remaining that serves the homes to the west will be tied into the new system via a cleanout bend at the western property line that extends to a new manhole at the west end of NE Marjorie Lane.

There is an existing 12-inch concrete storm main on NE Dunn Place. An underground storm detention system with upstream pollution control and downstream flow control manholes will be installed to detain runoff stormwater from the development and release the runoff at predeveloped or lower flow rates for the 10-year storm.

Power, natural gas, and communications all exist on NE Dunn Place and can be extended to serve the site.

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

Based on ITE code 230 (Residential Condominium/Townhouse) from ITE's 7th Edition Trip Generation Manual at a rate of 0.52 trip ends per dwelling unit, there will be an estimated 10.4 PM peak hour trips added. This new traffic will likely take NE Dunn Place south and disburse east/west on NE Cumulus Ave. NE Cumulus Ave is a minor collector which is intended to receive higher volumes of traffic based on the City's Transportation Plan.



501 E First Street
Newberg, Oregon 97132
503/554-9553 · Fax 503/537-9554

Date: **9/9/2023**

Project Number: **2021-008**

To: **Whom It May Concern**

From: **Andrey Chernishov, PE**

Preparer: **Andrew Bates, PE**

RE: **Planned Development Amendment & Subdivision Applications – 17.58.080 & 17.74.070 Criteria**

As part of the Planned Development Application and Subdivision Applications, City of McMinnville requested HBH to address the applicable criteria for the Subdivision in Section 17.58.080 and Planned Development Amendments in Section 17.74.070 of the city zoning ordinances. Please refer to the submitted plans and documents for your reference. Below are the ordinance criteria detailed in bold with responses satisfying the criteria following.

17.53.080.A. A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:

- 1. Any potential future lots (lot size shall be depicted).**
- 2. Existing and proposed utilities including water, sewer and storm drains.**
- 3. Streets and access points for potential future lots.**

None of the proposed lots can be divided in the future, including lot 21. Even though lot 21 is 48,944 SF, due to the 60' wide slope setback recommended by geotechnical engineers, no building can take place within this 60' wide slope setback from the Yamhill River top of bank. Therefore, the building area is limited to 3,179 SF, which cannot be subdivided or partitioned in the future. Therefore, this section is not applicable.

17.53.080.B. It shall be the responsibility of the engineering department and planning department to review a future plan to ensure that it substantially conforms to the requirements of this chapter. The review body will ensure that infrastructure for the future plan is consistent with the current development requirements. The planning director may reject a future plan if it is found that it does not substantially conform to the requirements of this chapter. The review body may make any of the following recommendations:

- 1. The construction of streets and utilities or the dedication of right-of-way for future improvements.**
- 2. Any easements as deemed necessary for the extension of utility services.**

None of the proposed lots can be divided in the future, including lot 21. Even though lot 21 is 48,944 SF, due to the 60' wide slope setback recommended by geotechnical engineers, no building can take place within this 60' wide slope setback from the Yamhill River top of bank. Therefore, the building area is limited to 3,179 SF, which cannot be subdivided or partitioned in the future. Therefore, this section is not applicable.

17.74.070.A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements.

The applicant seeks to amend the overlay on the parcel to meet the market need of single-family dwelling units in the form of townhomes and meet City goals of increased density in the R-4 zone. The intended use of the subdivision is a 20-lot assortment of varying size single-family, common-wall, townhomes and one single-family home lot.

The proposed PD Amendment proposes the following physical conditions that depart from standard regulation requirements to market increased density pursuant to city goals of the R-4 zone:

1. Reduce the minimum lot size from 5,000 SF to 2,500 SF for common wall, single-family lots. The approved minimum lot size for the PD is currently 5,000 SF. The applicant is proposing to reduce the approved lot size to 2,500 SF. The minimum lot size will be 2,594 SF and the maximum lot size will be 48,944 SF. The large lot is limited to 3,179 SF of buildable area due to the established sixty feet slope setback from the top bank of the South Yamhill River. The proposed lot area for this project does not meet the original PD approval. However, the R-4 zone permits common wall single family dwelling structures provided the lot area exceeds 2,500 square feet. The proposed lots exceed this threshold and meet the intent of the code regarding density.
2. Exceed lot depth to width ratio from 2:1 up to a maximum of 5.7:1. The City of McMinnville requires lots to not exceed a two times depth to width ratio or 2:1. Lots 18 and 19 would have a depth to width ratio of 5.68 and lots 9-12 would have a depth to width ratio of 4.48. All other lots would have a smaller ratio, but still exceed the 2:1, except for lot 21. The applicant has proposed a layout that exceeds this ratio to provide higher density housing consistent with the goals of City of McMinnville and the needs of the area.

17.74.070.B. The resulting development will not be inconsistent with the Comprehensive Plan objectives of the area.

Italicized below are the applicable comprehensive plan goals and policies followed by a response stating how they are satisfied.

Policy 68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

Applicants Response: Policy 68 is satisfied. Urban services exist adjacent to the subject site and are available to serve the subject property.

Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

Applicants Response: Policy 71.00 is satisfied. The applicant proposes to develop townhome style housing. This style of housing is not common in the immediate area and will help to diversify the types of housing available to the community.

Policy 73.00: Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

Applicants Response: Policy 73.00 is satisfied. The existing PD overlay zone was approved for a senior care facility. Approving the PD modification would allow for a greater variety of housing types in the area at varying price ranges based on size.

Policy 75.00 & 76.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area. Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

Applicants Response: Policy 75.00 and 76.00 is satisfied. The applicant is dedicating Tract A to the HOA as open space. This area also includes a proposed underground stormwater detention facility that serves the entire subdivision. The tract will also have a 3' tall black chain link fence north of the public sidewalk. The tract will feature landscaping with shrubs along the fence line and grass in the center meeting city landscaping requirements. Due

to the underground stormwater facility and stormwater pipes, shrubs with small roots are proposed in order to not negatively impact the underground utilities.

Policy 77.00 & 78.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways. Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Applicants Response: Policy 77.00 and 78.00 is satisfied. The proposed vehicle and pedestrian traffic system provides safe and compatible patterns with the adjoining transportation system. Bike facilities are not incorporated with this development to conform to the surrounding areas and the City's TSP. Public sidewalks are proposed on all public road frontages to be used as pedestrian pathways.

Policy 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.

Applicants Response: Policy 81.00 is satisfied. The sidewalks from the development also bring access to nearby Bend-O-River mini-park and the McMinnville Cinemas, approximately a block away from the development.

Policy 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.

Applicants Response: Policy 82.00 is satisfied. NE Marjorie Lane can be extended through the neighboring two properties to the west without impacting the existing homes on the two properties. This could allow for the development of the currently vacant southern half of these two lots while maintaining the existing homes to the north of the lots (see Neighborhood Master Plan on submitted plans). Full development north and south of future NE Marjorie Lane would also be an option for these properties.

Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to: 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available. 2. Storm sewer and drainage facilities (as required). 3. Streets within the development and providing access to the development, improved to city standards (as required). 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water & Light).

Applicants Response: Policy 99.00 is satisfied. Urban services can be provided concurrently with the proposed residential development and are proposed to be constructed that way. An existing eight-inch sanitary sewer is available in NE Dunn Place and is proposed to be extended to service this project. There is an existing 12-inch storm drain line in NE Dunn Place that is proposed to be extended to service this project. Water and power are available to serve the subject property in NE Dunn Place. A six-inch water line is available in NE Dunn Place and is proposed to be extended to service this project.

Policy 117.00 & 118.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel. The City of McMinnville shall encourage development of roads that include the following design factors:

- 1. Minimal adverse effects on, and advantageous utilization of natural features of the land.*
- 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
- 3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
- 4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and footpaths). (Ord.4922, February 23, 2010) VOLUME II Goals and Policies Page 28 5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist.*

Applicants Response: Policies 117.00 and 118.00 are satisfied. Every parcel will be served by a driveway that accesses a public street. The driveways will be constructed to City standards. The west side of NE Dunn Place will be improved to City standards with curbs, sidewalks and planter strips that provide multi-modal transportation. NE Marjorie Lane will be constructed to City standards with asphalt, curbs, sidewalks, and planter strips that provide

multi-modal transportation needs. NE Marjorie Lane is aligned such that the two properties to the west could be partially or fully developed in a similar manner when continuing the road along the proposed alignment to the west.

The South Yamhill River runs through the northwest corner of the property. A site geotechnical investigation (attached) was prepared by Strata Design, LLC in 2014 for the memory care facility that was proposed as part of application CU3-19. The section of property of which the South Yamhill River runs through features steep slopes. A prior slope stability investigation in 2005 found that these steep slopes were unsuitable for construction. The 2005 report imposed a 60 feet setback buffer on the property where no buildings should be constructed. The 2014 report performed soil investigations of the steep slopes and compared them to the original 2005 findings. The 2014 report found the 2005 findings to be conservative in nature and reaffirmed the 60 feet of setback should be abided by. Also attached is a recent 2023 geotechnical report that agrees with the previous geotechnical reports, following two site visits in 2023, since the site conditions have not changed for this property.

Policy 122.00 *The City of McMinnville shall encourage the following provisions for each of the three functioned road classifications:*

3. Local Streets -Designs should minimize through-traffic and serve local areas only. -Street widths should be appropriate for the existing and future needs of the area. -Off-street parking should be encouraged wherever possible. -Landscaping should be encouraged along public rights-of-way.

Applicants Response: Policy 122.00 (3) is satisfied. The new NE Marjorie Lane will be a local street that primarily serves the residential properties fronting the road. The only expected through traffic on NE Marjorie Lane will be the residents of the two properties directly to the west. These residents already use an existing gravel road that is in the location of the proposed NE Marjorie Lane. The increased traffic on NE Dunn Place from the development is expected to primarily head south and disperse on the minor collector NE Cumulus Avenue. The cross-sectional widths, depths, and materials of NE Marjorie Lane and the intersection with NE Dunn Place will be to City standards. Five-foot-wide landscaping buffers will be installed between the back of curb with a five-foot-wide sidewalk on NE Dunn Place and NE Marjorie Lane.

Policy 126.00 & 127.00 *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.*

Applicants Response: Policies 126.00 and 127.00 are satisfied. Two parking spaces will be provided on each lot. These parking spaces will encourage off-street parking.

Policy 132.00 *The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)*

Applicants Response: Policy 132.00 is satisfied. The tentative plan for the subject property provides for public walkways that connect to adjacent neighborhoods, a nearby City park, and movie theaters.

Policy 136.00 & 139.00 *The City of McMinnville shall insure urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations. 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below: VOLUME II Goals and Policies Page 48*

- 1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*
- 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
- 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*
- 4. Extensions will implement applicable goals and policies of the comprehensive plan.*

Applicants Response: Policy 136.00 and 139.00 are satisfied. A public sanitary sewer collection system will be constructed with the development of the streets and public utilities to provide service to each individual lot within the subject development. The proposed eight-inch sanitary sewer extension in NE Marjorie Lane has sufficient capacity to service the subdivision based on the proposed density of the project.

Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

Applicants Response: Policy 142.00 is satisfied. The City of McMinnville has identified the downstream 12-inch pipe as having capacity issues. Per City of McMinnville design standards, a stormwater detention facility is proposed to detain and release stormwater runoff at predeveloped or lower peak flow rates for the 10-year storm event.

17.74.070.C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels.

See Applicant Responses to Policies 68.00, 77.00, 78.00, 81.00, 82.00, 117.00, 118.00, 122.00, and 132.00 of Criteria 17.74.040.B.

17.74.070.D. The plan can be completed within a reasonable period of time.

The development in scale is not relatively large or complex, consisting of street improvements and the creation of approximately 225 linear feet of new city street. All utilities required to serve the development are located along the development's frontage. The development is not estimated to take longer than six months to construct.

17.74.070.E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area.

Based on ITE code 230 (Residential Condominium/Townhouse) from ITE's 7th Edition Trip Generation Manual at a rate of 0.52 trip ends per dwelling unit, there will be an estimated 10.4 PM peak hour trips added. This new traffic will likely take NE Dunn Place south and disburse east/west on NE Cumulus Ave. NE Cumulus Ave is a minor collector which is intended to receive higher volumes of traffic based on the City's Transportation Plan.

17.74.070.F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

Please refer to the Composite Utility Plan for more information.

See Applicant Responses to Policies 99.00, 136.00, 139.00 and 142.00 of Criteria 17.74.040.B.

There is an existing 6-inch cast iron water line located in NE Dunn Place. This will serve new properties fronting on NE Dunn Place. That 6" cast iron will be tied with a 6" tee that will extend a new 6-inch C900 PVC water main down the new NE Marjorie Lane to serve properties fronting the new road.

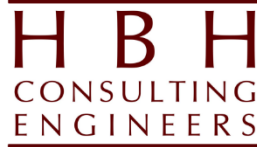
There is an existing 8" sanitary main behind the eastern curb & gutter on NE Dunn Place. This will serve new properties fronting on NE Dunn Place. There is an existing 8" sanitary main traversing the property from the west to the east that serves homes west of the subject property. This 8" sanitary main ties into a manhole in NE Dunn Place. This line will be abandoned and replaced with a new 8" D3034 sanitary main to serve new properties fronting the new NE Marjorie Lane. The existing 8" sanitary main remaining that serves the homes to the west will be tied into the new system via a cleanout at the western property line that extends to a new manhole at the west end of NE Marjorie Lane.

There is an existing 12" concrete storm main on NE Dunn Place. An underground storm detention system with upstream pollution control and downstream flow control manholes will be installed to detain runoff stormwater from the development and release the runoff at predeveloped or lower flow rates for the 10-year storm.

Power, natural gas, and communications all exist on NE Dunn Place and can be extended to serve the site.

17.74.070.G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

Construction will adhere to City of McMinnville municipal code 8.10.260 for noise control. The development is large enough to be subject to DEQ 1200C regulations. Construction will be permitted and comply with local and DEQ erosion and sedimentation control standards to prevent the development from causing any significant adverse impact to the surrounding air and water quality in the vicinity, existing public utilities, or the city.



501 E First Street
Newberg, Oregon 97132
503/554-9553 · Fax 503/537-9554

Date: **9/9/2023**

Project Number: **2021-008**

To: **Whom It May Concern**

From: **Andrey Chernishov, PE**

Preparer: **Andrew Bates, PE**

RE: **Planned Development Amendment & Subdivision Applications – Great Neighborhood Principles**

As part of the Planned Development Amendment Application and Subdivision Applications, City of McMinnville requested HBH to address the Great Neighborhood Principles in policies 187.10-187.50 of the Comprehensive Plan. Please refer to the submitted plans and documents for your reference. The Great Neighborhood Principles are identified numbers 1-13 in Comprehensive Plan policy 187.50. Those principles are listed below in italics followed by a response to how the development addresses these principles.

187.50.1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.

a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.

The subject property contains a portion of the South Yamhill River on the northwest corner of the property. The proposed improvements would be set back 60 feet from the top of bank to minimize impacts to natural areas. This setback will allow for the natural area near the river to remain undisturbed. Trees along the riverbank and riparian area will be preserved. Some trees near the existing dwelling and outbuildings would need to be removed to allow demolition of the structures. A precise plan indicating which trees will be demolished is shown on sheet C2. No development will occur near steep slopes along the riverbank.

187.50.2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.

a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.

The proposed townhomes will consist of two-story structures that are a maximum of 29 feet and 4 inches in height. This lower building height will help preserve views of the river to the north and the surrounding skyline.

187.50.3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.

a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.

b. Central parks and plazas shall be used to create public gathering spaces where appropriate.

c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.

The applicant is dedicating Tract A to the HOA as open space. This area also includes a proposed underground stormwater detention facility that serves the entire subdivision. The tract will also have a 3' tall black chain link fence north of the public sidewalk. The tract will feature landscaping with shrubs along the fence line and grass in the center meeting city landscaping requirements. Due to the underground stormwater facility and stormwater pipes, shrubs with small roots are proposed in order to not negatively impact the underground utilities. The nearest park is Bend O River mini park located between the cul-de-sacs of NE Clark Ct and NE Norton Ct one block away from the proposed development.

- 187.50.4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*
- a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
 - b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).
The plan can be completed within a reasonable period of time.*

A sidewalk five feet wide will be developed on each side of the proposed Marjorie Lane, providing pedestrian access to the site. Additionally, street improvements along NE Dunn Place will span the length of the subject property, including street trees and sidewalk on the west side of the street.

- 187.50.5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*
- a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
 - b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

Bike facilities are not incorporated with this development to conform to the surrounding area and the City's TSP.

- 187.50.6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*
- a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
 - b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

The proposed project would develop a new public road, Marjorie Lane, with the required sidewalk and planter strips for street trees. These sidewalks are connected to an existing local sidewalk system that provides access nearby parks, retail, and industry. The sidewalk system also connects the development to Yamhill County Transit Route #2. The transit route is part of the greater Yamhill County Transit System which connects Grand Ronde, Hillsboro, Newberg, West Salem, Lafayette, Dundee, Sherwood, King City, Tualatin, and Tigard. Route #2 has a stop directly along the property's frontage at the intersection of Dunn Place and NE Aaron Drive. Route #2 also has a stop at the Yamhill County Housing Authority, which is the property directly south of the development.

- 187.50.7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
- a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
 - b. Design practices should strive for best practices and not minimum practices.*

The neighborhood will construct sidewalks, ramps, and intersections meeting current PROWAG and City design regulations.

- 187.50.8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
- a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
 - b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
 - c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

The development will feature buildings orientated towards the public right-of-way. There will be street lighting meeting city and CPTED standards. Residential construction is consistent with the surrounding areas. There will be street trees, public sidewalks, and grassed landscaping along all developed ROW frontages.

187.50.9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.

- a. Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
- b. Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
- c. Neighborhoods are designed such that owning a vehicle can be optional.*

There are many recreational, dining, and medical options within walking distance of the proposed project. Willamette Valley Medical Center and satellite medical offices exist within approximately a ¼ mile of the development. McMinnville Cinemas and Chemeketa Community College also exist within the same radius of the development. The frontage of the development currently features an existing bus stop that connects to the county-wide transit system.

187.50.10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.

- a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

The site is not adjacent to any rural land uses. The site is bordered to the north, east, and west with single family residential homes. The south side of the property is bordered by government offices.

187.50.11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.

- a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

Townhomes are in variance from the surrounding forms of housing, which primarily are single-story, single-family homes on lots average five to ten thousand square feet. There are two single-family residential lots to the west that are approximately 2.5 acres per lot. The proposed lots are smaller the surrounding, ranging from 2,594 to 48,944 square feet. The large lot is limited to 3,179 SF of buildable area due to the established sixty feet slope setback from the top bank of the South Yamhill River. The townhome lots would complement the area with a previously unavailable housing style and lot size. This would increase availability for a wider range of people and families seeking residence in the neighborhood.

187.50.12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.

- a. Neighborhoods shall have several different housing types.*
- b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

Townhomes are in variance from the surrounding forms of housing, which are primarily single-story, single-family homes on lots average five to ten thousand square feet. There are two single-family residential lots to the west that are approximately 2.5 acres per lot. The proposed lots are smaller, ranging from 2,594 to 48,944 square feet. The large lot is limited to 3,179 SF of buildable area due to the established sixty feet slope setback from the top bank of the South Yamhill River. The townhome lots would complement the neighborhood with a previously unavailable housing style and lot size.

The townhomes, being a single building assigned to multiple tax lots, by design will be similar for several adjacent tax lots. The applicant is proposing multiple building layouts and styles to supply aesthetic variance to the development.

187.50.13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:

- a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
- b. Opportunities for public art provided in private and public spaces.*
- c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood. (Ord 5066 §2, April 9, 2019)*

The proposed development will be designed to meet building code standards for water and energy conservation. There are no current plans for public art. The pedestrian amenities of the site include streetlights, ADA accessible concrete ramps and sidewalks, landscaping, and paved driveways. The design approach will integrate the form and function of these features with the main building design.



Planning Department
 231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:	
File #	_____
Date	_____
Fee	_____
Rec	_____
Rec	_____

UPDATED
PROPERTY
OWNER
INFO

Tentative Subdivision Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other Civil Engineer

Applicant Name Andrey Chernishov Phone 503-554-9553

Contact Name _____ Phone _____
(If different than above)

Address 501 E First Street

City, State, Zip Newberg, OR 97132

Contact Email achernishov@hbh-consulting.com

Property Owner Information

Property Owner Name Evergreen Court Townhomes LLC Phone _____
(If different than above)

Contact Name Jason Flores, Authorized Representative Phone 503-580-6422

Address PO Box 20025

City, State, Zip Keizer, OR 97307

Contact Email jason@celticbuilthomes.com

Site Location and Description

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

Property Address 235 NE Dunn Place, Taxlot 1700

Assessor Map No. SEC22 R4W T4S SW1/4 SE1/4 Total Site Area 2.83 Acres

Subdivision N/A Block N/A Lot 1700

Comprehensive Plan Designation Residential Zoning Designation R4

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: Subdividing the existing lot into 21 lots averaging 2,972 square feet. Approximately 200 LF of new public road will be constructed as well as frontage improvements along NE Dunn Place. The remainder of the lot will be dedicated to the City.

3. Name of proposed subdivision: Dunn Place Subdivision

4. Size of proposed subdivision in acres or square feet: 2.83 Acres

5. Number of lots: 21 Minimum lot size: 2,500

6. Number and type of Residential Units: 20 townhomes and 1 single family home

7. Average lot size: 5,250 Gross density per acre of entire subdivision: 8.3 DU/acre

8. Total anticipated population: 44

9. Size of park(s)/open space in acres or square feet: Tract A: 1,541 SF

10. General description of the subject site and current land use: Subject site is currently unused farmland. There are two unused buildings on the site. There are public sanitary and storm mains traversing the property in an 20' easement that a 12' wide gravel road traverses east to west to neighboring properties.

11. Describe existing uses and zoning of surrounding properties:

	<u>Zoning</u>	<u>Current Use</u>
North	<u>R-1</u>	<u>Single Family Homes</u>
South	<u>C-3</u>	<u>Yamhill County Housing Authority</u>
East	<u>R-1</u>	<u>Single Family Homes</u>
West	<u>R-2</u>	<u>Single Family Homes</u>

12. Describe the topography of the subject site: _____

The site gently slopes offsite in all directions (0-3%) to the surrounding properties and the South Yamhill River to the North. There is a steep slope (20%+) at the northwest corner of the property that is the bank of the South Yamhill River.

13. Does the site contain any existing structures, wells, septic tanks? Explain There is an abandoned home, outbuilding, and well shed on the property.

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). The property will be served by a 8" water main that is tied into the existing main in Dunn Place. Storm detention will be handled by an underground ADS chamber facility. Storm piping will be 12" mains, with 10" CB laterals and 4" individual services tied into Dunn Place. Sanitary will be served by an 8" main tied into the existing main in Dunn Place. New electrical services will be added to each of the lots tied in at Dunn Place.

15. What is the anticipated date construction will begin? July 2024

16. What is the anticipated date of completion? October 2024

17. If applicable, explain how the subdivision will be phased? N/A

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.


Compliance of Neighborhood Meeting Requirements.

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

09/09/2023
Date


Property Owner's Signature

9/11/23
Date



Planning Department
 231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:
 File No. TML 5-23
 Date Received 9/12/23
 Fee \$2,087.00
 Receipt No. 208769
 Received by AW

569-23-000508-PLNG

Three Mile Lane Development Review

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other Civil Engineer

Applicant Name Andrey Chernishov Phone 503-554-9553

Contact Name _____ Phone _____
(If different than above)

Address 501 E First Street

City, State, Zip Newberg, OR 97132

Contact Email achernishov@hbh-consulting.com

Property Owner Information

Property Owner Name Evergreen Court Townhomes LLC Phone _____
(If different than above)

Contact Name Jason Flores Phone 503-580-6422

Address PO Box 20025

City, State, Zip Keizer, OR 97307

Contact Email jason@celticbuilthomes.com

Site Location and Description

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

Property Address 235 NE Dunn Place, Taxlot 1700

Assessor Map No SEC22 R4W T4S SW1/4 SE1/4 Total Site Area 2.83 Acres

Subdivision N/A Block _____ Lot 1700

Comprehensive Plan Designation Residential Zoning Designation R4

Describe the project in detail and how it will be consistent with the applicable requirements of the Three Mile Lane Planned Development Overlay ordinances (Nos. 4131 and 4572 and associated design standards). Please note the architectural features and materials to be used. *(Attach additional pages if necessary)*.

See submitted attachments, including the Code Narrative for the Three Mile Lane and plan set.

Many of the architectural features can be seen on the attached building elevation drawings. Siding materials are anticipated to be James Hardie type fiber cement lap siding with board and batten panels as shown on the elevation drawings. The colors will be traditional residential colors that are approved by most HOA's. Revisions can be made to any architectural features in order to meet City requirements. Additional architectural narrative information will be provided.

In addition to this completed application, the applicant must provide two (2) copies of the following:

- For new construction or for structural modifications, a site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating the existing site conditions including topography, structures, utilities, vegetation, and access.*
- Relevant building and construction drawings, including building elevations of all sides visible from a public street, and proposed signage and landscaping.*
- A narrative describing the architectural features that will be used in the building's design, including materials and colors.*
- Other information deemed necessary to show consistency with the requirements of the Three Mile Lane planned development ordinances and/or required by the Planning Director.*


I certify that 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

09/09/2023

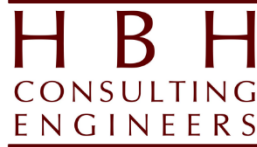
Date



Property Owner's Signature

9/11/2023

Date



501 E First Street
Newberg, Oregon 97132
503/554-9553 · Fax 503/537-9554

Date: **9/9/2023**

Project Number: **2021-008**

To: **Whom It May Concern**

From: **Andrey Chernishov, PE**

Preparer: **Andrew Bates, PE**

RE: **Three Mile Lane Application – Code Narrative**

As part of the Three Mile Lane Application, City of McMinnville requested HBH address Section 4 and Section 5 of Ordinance 4572, which replaced Ordinance 4131. Please refer to the submitted applications, plans and documents that were provided in concurrence with this application for your reference. Applicable criteria from Section 4 and Section 5 of Ordinance 4572 are stated below in italics followed by a response to how the development addresses those criteria.

Section 4

A. The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and other City codes shall be adhered to.

See written responses to either concurrently submitted 17.74.070 Criteria or Written Findings narratives. Both address the goals and policies of the Comprehensive Plan Volume II. Volume III is all ordinances and measures that were created to carry out the goals and policies of the comprehensive plan. Currently the applicant is adhering to Ordinances 4572 (replaced 4131), repealing the master plan of Ordinance 4956 and replacing with the submitted masterplan (Sheet C5 of the submitted plans), adhering to Ordinance 4719, and submitting a variance to adhere to Zoning Ordinance 3380. The City shall inform the applicant if other Ordinances or Codes are applicable for compliance.

B. A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.

This property is not along the highway and ergo not subject to this provision.

C. Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:

- 1. The minimization of entrances onto Three Mile Lane;*
- 2. The development of on-site circulation systems, connecting to adjoining properties, including public frontage roads;*
- 3. The provisions of acceleration-deceleration lanes and left-turn refuges when and where necessary and practicable.*
- 4. The provision of bikeways along frontage roads or on-site circulation systems. Bikeway connections accessing Three Mile Lane shall be provided so that the frontage road or on-site circulation system can serve as an alternative route for cyclists traveling along Three Mile Lane.*

C.1. The project site is not along the highway. The development does not propose any alterations to, nor is expected to contribute a significant impact to any of the entrances onto Three Mile Lane.

C.2. The applicant is developing public frontage improvements along the west side NE Dunn Place and adding a new public street connected to NE Dunn Place to serve the development. These improvements will provide direct connectivity for each lot of the development to the public right of way.

C.3. Neither NE Dunn Place or Marjorie Lane, given they are both local roads, will have sufficient width, traffic, or speed to necessitate the need for acceleration-deceleration lanes or left-turn refuges. The development will not significantly impact any nearby intersections to the effect of necessitating the installation of either of these features.

C.4. Bike facilities are not incorporated with this development to conform to the surrounding neighborhood and the City's TSP. Bicycle lanes do not exist in this neighborhood nor on adjacent minor collector NE Cumulus Avenue. Per the City's TSP, the only bicycle facilities warranted are along Highway 18.

D. Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.

This property does not front the highway and ergo not subject to these requirements.

E. Mixed housing-type residential developments shall be allowed and encouraged in those areas designated as residential.

This development is zoned as residential. This development is a style of housing that is not currently present in the neighborhood, which will diversify the housing type in the area.

F. Temporary signage shall be allowed as per Section 17.62.060(B)(3) of the McMinnville Zoning Ordinance (No. 3380). (Ord. 4988 §1, 2015)

Temporary signage is not proposed. However, if temporary signage is constructed, the placement shall adhere to provisions of City Municipal Code 17.62.060(B)(3).

Section 5.

Signs. The following regulations apply to those properties designated as either industrial or commercial on the McMinnville Comprehensive Plan Map and which are located within the area described in Exhibit "A." All signage must be approved by the Three Mile Lane Design Review Committee and may not exceed the maximums established in this section. The Three Mile Lane Design Review Committee may take into account color selection; sign material; relationship to site and building design; size, form, mass, height, and scale of sign; the sign's location and proximity to existing signs on adjacent parcels; and other sign design elements appropriate to ensuring that the proposed sign is compatible with the objectives of this ordinance. The Three Mile Lane Design Review Committee may require a proposed sign to be redesigned as necessary to make it consistent with the objectives of this ordinance including, but not limited to, restricting the size and height of the sign, its location, form, color, and material.

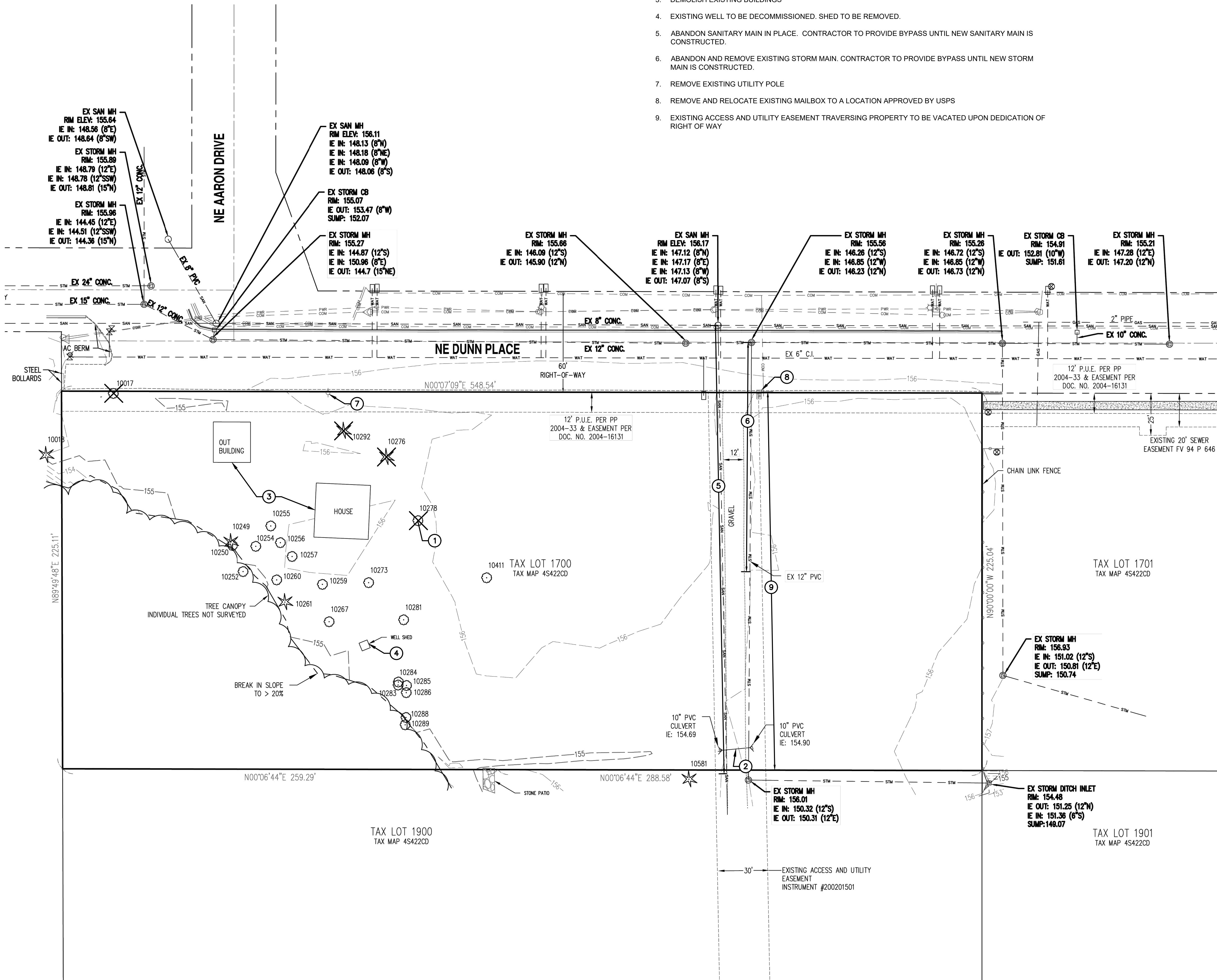
The property is neither industrial nor commercial. Signs are not proposed for this development. Therefore, this section does not apply. If the applicant decides to have a sign at a later date, it understood that this section will need to be met.

EXISTING CONDITIONS KEY NOTES

1. DEMOLISH TREE (TYP)
2. REMOVE EXISTING CULVERT
3. DEMOLISH EXISTING BUILDINGS
4. EXISTING WELL TO BE DECOMMISSIONED. SHED TO BE REMOVED.
5. ABANDON SANITARY MAIN IN PLACE. CONTRACTOR TO PROVIDE BYPASS UNTIL NEW SANITARY MAIN IS CONSTRUCTED.
6. ABANDON AND REMOVE EXISTING STORM MAIN. CONTRACTOR TO PROVIDE BYPASS UNTIL NEW STORM MAIN IS CONSTRUCTED.
7. REMOVE EXISTING UTILITY POLE
8. REMOVE AND RELOCATE EXISTING MAILBOX TO A LOCATION APPROVED BY USPS
9. EXISTING ACCESS AND UTILITY EASEMENT TRAVERSING PROPERTY TO BE VACATED UPON DEDICATION OF RIGHT OF WAY

NOTES:

1. UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBER 14135079. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
2. FIELD WORK WAS CONDUCTED JUNE 11-13, 2014.
3. VERTICAL DATUM: ELEVATIONS ARE BASED ON YAMHILL COUNTY BENCHMARK NO. 33 AT THE INTERSECTION OF ATLANTIC STREET AND 3 MILE LANE WITH A NGVD 29 ELEVATION OF 154.72 FEET.
4. THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
5. SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
6. BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
7. CONTOUR INTERVAL IS 1 FOOT.
8. ONLY TREES HAVING A DIAMETER OF 6" AND GREATER, MEASURED AT BREAST HEIGHT, WERE SURVEYED AT THIS TIME. TREE SPECIES NOTED IS CONSIDERED APPROXIMATE AND IS SUBJECT TO CHANGE UPON A REVIEW BY A CERTIFIED ARBORIST.



TREE TABLE	
TREE NO.	SPECIES
10017	MAPLE
10018	UNKNOWN CONIF.
10249	UNKNOWN CONIF.
10250	UNKNOWN DECID.
10252	MAPLE
10254	UNKNOWN DECID.
10255	UNKNOWN DECID.
10256	UNKNOWN DECID.
10257	UNKNOWN DECID.
10259	UNKNOWN DECID.
10260	MAPLE
10261	PINE
10267	APPLE
10273	UNKNOWN DECID.
10276	CEDAR
10278	HAWTHORN
10281	CHERRY
10283	UNKNOWN DECID.
10284	UNKNOWN DECID.
10285	UNKNOWN DECID.
10286	UNKNOWN DECID.
10288	UNKNOWN DECID.
10289	UNKNOWN DECID.
10292	CEDAR
10411	CHERRY
10581	SPRUCE

AKS
 AKS ENGINEERING & FORESTRY, LLC
 3700 PINE RD N, STE 1
 KEIZER, OR 97303
 503.400.6028
 WWW.AKS-ENG.COM

ENGINEERING - SURVEYING - NATURAL RESOURCES
 FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

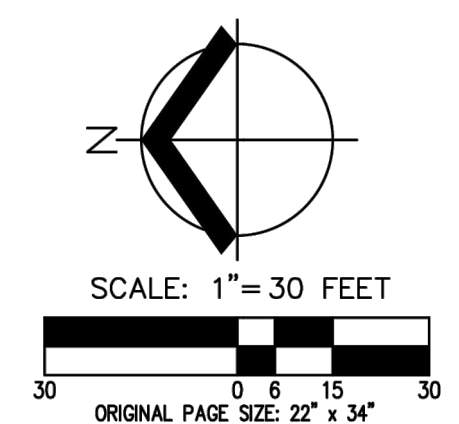
235 NE DUNN PLACE
OREGON
 YAMHILL COUNTY TAX MAP 4.4.22CD

MCMINNVILLE
 TAX LOT 1700

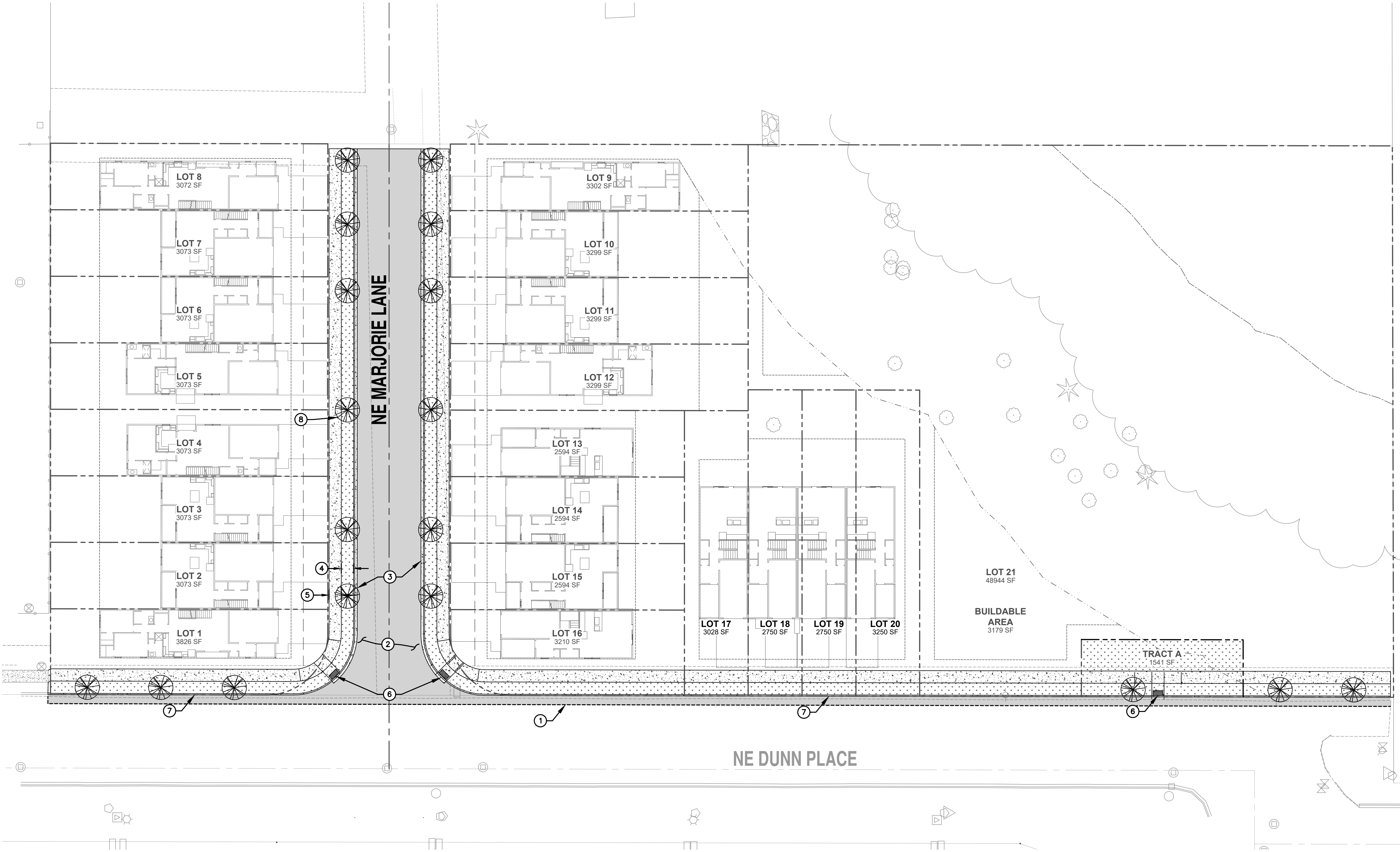
DEMOLITION AND EXISTING CONDITIONS PLAN

DESIGNED BY: ---
 DRAWN BY: JMW
 MANAGED BY: RW
 CHECKED BY: NSW
 DATE: 07/22/2019

REGISTERED PROFESSIONAL LAND SURVEYOR
 NICK WHITE
 70652LS
 REVISIONS: 6/30/20



AKS DRAWING FILE: 40901-01 EXCOND (2018) DWG | LAYOUT | LAYOUT1



SITE PLAN

SCALE: 1" = 20'

⊗ SITE PLAN KEYED NOTES

- | | |
|---|---|
| 1. SAWCUT EXISTING ASPHALT | 7. INSTALL STANDARD CURB ON NE DUNN PLACE |
| 2. INSTALL ASPHALT ROADWAY | 8. STREET TREE (TYP) |
| 3. INSTALL 18" CURB & GUTTER ON MARJORIE LANE | |
| 4. INSTALL 5.0' WIDE PLANTER STRIP (TYP) | |
| 5. INSTALL 5.0' SIDEWALK (TYP) | |
| 6. ADA RAMP (TYP) | |

REV.	DATE	DESCRIPTION	BY

IF THIS LINE IS NOT 1/8" INCH SCALE IS NOT AS SHOWN

DUNN PLACE SUBDIVISION
 NE AARON DRIVE + NE DUNN PLACE
SITE PLAN

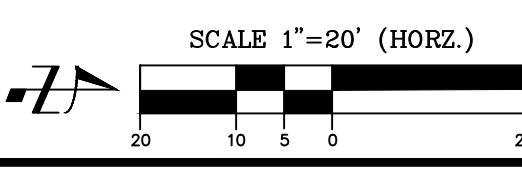
CELTIC HOMES, JASON FLORES
 PO BOX 20025, KEIZER OR 97307

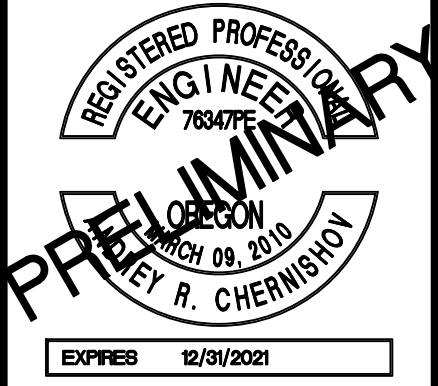
Date: Sheet No:

G4

6/20/2023
 2021-008

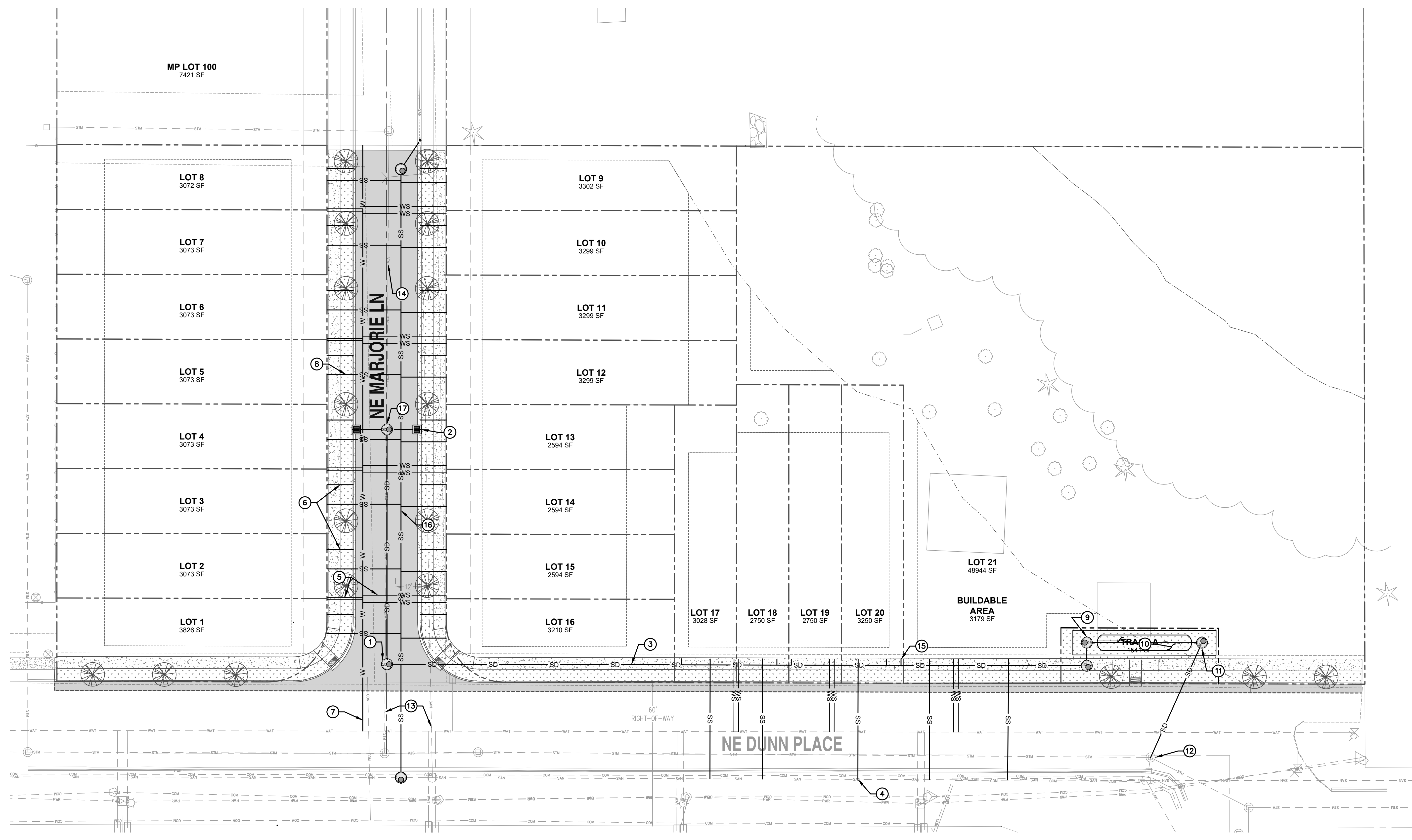
4 of 8





H B H
 CONSULTING ENGINEERS
 501 E First Street
 Newberg, Oregon 97132
 503/554-9553 fax 503/537-9554
 email: mail@hbh-engineers.com

Designed By: ARB | Drawn By: ARB | Checked By: ARB | Submittal No: PRELIMINARY
 File: L:\2021-0084-Design\DWG\Utility Plan.dwg



COMPOSITE UTILITY PLAN

SCALE: 1" = 20'

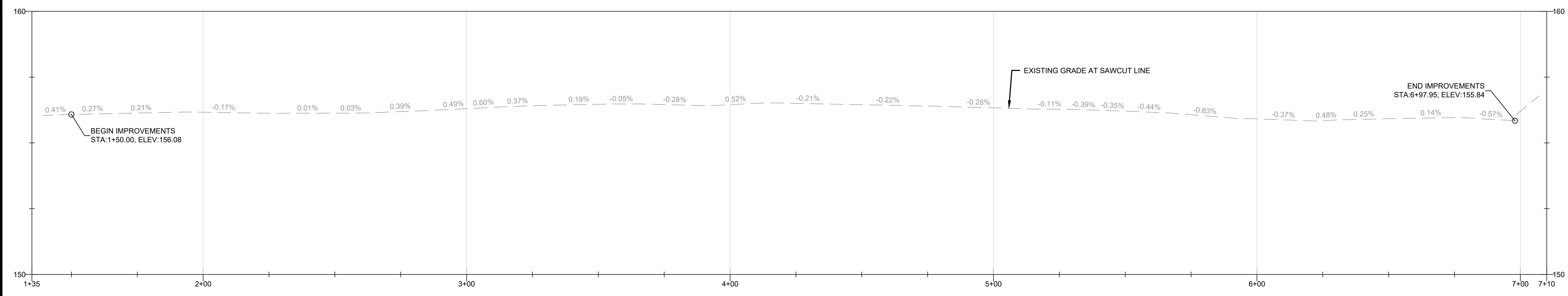
COMPOSITE UTILITY PLAN KEYED NOTES

- | | | |
|---|--|---|
| <ul style="list-style-type: none"> 1. INSTALL 48" DIAMETER ECCENTRIC STORM MANHOLE (TYP) 2. INSTALL CG-2 CATCH BASIN (TYP) 3. INSTALL 12" D3034 SDR 35 PVC STORM MAIN. ROUTE TO ADS FACILITY (TYP) 4. INSTALL SANITARY LATERAL VIA INSERT-A-TEE TO EXISTING MAIN IN DUNN PLACE (TYP) 5. INSTALL WATER SERVICE LATERAL (TYP) 6. ROUTE DRAINAGE FROM NEW STREET FRONTING LOTS TO WEEPHOLE AT CURB (TYP) | <ul style="list-style-type: none"> 7. INSTALL 6" C900 PVC WATER MAIN (TYP) 8. INSTALL NEW SANITARY LATERAL TO NEW MAIN (TYP) 9. INSTALL POLLUTION CONTROL MANHOLE 10. ADS MC-4500 DETENTION FACILITY 11. FLOW CONTROL MANHOLE 12. FLOW CONTROL MANHOLE DRAINS TO EXISTING MANHOLE IN NE DUNN PLACE | <ul style="list-style-type: none"> 13. EXISTING SANITARY AND STORM LINES TO BE ABANDONED 14. VERIFY EXISTING PRIVATE STORM MAIN MEETS ALL CITY PUBLIC STORM REQUIREMENTS OR REBUILD AS NECESSARY WITHIN NEW ROW. 15. PROVIDE STORM LATERAL TO LOTS FRONTING NE DUNN PLACE INTO STORM MAIN (TYP) 16. INSTALL 8" D3034 SANITARY MAIN 17. CONNECT EXISTING STORM INTO NEW STORM MANHOLE |
|---|--|---|

REV.	DATE	DESCRIPTION

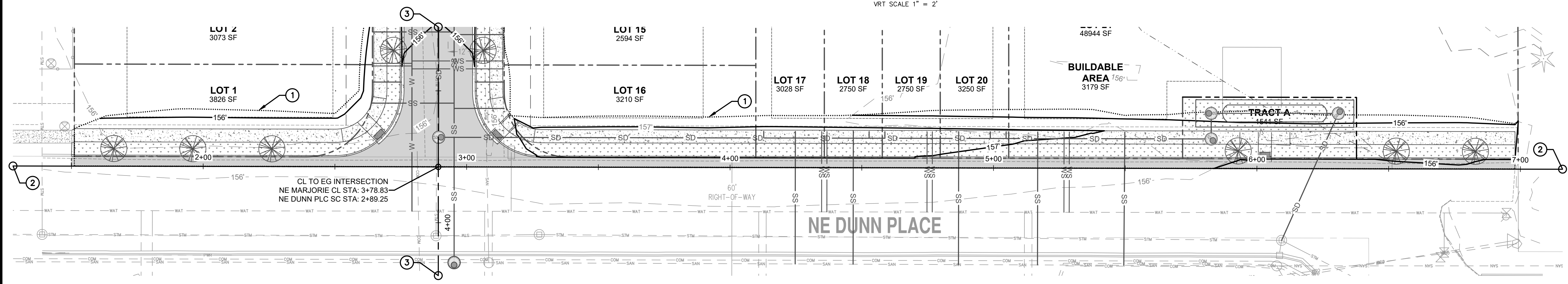
IF THIS LINE IS NOT 1/8" INCH SCALE IS NOT AS SHOWN

CELTIC HOMES, JASON FLORES
 PO BOX 20025, KEIZER OR 97307
DUNN PLACE SUBDIVISION
 NE AARON DRIVE + NE DUNN PLACE
COMPOSITE UTILITY PLAN



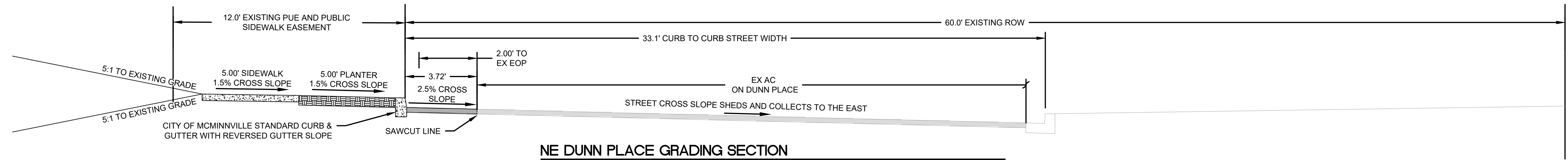
NE DUNN PLACE GRADING PROFILE

HZ SCALE: 1" = 20'
 VRT SCALE 1" = 2'



NE DUNN PLACE GRADING PLAN

SCALE: 1" = 20'



NE DUNN PLACE GRADING SECTION

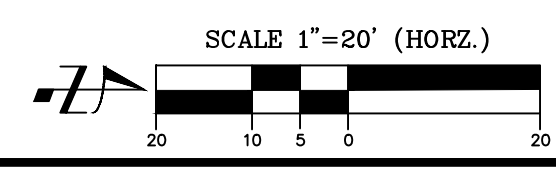
NE DUNN PLACE GRADING KEYED NOTES

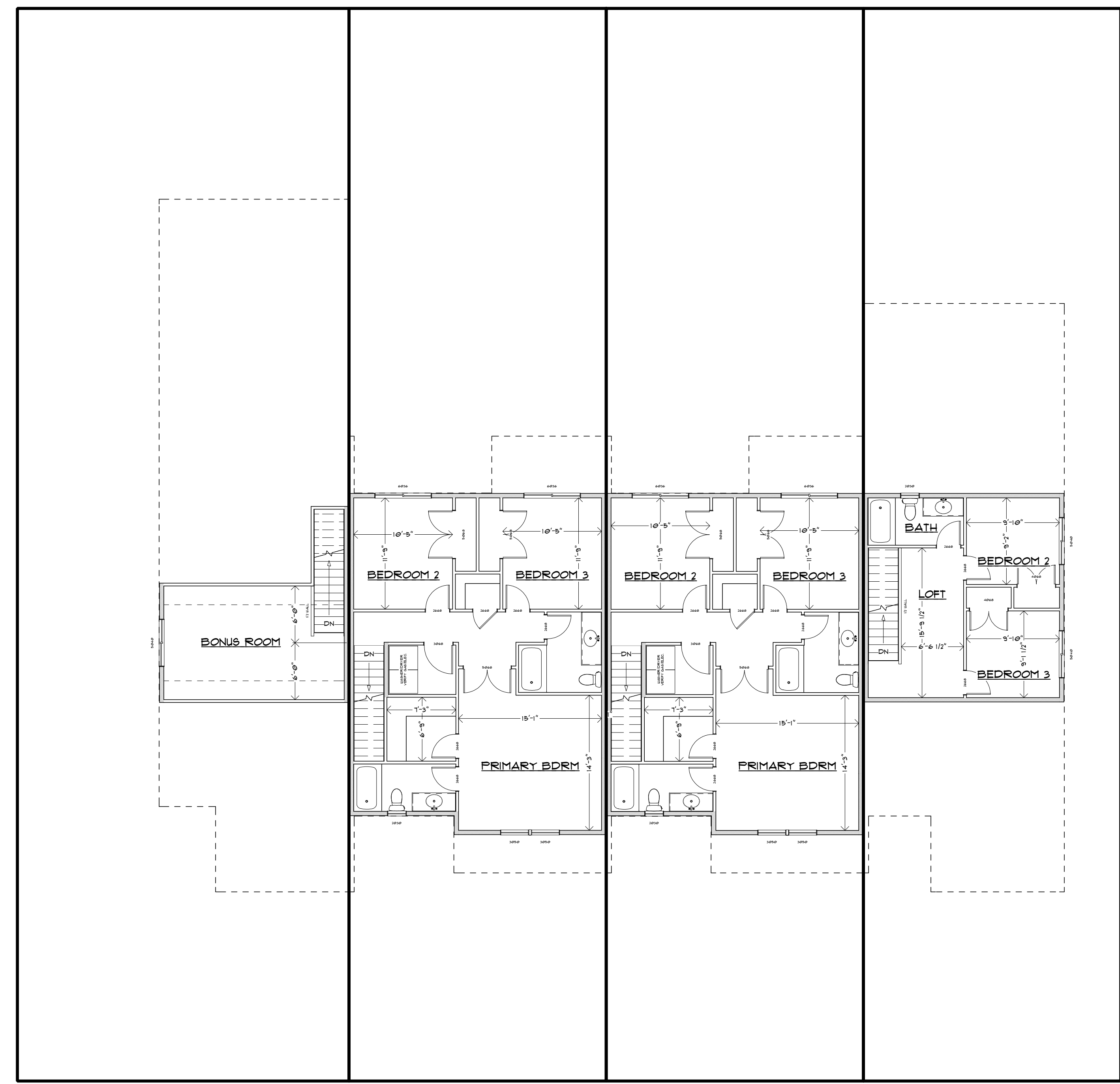
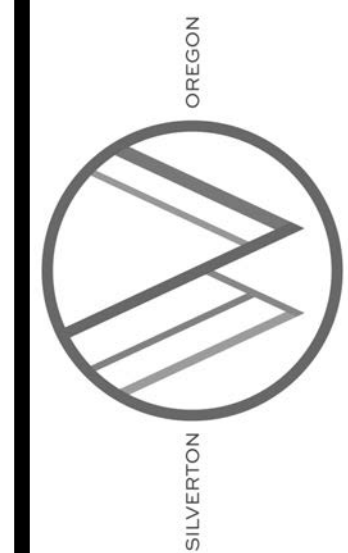
1. GRADING LIMITS
2. NE DUNN PLACE SAW CUT LINE ALIGNMENT
3. NE MARJORIE LANE ALIGNMENT

REV.	DATE	DESCRIPTION

IF THIS LINE IS NOT 1/8" INCH SCALE IS NOT AS SHOWN

DUNN PLACE SUBDIVISION
 NE AARON DRIVE + NE DUNN PLACE
NE DUNN PLACE GRADING





UNIT "A"
2 BED/2 BATH
1332 SF
W/BONUS ROOM

UNIT "B"
3 BED/2.5 BATH
1620 SF

UNIT "C"
3 BED/2.5 BATH
1620 SF

UNIT "D"
3 BED/2.5 BATH
1380 SF
MAIN FLOOR PRIMARY

UNIT "A"

UNIT "B"

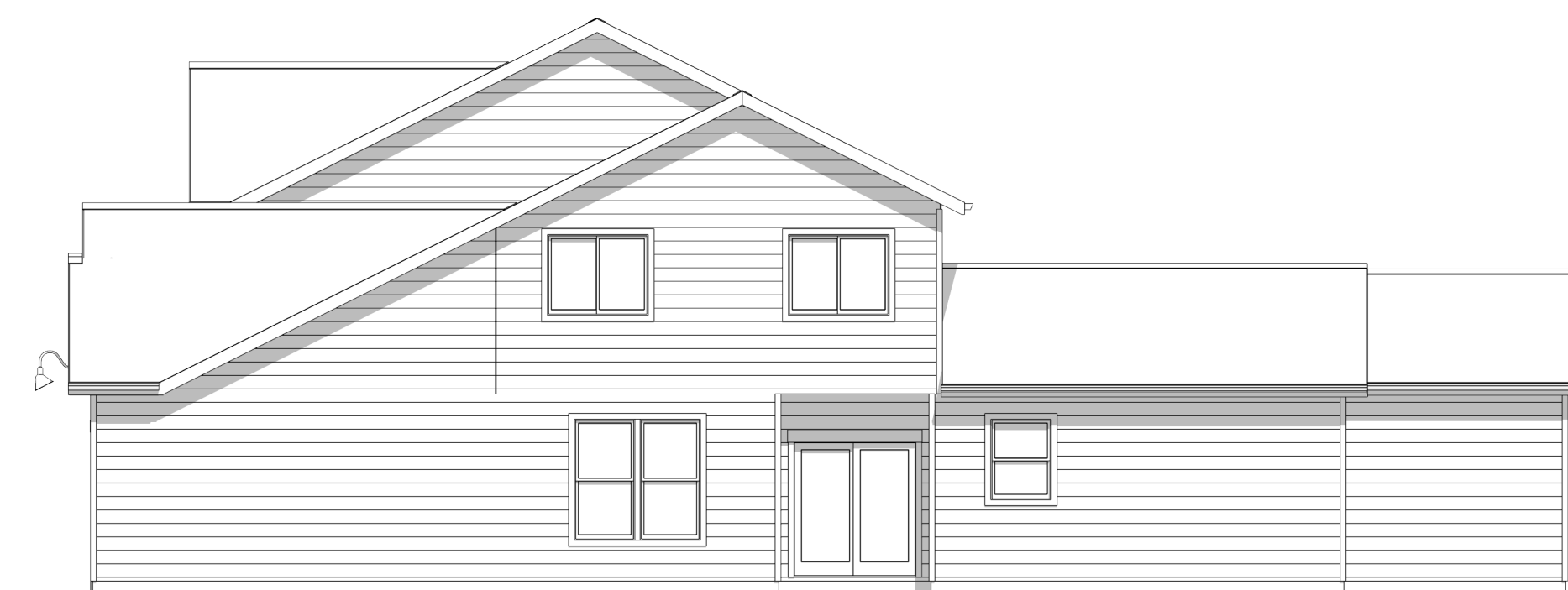
UNIT "C"

UNIT "D"

111 S. FIRST STREET
SILVERTON, OR
WAVRADESIGNCO@GMAIL.COM
WAVRADESIGNCO.COM
PH. 503-932-4134

THESE PLANS HAVE BEEN LICENSED TO THE CUSTOMER FOR USE IN CONSTRUCTION OF ONE BUILDING ONLY AND ARE SUBJECT TO THE CONDITIONS OF LICENSE ACCEPTED BY THE CUSTOMER. MULTI-USE LICENSE OPTIONS ARE AVAILABLE UPON REQUEST. USE OF ANY PART OF THE PLANS BY ANY PARTY OTHER THAN THE CUSTOMER IS PROHIBITED. WAVRA DESIGN CO. RETAINS COPYRIGHTS TO AND OWNERSHIP OF THESE PLANS. WAVRA DESIGN CO. PREPARES ITS PLANS CAREFULLY FOR USE BY ITS CUSTOMERS. HOWEVER, ADAPTATION OF THE PLANS TO MEET SPECIFIC STATE AND LOCAL BUILDING CODES, REGULATIONS AND SPECIFIC SITE CONDITIONS IS THE RESPONSIBILITY OF THE CONTRACTOR/USER. IN ADDITION WAVRA DESIGN CO. WILL NOT BE RESPONSIBLE FOR ANY DAMAGES RELATING TO THE ACCURACY AND OVERALL INTEGRITY OF THE PLANS IN EXCESS OF THE LICENSE FEE PAID FOR THEIR USE. THE CONTRACTOR THEREFORE MUST CAREFULLY INSPECT ALL DIMENSIONS AND DETAILS IN THE PLANS FOR ERRORS AND/OR OMISSIONS UNAUTHORIZED USE OR COPYING OF THESE PLANS FOR THE DESIGN THEY DEPICT INFRINGES RIGHTS UNDER THE COPYRIGHT ACT.

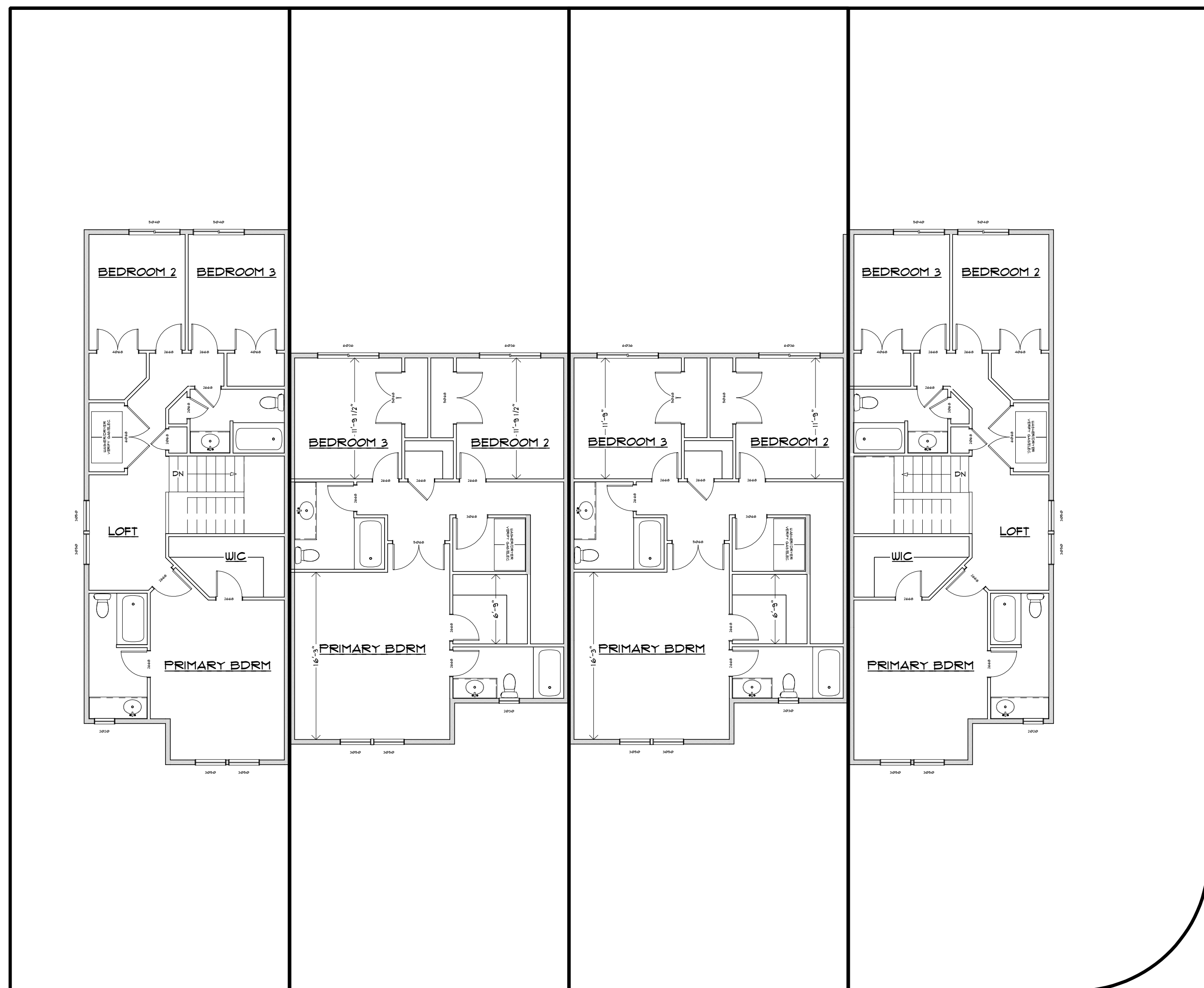
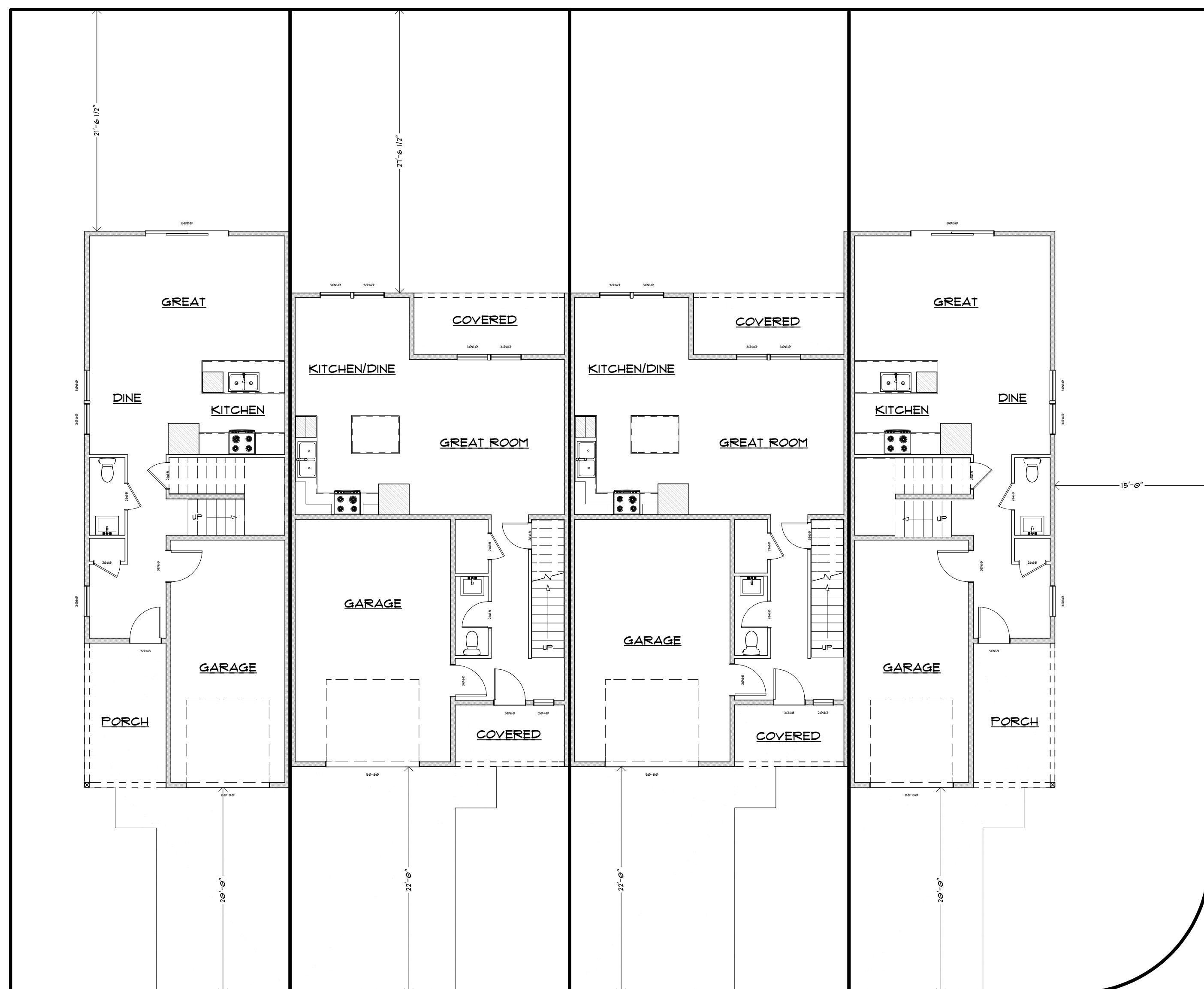
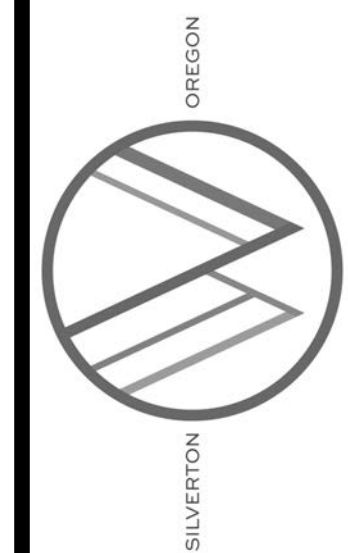
DUNN STREET PROJECT _ FLOOR PLANS (LOT 1-12)



111 S. FIRST STREET
SILVERTON, OR
WAVRADESIGNCO@GMAIL.COM
WAVRADESIGNCO.COM
PH. 503-932-4134

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DUNN STREET PROJECT _ELEVATIONS (1-12)



UNIT "A"
3 BED/2.5 BATH
1591 SF

UNIT "B"
3 BED/2.5 BATH
1620 SF

UNIT "C"
3 BED/2.5 BATH
1620 SF

UNIT "D"
3 BED/2.5 BATH
1591 SF

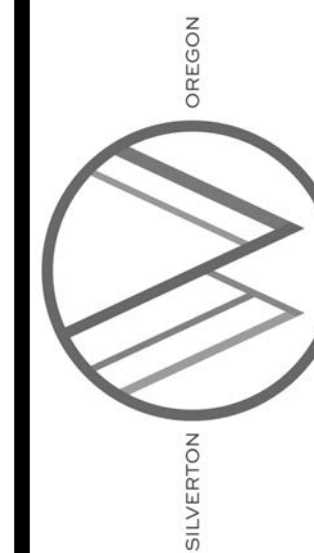
111 S. FIRST STREET
SILVERTON, OR
WAVRADESIGNCO@GMAIL.COM
WAVRADESIGNCO.COM
PH. 503-932-4134

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DUNN STREET PROJECT _ FLOOR PLANS (LOT 13-16)



DUNN STREET PROJECT _ELEVATIONS (13-16)



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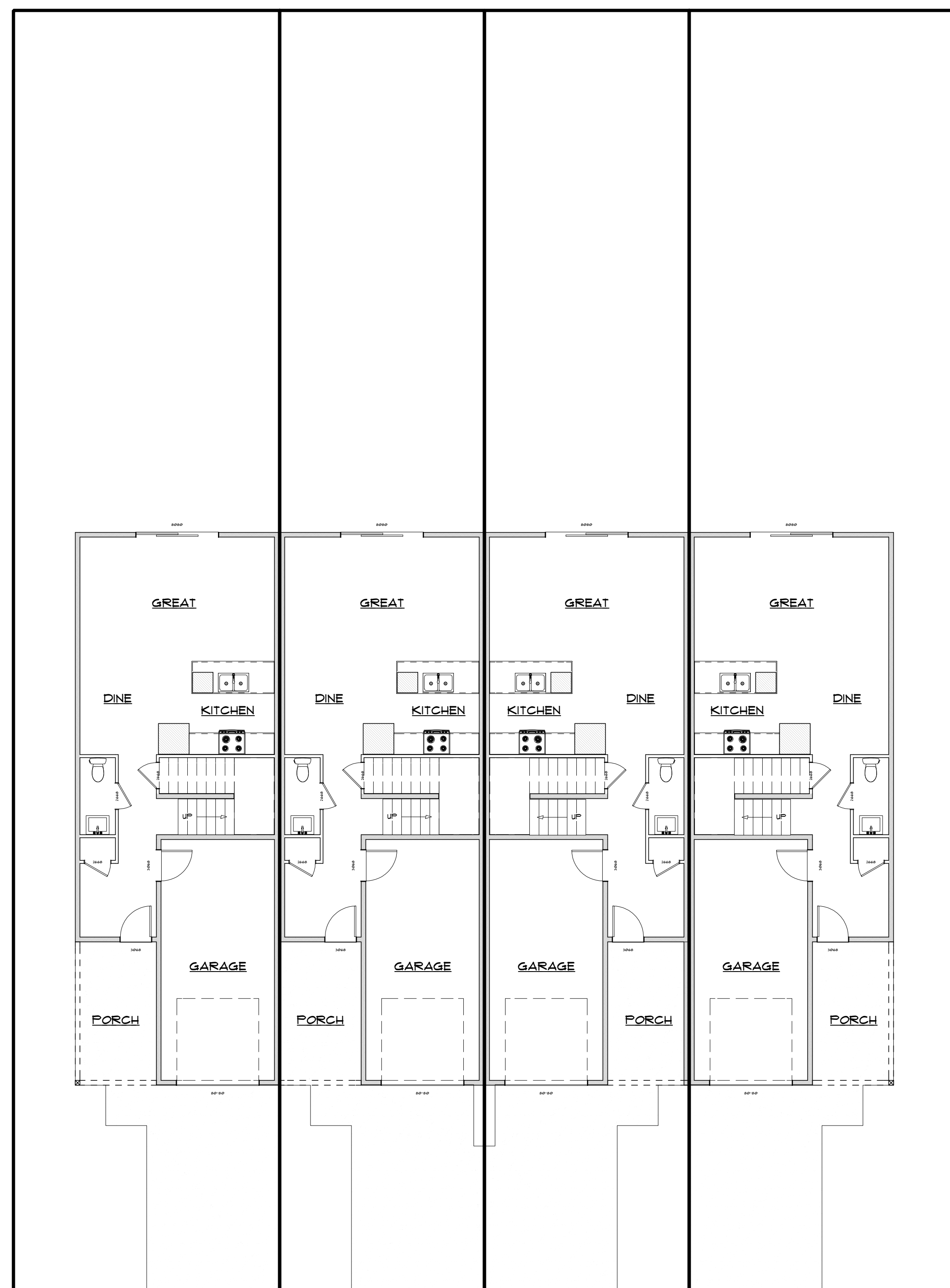
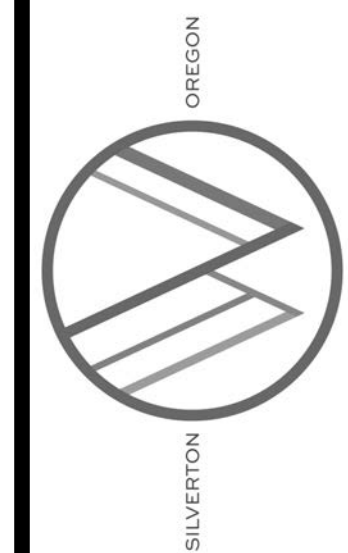
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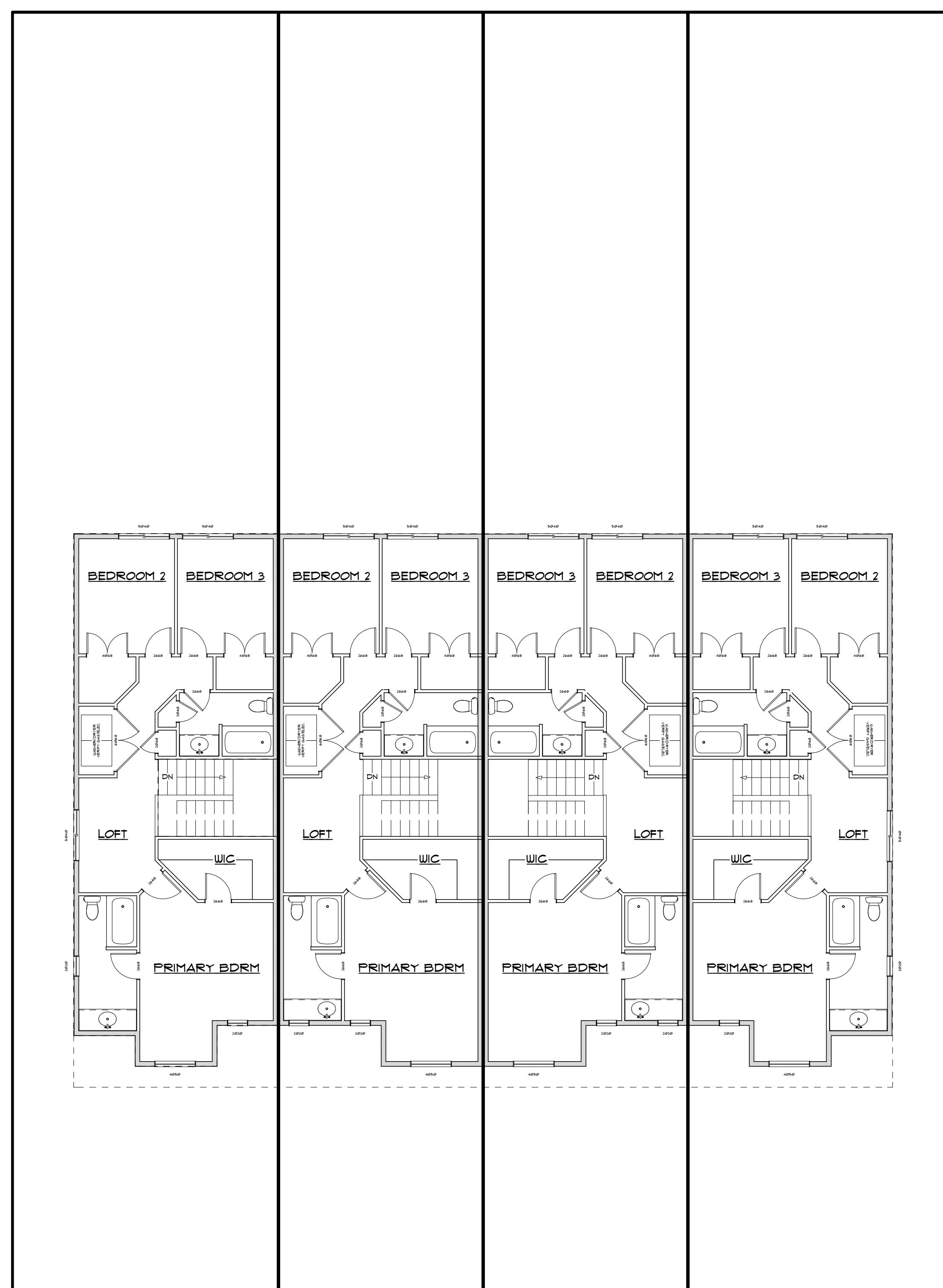
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PAGE

4



<u>UNIT "A"</u>	<u>UNIT "B"</u>	<u>UNIT "C"</u>	<u>UNIT "D"</u>
3 BED/2.5 BATH 1591 SF	3 BED/2.5 BATH 1609 SF	3 BED/2.5 BATH 1609 SF	3 BED/2.5 BATH 1591 SF



<u>UNIT "A"</u>	<u>UNIT "B"</u>	<u>UNIT "C"</u>	<u>UNIT "D"</u>
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DUNN STREET PROJECT _ FLOOR PLANS (LOTS 17-20)



DUNN STREET PROJECT _ELEVATIONS (17-20)

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**REPORT OF
GEOTECHNICAL SITE INVESTIGATION**

**Proposed Memory Care Center
235 NE Dunn Court
McMinnville, Oregon**

Prepared for

McMinnville Memory Care, LLC
Attn: Mr. Douglas Sproul
2735 12th Street #100
Salem, OR 97302

August 15, 2014



August 15, 2014

McMinnville Memory Care, LLC
Attn: Mr. Douglas Sproul
2735 12th Street #100
Salem, OR 97302

RE: Report of Geotechnical Site Investigation
Proposed Memory Care Facility
235 NE Dunn Place, McMinnville, Oregon

Dear Mr. Sproul:

In accordance with your request, Strata Design LLC (STRATA) transmits this enclosed Geotechnical Report for the your above proposed development project. Based on our current subsurface soil exploration and characterization, it is our opinion that development of the site, as currently proposed, should be conducive using conventional foundation applications and with the previous buffer protection zone from the slope bank of S. Yamhill River.

Respectfully Submitted,



Randall S. Goode, PE
Senior Geotechnical Engineer

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1.0 INTRODUCTION

Strata Design LLC (STRATA) is pleased to submit this Report of Geotechnical Site Assessment report for your subject proposed site development in McMinnville, Oregon (FIGURE 1). The site is approximately 2.83 acres, and located northwest of the intersection of NE Cumulus Avenue and NE Dunn Place in the southwest quarter of Section 22, Township 4 South, Range 4 West of the Willamette Meridian. The development area will be located on predominantly level grades within the cleared portions of the property, which now contains an unoccupied single family residence and shop building. The southeast bank of the South Fork of the Yamhill River border along the west boundary of the property.

The site is planned to be developed into a senior care facility with the design layout as shown in FIGURE 2. The project would include associated local street and utility improvements. The current site plan has incorporated building and a grading and development limit setback of 60 feet away from the top of the Yamhill River bank slope. The buffer follows in accordance with the recommended practice set forth in a previous (2005) geotechnical report, referenced below.

1.1 Project Description

Evelyn House will be a State of Oregon licensed enhanced memory care facility for 44 residents with a building footprint of approximately 21,000 SF. We understand that the development at the site will include grading for construction of the new buildings, storm and sanitary utilities, and roadway and driveways paved with asphaltic concrete.

We assume that the new buildings will be a maximum of 2 stories, supported on embedded column and shallow spread footings of wood or steel framing and also may utilize concrete slab-on-grade floors in certain buildings. While detailed structural load information was not available for our review, we preliminarily assume that building loads will contain perimeter footing loads of less than 5 kips per lineal foot (klf), interior column loads of less than 60 kips, and uniform floor slab loads of less than 200 pounds per square foot (psf).

1.2 Scope of Work

The purpose of our work was to evaluate surface and subsurface conditions associated with the proposed development portion of the site in order to provide geotechnical engineering recommendations for design and construction of the development. Our scope of work included the following:

- Review prior onsite exploratory borings, soil classifications and laboratory analysis completed in the geotechnical reports referenced below.
- Log subsurface soil data utilizing truck-mounted cone penetrometer testing (CPT) at 3 select locations.

- Profile the subsurface materials encountered in the explorations utilizing the CPT data readings with correlation to Standard Penetration Tests (SPTs).
- Provide geotechnical recommendations for site preparation, stripping depths, utility trench excavation and backfill, wet/dry weather earthwork, fill type for imported materials, use of on-site soils, compaction criteria, and grading.
- Provide geotechnical engineering recommendations for design and construction of shallow spread foundations and floor slabs, including an allowable design bearing pressure, minimum footing depth and width requirements, and subsurface drainage.
- Estimate settlement of foundations and floor slabs based on preliminarily assumed building design loadings.
- Provide recommendations for the Seismic Site Class, mapped maximum considered earthquake spectral response accelerations, site seismic coefficients, and Seismic Design Category.
- Provide a qualitative discussion of seismic hazards at the site, including liquefaction potential, slope instability, and surface rupture
- Provide a written report summarizing the results of our Geotechnical Investigation.

2.0 REVIEWS OF PREVIOUS REPORTS

In preparation of our report, STRATA has also obtained and reviewed document information related to the following previous site geotechnical reports in 2005 as follows:

- *Preliminary Geotechnical Site Evaluation, Proposed Residential Subdivision, NE Dunn Place and NE Cumulus Avenue, prepared by GeoDesign, Inc., dated January 2005.*
- *Slope Stability Report for NE Dunn Residential Subdivision, prepared by GeoDesign, Inc. dated March 14, 2005.*

3.0 SITE DESCRIPTION

3.1 General

The subject property is listed as Tax Lot 01700 and consists of a total of approximately 2.83 acres. The site is bordered by NE Dunn Place to the east, and is offset by approximately 500 feet from NE Cumulus Road to the south. The south fork of Yamhill River is present along and within portions of the north and west property boundaries. An uninhabited, older two-story residence, accessory garage and shed, remain on the property in the northwest portion of the property. Existing residential and street development is present to the east, north and south. No development or disturbance is planned within 60 feet of the top of the bank of the S. Yamhill River, as was previously recommended in the 2005 Report of slope stability analysis.

3.2 Site Geology

The available mapping¹ indicates that the site is underlain by Pleistocene- to Holocene-Age, middle terrace deposits (Willamette Silt) consisting of poorly sorted clay, silt, sand, and fine to very coarse gravel. The unit is mapped up to about 150 feet deep in some locations. The flood deposits are likely underlain by Miocene-Age, Columbia River Basalt.

3.3 Site Surface Conditions

The site is cleared of forested trees, and contains mixed vegetation consisting of noxious weeds, Himalayan blackberry and grasses. The northwest portion of the site contains the heavily vegetated and forested bank of the S. Yamhill River which slopes at approximately 60 degrees down to the water level, approximately 25 feet elevation below the near level remaining area of the site. The level portion primarily contains a farmed grass field, along with a relict (unoccupied) house, and detached accessory building, shed and water well house. Vertical relief across the development portion of the site is very slight, on the order of 2 feet.

3.4 Site Subsurface Conditions

3.4.1 Field Exploration

A truck-mounted cone penetrometer testing (CPT) push probe was utilized to explore subsurface soil properties. STRATA selected three CPT test locations, with depths between 25 and 40 feet, as shown in FIGURE 2.

FIGURE 3 (attached) provide the soil exploration logs and our summary of the relative shear strengths resulting from the previous subsurface exploration logs (2005) using SPT testing and grab sampling, and the present CPT subsurface strata profiles.

3.4.2 Subsurface Units:

Soils sampled in prior site drilling and profiled with the current CPT tests, indicate the site subsurface is of native origin, with an approximately 6-inch layer of topsoil that is underlain by interbedded alluvium (floodplain) consisting of SILTS and SILTY SANDS. The generalized profile of soil units is as follows:

Unit 1 – SILT Below the organic topsoil, the alluvium unit consists of saturated, medium stiff, dark brown, SILT, profiled to a depth of about 6 feet. This stratum generally in moist condition and had low plasticity.

¹ Open file Report 0-81-6. Preliminary Geologic Map of the McMinnville and Dayton Quadrangles, By Michael E. Brownfield and Herbert G. Schlicker. Oregon. Published by the Oregon Department of Geology and Mineral Industries, 1981.

Unit 2 – INTERBEDDED SILTY SAND/CLAYEY SILT:

Underlying the SILT stratum, are interbedded medium stiff to stiff, wet, brown, clayey silts and silty sands. Water was added to samples of the clayey silt and found to have a low “thread toughness” and low plasticity.

3.4.3 Groundwater

We anticipate that groundwater levels will fluctuate due to seasonal and annual variations in precipitation, changes in site utilization, or other factors. Additionally, the on-site, silt (ML) may be conducive to formation of seasonally, perched groundwater.

Based on a review of water well logs from the Oregon Water Resources Department Division, and findings obtained during our CPT explorations, the site water levels are believed to be approximately 15 feet (average) below ground surface approximate to the elevation of NE Dunn Place. Therefore, we would anticipate that groundwater will not be encountered during construction at the site, based on the depth of the proposed excavations.

4.0 SEISMIC CONSIDERATIONS

4.1 Seismic Design

Earthquake ground motion parameters for the site were obtained based the United States Geological Survey (USGS) Seismic Design Values for Buildings - Ground Motion Parameter Calculator². The site Latitude 45.20324° North and Longitude 123.16905° West were input as the site location. The following table shows the seismic ground values for this design case in accordance with Section 1613.5 of the 2012 OSSC.

Table 1: Seismic Ground Motion Values (Site Class D)

	Parameter	Value
Mapped Acceleration Parameters	Spectral Acceleration, 0.2 second (S _s)	0.995 g
	Spectral Acceleration, 1.0 second (S ₁)	0.469 g
Coefficients (Site Class D)	Site Coefficient, 0.2 sec. (F _A)	1.102
	Site Coefficient, 1.0 sec. (F _V)	1.531
Adjusted MCE Spectral Response Parameters	MCE Spectral Acceleration, 0.2 sec. (S _{MS})	1.096 g
	MCE Spectral Acceleration, 1.0 sec. (S _{M1})	0.718g
Design Spectral Response Accelerations	Design Spectral Acceleration, 0.2 seconds (S _{DS})	0.731 g
	Design Spectral Acceleration, 1.0 second (S _{D1})	0.479 g

² United States Geological Survey, 2012. Seismic Design Parameters determined using: “U.S. Seismic Design Maps Web Application - Version 3.0.1,” from the USGS website <http://geohazards.usgs.gov/designmaps/us/>

4.2 Seismic Hazards

Qualitative evaluations of seismic hazards were based on the available geologic mapping, the soils encountered within the depths explored, and our observations of the existing site surface conditions.

4.2.1 Liquefaction

In general, liquefaction occurs when deposits of loose/soft, saturated, cohesionless soils, generally sands and silts, are subjected to strong earthquake shaking. If these deposits cannot drain quickly enough, pore water pressures can increase, approaching the value of the overburden pressure. The shear strength of a cohesionless soil is directly proportional to the effective stress, which is equal to the difference between the overburden pressure and the pore water pressure. When the pore water pressure increases to the value of the overburden pressure, the shear strength of the soil approaches zero, and the soil can liquefy. The liquefied soils can undergo rapid consolidation or, if unconfined, can flow as a liquid. Structures supported by the liquefied soils can experience rapid, excessive settlement, shearing, or even catastrophic failure.

In our professional judgment, the risk of liquefaction occurring at this site would be very low during the design level earthquake.

4.2.2 Surface Rupture

4.2.2.1 Faulting

Although the site is situated in a region of the country known for seismic activity, no known faults exist on or immediately adjacent to the site. Therefore, the risk of surface rupture at the site due to faulting is considered low.

4.2.2.2 Lateral Spread

Surface rupture due to lateral spread can occur on sites underlain by liquefiable soils that are located on or immediately adjacent to slopes steeper than about 3 degrees (20H:1V), and/or adjacent to a free face, such as a stream bank or the shore of an open body of water. During lateral spread, the materials overlying the liquefied soils are subject to lateral movement downslope or toward the free face.

As discussed above, the risk of liquefaction occurring at the site during a design level earthquake is generally low. If soils underlying the site were to liquefy over a sufficiently continuous area, lateral displacement could occur. As discussed above, were liquefaction to occur, the lateral extent of liquefied soils are anticipated to be localized and generally

discontinuous. Therefore, the risk of surface rupture to liquefaction at the site is generally considered low.

4.3 Slope Stability

The risk of seismically-induced instability of the existing site slopes was previously evaluated by quantitative slope stability analysis, including seismic loads, as detailed in the above referenced previous geotechnical studies.

We compiled profile comparisons to correlate the field data obtained for undrained shear strength, as shown in FIGURE 3. This provides a relative comparison of the current CPT values (converted to equivalent SPT data) and SPT data from GeoDesign (2005). Given the predominance of fine-grained particles size to depths of 40 feet bgs, the SPT blow counts (used in the 2005 stability analysis) may be reflecting lower soil shear values due to the drop hammer impact (fine-grained shearing) versus the CPT profiles.

From our review of the present CPT data profile of the subsurface, we believe the earlier analysis and calculation of slope stability should be considered conservative in its approach. Therefore the plan minimum setback from the top of slope of 60 feet is appropriate in assurance of long term stability of the site. During our current site reconnaissance, no evidence of recent slope movements, ground cracking, sloughing or erosion along the slopes was observed.

5.0 CONCLUSIONS

Based on the results of our site assessment, the site may be developed as described in Section 1.1 of this report, provided the recommendations contained in this report and applicable building codes are incorporated into the site design and construction. New buildings constructed at the site can be supported on conventional, shallow foundations bearing on the existing, properly prepared native soils, or on structural fill placed over the native soils. No significant fill or mass waste was encountered within the proposed development or improvement areas of the property.

In order to maintain the intention of the slope buffer area, no disposal or infiltration of stormwater should occur within the 60 foot buffer area. Our understanding is that disposal of stormwater from the proposed new development would be served by conventional stormwater detention and treatment located at the northeast corner area of the site from the slope area, with overflow pipe conveyance out to the storm system of NE Dunn Place.

The following paragraphs present specific geotechnical recommendations for design and construction of the proposed development.

6.0 RECOMMENDATIONS

As we have observed discrete locations of the subsurface, please note that our recommendations are based on the assumptions that the subsurface conditions do not deviate appreciably from those found during the field investigation. STRATA should be consulted for further recommendations if the design and/or location of the proposed development changes, or variations and/or undesirable geotechnical conditions are encountered during site development.

6.1 Site Preparation

6.1.1 Site Stripping

Vegetation and organic topsoil should be removed from, and for a minimum 5-foot margin around, proposed building and pavement locations, as well as areas that are to receive structural fill. Based on the results of our field explorations, stripping depths on the order of ½ to 2 feet should be anticipated. Stripping depths may increase or decrease at locations away from our explorations. A geotechnical representative from STRATA should provide recommendations for actual stripping depths based on observations during site preparation. Stripped materials should be transported for off-site use or disposal, and/or stockpiled for later use in landscaped areas. If encountered during site preparation, existing structures (foundations, concrete slabs, buried utilities), existing fill, debris, or other deleterious material should be completely removed and disposed of off site.

Grubbing of trees should include the removal of the root mass, and roots greater than ½-inch in diameter. Grubbed material should be transported off-site for disposal. Root masses from larger trees may extend several feet bgs. Where root masses are removed within the structural footprint, the resulting excavation should be properly backfilled with structural fill.

6.1.2 Subgrade Preparation

After site preparation as recommended above, and prior to placement of fill and/or excavation for footings, a geotechnical representative from STRATA should probe and/or observe a proof-roll of the exposed subgrade soils in order to identify areas of excessive yielding. If areas of soft soil or excessive yielding are identified, the affected material should be stabilized as recommended by the geotechnical engineer or his representative. Stabilization may be achieved by over-excavation to firm, stable subgrade, and replacement with compacted structural fill or stabilization rock (e.g. 4-inch-minus crushed rock). Separation geotextiles, geogrid reinforcement, or cement/lime amendment of subgrade soils can also be utilized to stabilize soft or yielding areas.

The test pits conducted at the site were loosely backfilled during our field investigation. Where test pits are located within finalized building or pavement areas, the loose backfill materials

should be re-excavated. The resulting excavations should be backfilled with structural fill placed and compacted in general accordance with Section 6.3.

6.1.3 Erosion Control

Erosion and sedimentation control measures should be employed in accordance with applicable City, County, and State regulations regarding erosion control.

6.2 Wet Weather Considerations

For planning purposes, the wet season should be considered to extend from late September to late June. It is our experience that dry weather working conditions should prevail between early July and the middle of September. Notwithstanding the above, soil conditions should be evaluated in the field by the geotechnical engineer or his representative at the initial stage of site preparation to determine whether the recommendations within this section should be incorporated into construction.

6.2.1 General Considerations

The on-site soils (silt and sandy silt) are susceptible to disturbance during wet weather. Trafficability of these soils may be difficult, and significant damage to subgrade soils will likely occur, if earthwork is undertaken without proper precautions at times when the exposed soils are more than a few percentage points above optimum moisture content.

For construction that occurs during the wet season, methods to limit soil disturbance should be employed. Site preparation activities may need to be accomplished using track-mounted equipment, loading removed material onto trucks supported on granular haul roads. Soils that have been disturbed during site preparation activities should be over-excavated to firm, stable subgrade, and replaced with imported granular structural fill.

6.2.2 Equipment Haul Roads & Staging Areas

Haul roads subjected to repeated heavy construction traffic will require a minimum of 18 inches of imported granular material. For light staging areas, 12 inches of imported granular material should be sufficient. Additional granular material, geo-grid reinforcement, or cement amendment may be considered based on site conditions and/or loading at the time of construction. The imported granular material should consist of crushed rock, with characteristics consistent with Section 6 of this report. The imported granular material should be placed in a single lift and compacted using a smooth-drum, non-vibratory roller.

Where new subgrades are prepared in areas of repeated construction traffic, geotextile fabric should be placed prior to placement of imported granular material. The geotextile fabric should meet the requirements set forth in the current Oregon Department of Transportation (ODOT)

Standard Specification for Construction, Section 02320. In accordance with table 02320-1 of the ODOT specifications, the separation fabric should have a minimum puncture strength of (ASTM D4833) of 80 pounds and an apparent opening size (ASTM D4751) no larger than the U.S. Standard No. 30 sieve.

6.2.3 Footing Subgrade Protection

A minimum of 3 inches of imported granular material should be placed over exposed foundation subgrades in order to provide protection from foot traffic during inclement weather. The imported granular material should consist of imported granular structural fill. The imported granular material should be placed in one lift over the prepared, undisturbed subgrade, and compacted using non-vibratory equipment until well keyed.

6.3 Structural Fill

The geotechnical engineer should be provided the opportunity to review all materials considered for use as structural fill (prior to placement). The geotechnical engineer or his representative should be contacted to evaluate compaction of structural fill as the material is being placed. Evaluation of compaction may take the form of in-place density tests and/or proof-roll tests with suitable equipment. Structural fill should be evaluated at intervals not exceeding every 2 vertical feet as the fill is being placed.

6.3.1 On-Site Soils

Use of the on-site silt and sandy silt (ML) as fill in structural areas (pavement and buildings) may be difficult because these soils are sensitive to small changes in moisture content and difficult, if not impossible, to adequately compact during wet weather. Use of the on-site soils for the berm construction would be feasible if moisture conditioned and placed and compacted in lifts in accordance with our recommendations. Generally, we anticipate that the moisture content of these soils will be higher than the optimum moisture content for satisfactory compaction. Therefore, moisture conditioning (drying) should be expected in order to achieve adequate compaction. If used as structural fill, these soils should be free of organic matter, debris, and particles larger than 3 inches. They should be placed in lifts with a maximum thickness of about 8 inches at moisture contents within -1 and $+3$ percent of optimum, and compacted to not less than 92 percent of the material's maximum dry density, as determined in general accordance with ASTM D1557 (Modified Proctor).

If the on-site soils cannot be properly moisture-conditioned and/or processed, we recommend using imported granular material for structural fill in building or pavement areas.

6.3.2 Imported Granular Structural Fill

Imported granular structural fill should consist of angular pit or quarry run rock, crushed rock, or crushed gravel that is fairly well graded between coarse and fine particle sizes. The granular fill should contain no organic matter, debris, or particles larger than 4 inches, and have less than 5 percent material passing the U.S. Standard No. 200 Sieve. The percentage of fines can be increased to 12 percent of the material passing the U.S. Standard No. 200 Sieve if placed during dry weather, and provided the fill material is moisture-conditioned, as necessary, for proper compaction. Granular fill material should be placed in lifts with a maximum thickness of about 12 inches, and compacted to not less than 95 percent of the material's maximum dry density, as determined in general accordance with ASTM D1557 (Modified Proctor). Proper moisture conditioning and the use of vibratory equipment will facilitate compaction of these materials.

For fine grading purposes, the maximum particle size should be limited to 1½ inches. Compaction of granular fill materials with high percentages of particle sizes in excess of 1½-inches should be evaluated by periodic proof-roll observation or continuous observation by the STRATA geotechnical representative during fill placement, since it cannot be tested conventionally using a nuclear densometer. Granular fills with high percentages of particle sizes in excess of 1½-inches should be capped with a minimum of 12 inches of 1½-inch-minus, or smaller, granular fill under all structural elements (footings, concrete slabs, pavements, etc.).

6.4 Shallow Spread Foundations

6.4.1 Acceptable Subgrade Soils

Satisfactory subgrade support for shallow foundations can be obtained from the native, stiff silt and/or on structural fill placed on these soils. These soils were encountered at depths of about 2 feet bgs within our explorations.

If soft, loose, or otherwise unsuitable soils are encountered, they should be over-excavated as recommended by the STRATA geotechnical representative at the time of construction. The resulting over-excavation should be brought back to grade with imported granular structural fill. All granular pads for footings should be constructed a minimum of 6 inches wider on each side of the footing for every vertical foot of over-excavation.

6.4.2 Minimum Footing Width, Embedment & Nearby Excavation

Individual spread footings should have a minimum width of 24 inches. Continuous wall footings should have a minimum width of 18 inches for light-framed structures up to two stories in height. All footings should be founded at least 18 inches below the lowest adjacent grade. Excavations near footings should not extend within a 1H:1V plane projected out and down from the outside, bottom edge of the footings.

6.4.3 Bearing Pressure and Settlement

The minimum footing dimensions described above will likely govern footing sizes. Nonetheless, footings founded as recommended above on suitable subgrades may be proportioned for a maximum allowable soil bearing pressure of 2,200 pounds per square foot (psf). This bearing pressure is a net bearing pressure, applies to the total of dead and long-term live loads, and may be increased by one-third when considering seismic or wind loads.

For the recommended design bearing pressure, total settlement of footings is anticipated to be less than 1 inch. Differential settlements between adjacent columns and/or bearing walls should not exceed ½-inch.

6.4.4 Lateral Capacity

We recommend using a maximum passive (equivalent-fluid) earth pressure of 250 pounds per cubic foot (pcf) for design for footings confined by the native, very stiff to stiff silt to sandy silt (ML). A maximum passive earth pressure of 350 pcf may be used for imported granular structural fill that is properly placed and compacted during construction. The recommended earth pressure was computed using a factor of safety of 1½, which is appropriate due to the amount of movement required to develop full passive resistance.

An ultimate coefficient of friction equal to 0.35 may be used when calculating resistance to sliding for footings founded on the native silt to sandy silt. An ultimate coefficient of friction equal to 0.45 may be used when calculating resistance to sliding for footings founded on a minimum of 6 inches of imported granular structural fill (crushed rock) that is properly placed and compacted during construction.

6.4.5 Drainage

We recommend that foundation drains be installed at the exterior base elevations of continuous wall footings. Foundation drains should consist of a minimum 4-inch-diameter, perforated, PVC/HDPE drainpipe wrapped with a non-woven geotextile filter fabric. The drains should be backfilled with a minimum of 2 cubic feet of open graded drain rock per lineal foot of pipe. The drain rock should be encased in a geotextile fabric in order to provide separation from the surrounding soils. Foundation drains should be positively sloped and should outlet to a suitable discharge point. The geotechnical engineer or his representative should observe the drains prior to backfilling. Roof drains should not be tied into foundation drains.

6.5 Floor Slabs

6.5.1 Acceptable Subgrade Soils

Where floor slab buildings are included in the design plan, subgrade support for floor slabs supporting up to 200 psf area loading, can be obtained from the native, stiff silt (ML), overlain with a minimum 6-inch crushed rock capillary break layer, discussed below.

If soft, loose, or otherwise unsuitable soils are encountered, they should be over-excavated as recommended by the STRATA geotechnical representative at the time of construction. The resulting over-excavation should be brought back to grade with imported granular structural fill.

6.5.2 General

A minimum 6-inch-thick layer of crushed rock base, compacted to not less than 95 percent of the material's maximum dry density, as determined in general accordance with ASTM D1557 (Modified Proctor), should be placed over the prepared subgrade to provide a uniform surface for placing concrete, and supporting the slab. Base rock material placed directly below the slab should have a maximum particle size of ¾-inch or less.

For floor slabs constructed as recommended, a modulus of subgrade reaction of 150 pounds per cubic inch (pci) is recommended for the design of the floor slab. Floor slabs constructed as recommended will likely settle less than ½-inch. For general floor slab construction, slabs should be jointed around columns and walls to permit slabs and foundations to settle differentially.

6.5.3 Subgrade Moisture Considerations

Liquid moisture and moisture vapor should be expected at the subgrade surface. The crushed rock base recommended above typically serves as a capillary break and provides protection against liquid moisture. Where moisture vapor emission through the slab must be minimized, e.g. impervious floor coverings, storage of moisture sensitive materials directly on the slab surface, etc., a vapor retarding membrane or vapor barrier below the slab should be considered. Factors such as cost, special considerations for construction, floor coverings, and end use suggest that the decision regarding a vapor retarding membrane or vapor barrier be made by the architect and owner.

If a vapor retarder or vapor barrier is placed below the slab, its location should be based on current American Concrete Institute (ACI) guidelines, ACI 302 Guide for Concrete Floor and Slab Construction. In some cases, this indicates placement of concrete directly on the vapor retarder or barrier. Please note that the placement of concrete directly on impervious membranes increases the risk of plastic shrinkage cracking and slab curling in the concrete.

Construction practices to reduce or eliminate such risk, as described in ACI 302, should be employed during concrete placement.

6.6 Pavements

6.6.1 General

This report excludes pavement thickness design at this time. It is acknowledged that the development will include private street/parking and public frontage improvements. Our office may be contacted should you wish STRATA to prepare the site pavement section design.

6.6.2 Pavement Subgrade Preparation

In dry weather conditions, after site, and prior to placement of base course material or structural fill, the geotechnical representative should observe a proof roll test of the prepared subgrade in order to identify areas of excessive yielding. The proof roll test should be performed using a fully-loaded, conventional, dump truck or water truck. If localized areas of soft soil or excessive yielding are identified, the affected material should be over-excavated to firm, stable subgrade, and replaced with imported granular structural fill in conformance with this report. If extensive areas of soft soil or excessive yielding are identified, measures to stabilize or improve the subgrade may include the addition of a sub-base layer, reinforcement using geogrid, or cement amendment.

Preparation of pavement subgrade soils during wet weather should be in conformance with Section 6.2 of this report. We recommend that increased base rock sections and a geotextile separation fabric be used in wet conditions in order to support construction traffic and protect the subgrade.

6.7 Utility Trenches

6.7.1 Utility Trench Excavation

Temporary trench cuts should stand near vertical to depths of at least 4 feet in the native soils encountered near the surface. If seepage is encountered that undermines the stability of the trench, or caving of the sidewalls is observed during excavation, the sidewalls should be flattened or shored.

If groundwater is present at the base of utility excavations, we recommend placing trench stabilization material at the base of the excavations. Trench stabilization material should consist of 1-foot of well-graded gravel, crushed gravel, or crushed rock with a maximum particle size of 4 inches, and less than 5 percent material passing the U.S. Standard No. 4 Sieve. The material should be free of organic matter and other deleterious material, placed in one lift, and compacted until well-keyed.

While we have described certain approaches to the trench excavation, dewatering, and base stabilization, it is the contractor's responsibility to select the excavation and dewatering methods, to monitor the trench excavations for safety, and to provide any shoring required to protect personnel and adjacent improvements. All trench excavations should be in accordance with applicable OSHA and State regulations.

6.7.2 Trench Backfill Material (Structural Areas)

Trench backfill for the utility pipe base and pipe zone should be placed in accordance with the pipe manufacturer's recommendations. In the absence of manufacturer guidelines, it should be placed in maximum 10-inch-thick loose lifts, and compacted to not less than 90 percent of the material's maximum dry density, as determined in general accordance with ASTM D1557. Backfill above the pipe zone should be placed in maximum 10-inch-thick loose lifts, and compacted to not less than 92 percent of the material's maximum dry density in general accordance with ASTM D1557. Trench backfill within 3 feet of finished subgrade elevation should be placed in maximum 10-inch-thick loose lifts and compacted to not less than 95 percent of the material's maximum dry density as determined in general accordance with ASTM D1557.

6.8 Stormwater Drainage Considerations

We recommend that paved surfaces and ground near or adjacent to buildings be sloped to drain away from the buildings. Surface water from impervious surfaces should be collected and routed to the stormwater collection system (design by others) located to the outer northeast edge of the property. In no manner should concentrated flow of stormwater be discharged to the slope area.

6.9 Observation of Construction

Satisfactory earthwork, foundation, and pavement performance depends to a large degree on the quality of construction. Sufficient observation of the contractor's activities will document that the work is completed in accordance with the construction drawings and specifications. Subsurface conditions observed during construction should be compared with those encountered during subsurface explorations by engaging the geotechnical engineer during the work in order to confirm subsurface conditions have not changed significantly from those anticipated based on the findings of this report. This would involve intermittent observations and testing of the earthwork and subgrade preparation for structural fills, shallow foundations, floor slabs, and pavements.

7.0 LIMITATIONS

We have prepared this report for use by the owner/developer and other members of the design and construction team for the proposed development. The opinions and recommendations

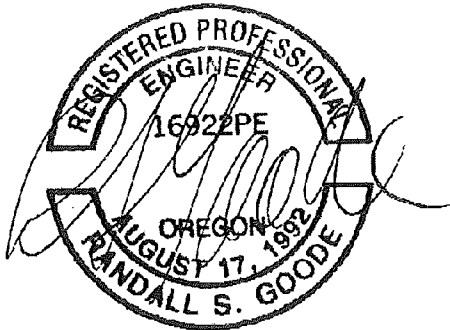
Proposed Memory Care Facility (Evelyn House)
225 NE Dunn Place, McMinnville, Oregon
August 15, 2014

contained within this report are not intended to be, nor should they be construed as a warranty of subsurface conditions, but are forwarded to assist in the planning and design process.

We have made observations based on our explorations that indicate the soil conditions at only those specific locations and only to the depths penetrated. These observations do not necessarily reflect soil types, strata thickness, or water level variations that may exist between or away from our explorations.

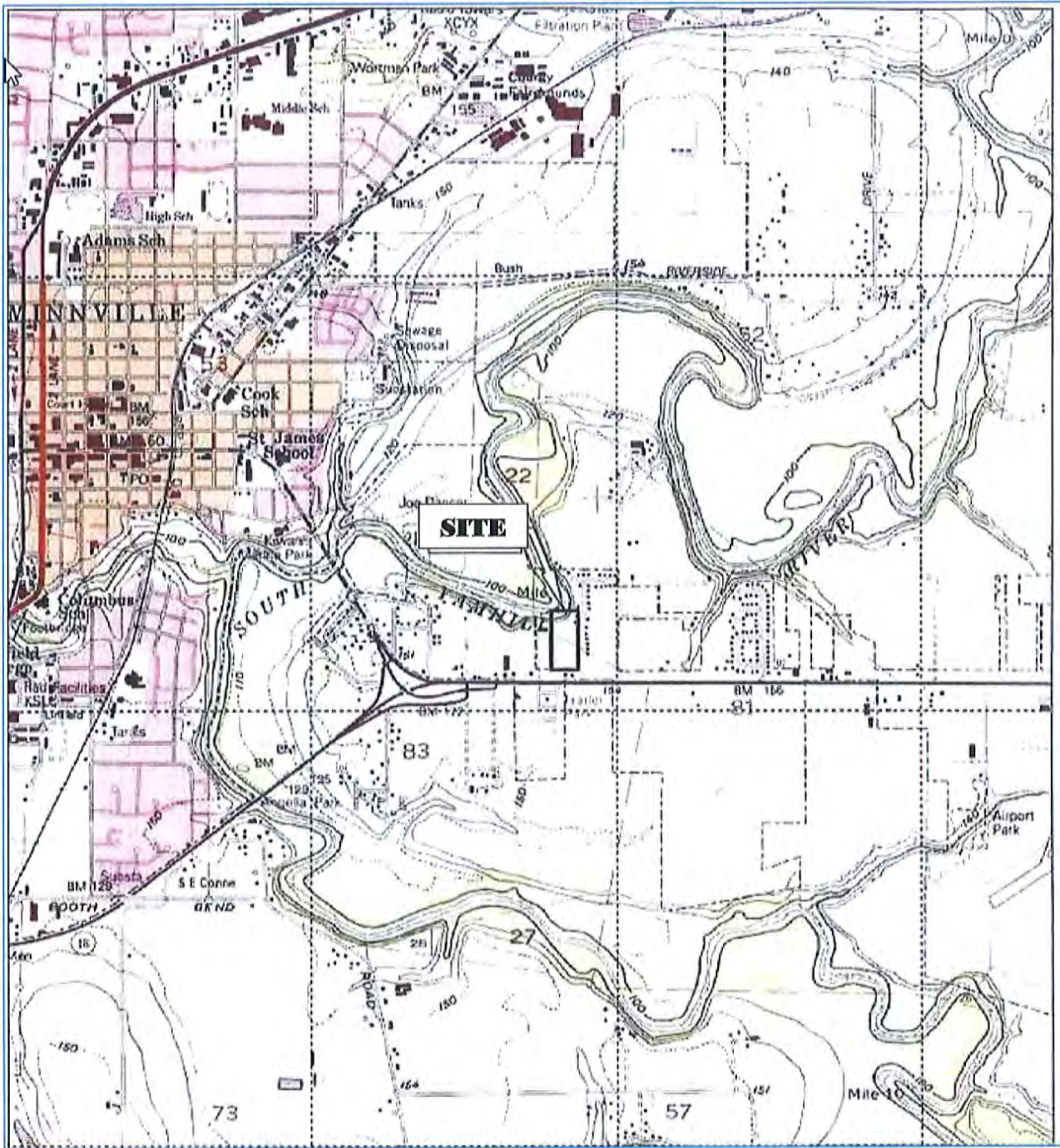
Our work has been conducted in general conformance with the standard of care in the field of geotechnical engineering currently in practice in the Pacific Northwest for projects of this nature and magnitude. No warranty, express or implied, exists on the information presented in this report. By utilizing the findings within this report, the addressee acknowledges and accepts the risks and limitations of development at the site, as outlined within the report.


Respectfully Submitted,
STRATA DESIGN, LLC

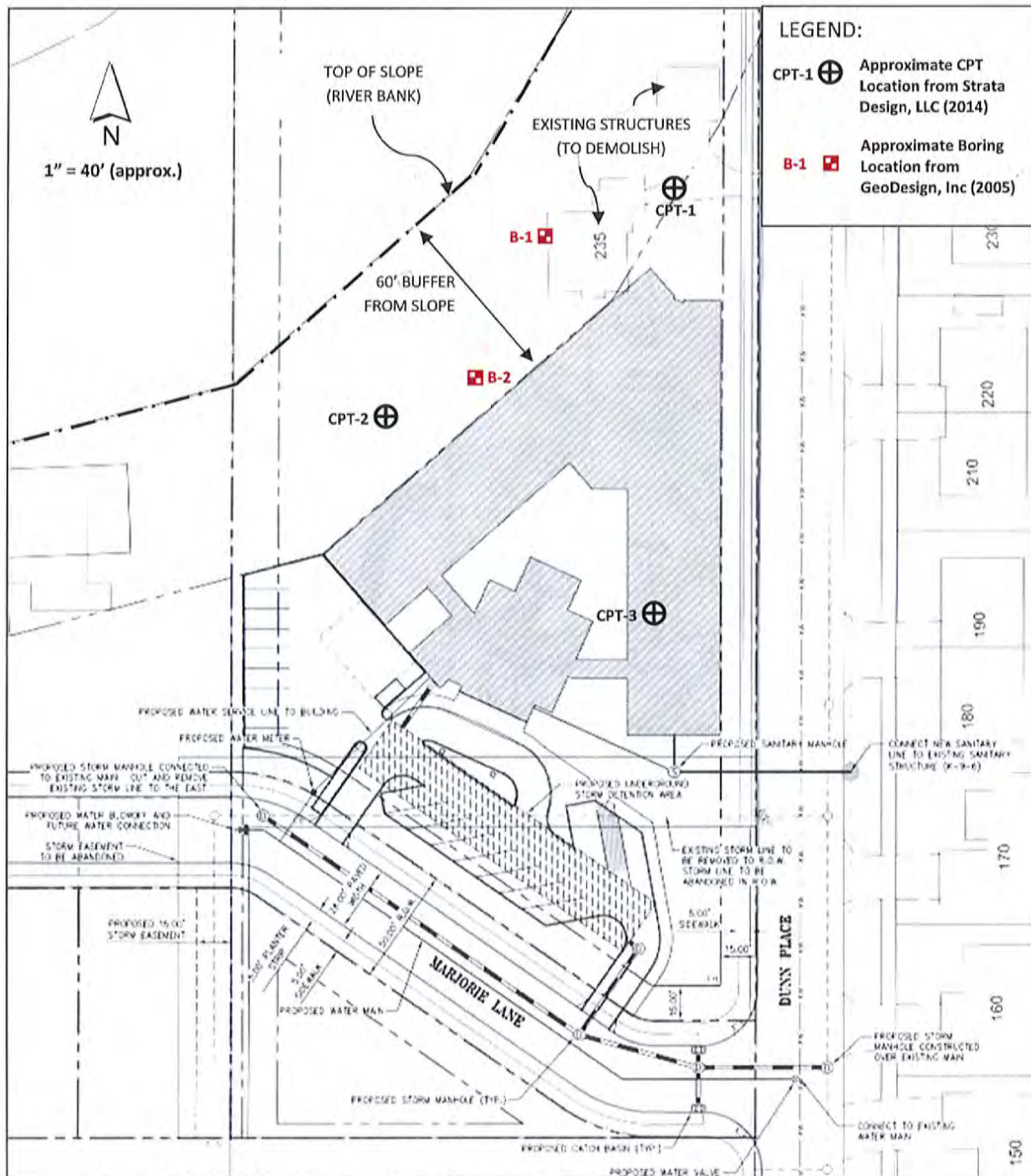


Randall S. Goode, PE
Principle Geotechnical Engineer


Attachments: Figure 1 - Site Vicinity and Topography Map
Figure 2 - Site Plan
Figure 3 - Comparison Graph, SPT vs. CPT
CPT Soil Testing Logs

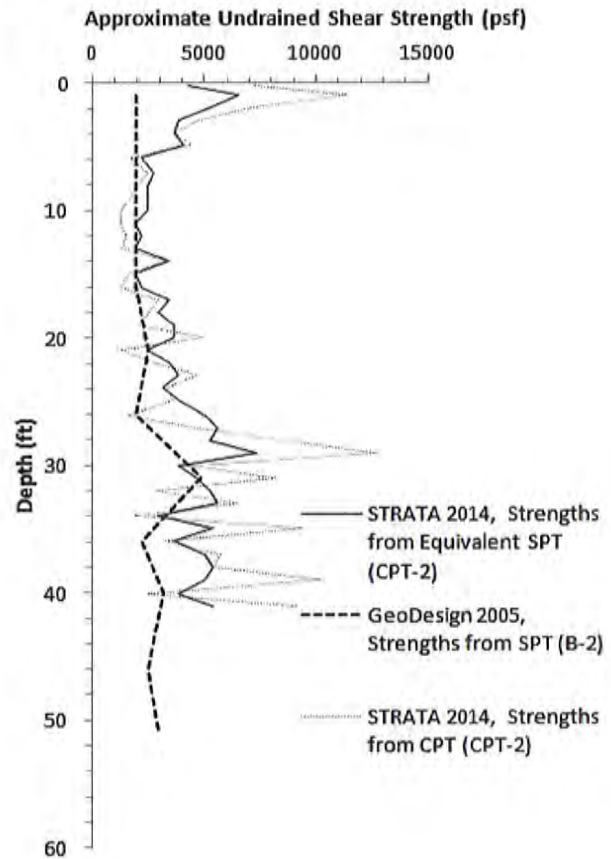
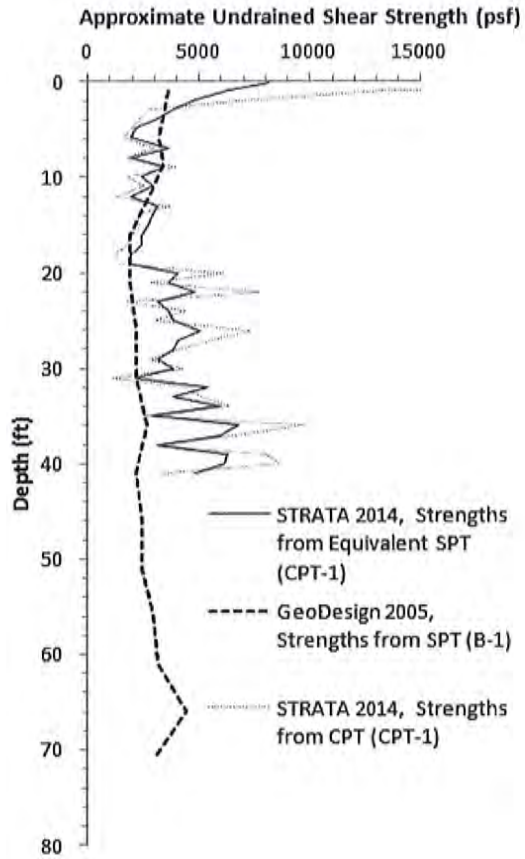



	<p>SITE VICINITY AND TOPOGRAPHY MAP 235 NE DUNN PLACE MCMINNVILLE, OREGON</p>	<p>FIGURE 1</p>
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Base Map Source: McMinnville Memory Care, Utility Plan Sheet C-1, by NW Engineers, Project # 2012-03

<p>AUGUST 2014</p> 	<p>GEOTECHNICAL SITE INVESTIGATION</p> <p>235 NE DUNN PLACE</p> <p>MCMINNVILLE, OREGON</p>	<p>FIGURE</p> <p>2</p>
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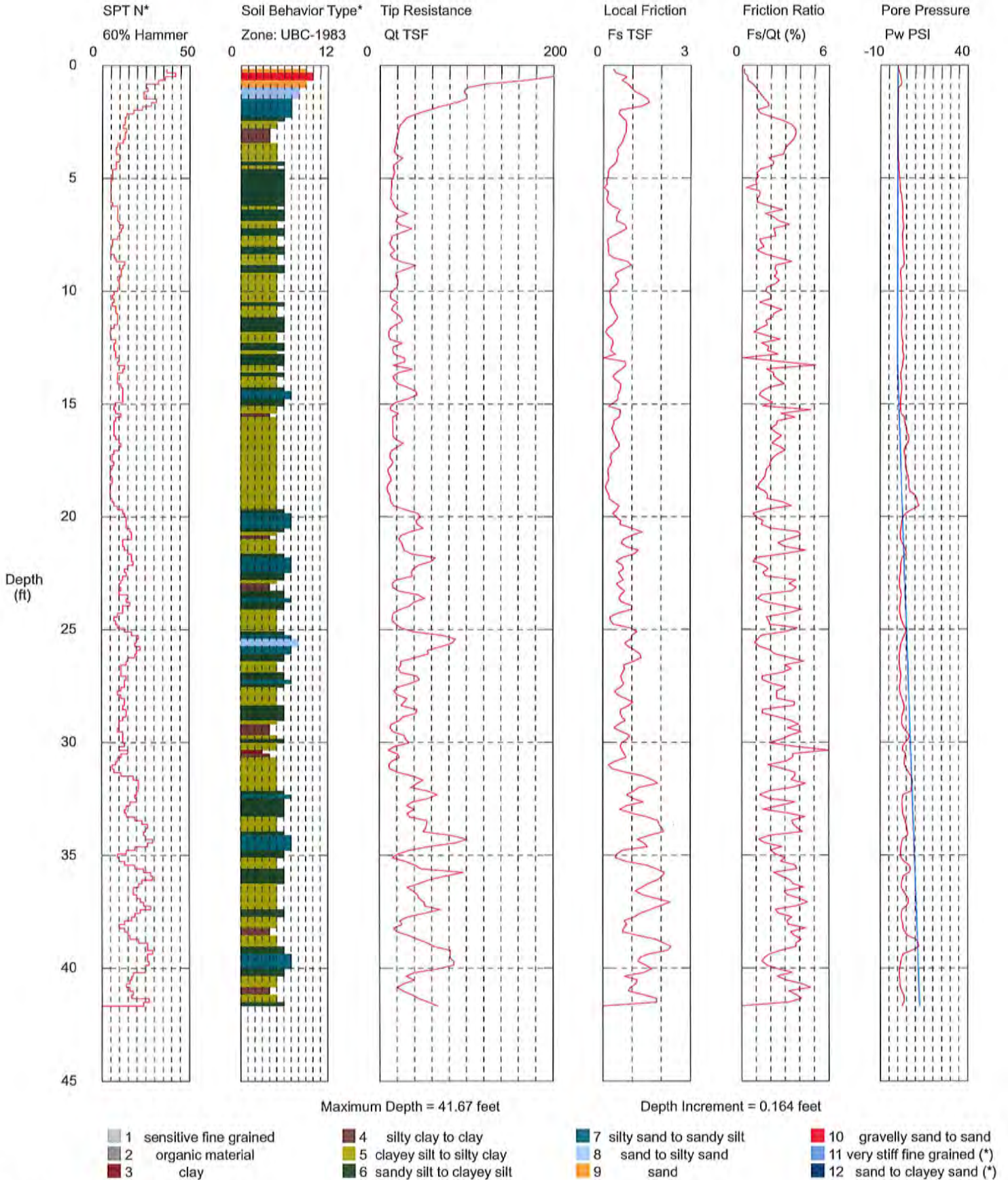


<p>August 2014</p> 	<p>SOIL STRENGTH PROFILES</p> <p>235 NE DUNN PLACE</p> <p>MCMINNVILLE, OREGON</p>	<p>FIGURE</p> <p>3</p>
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 Sounding: CPT-1
 Cone Used: DPG1211

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 Location: Strata Design / CPT-1 / 235 Dunn Place McMinnville
 Job Number: OGE 14038CPT-1(021)



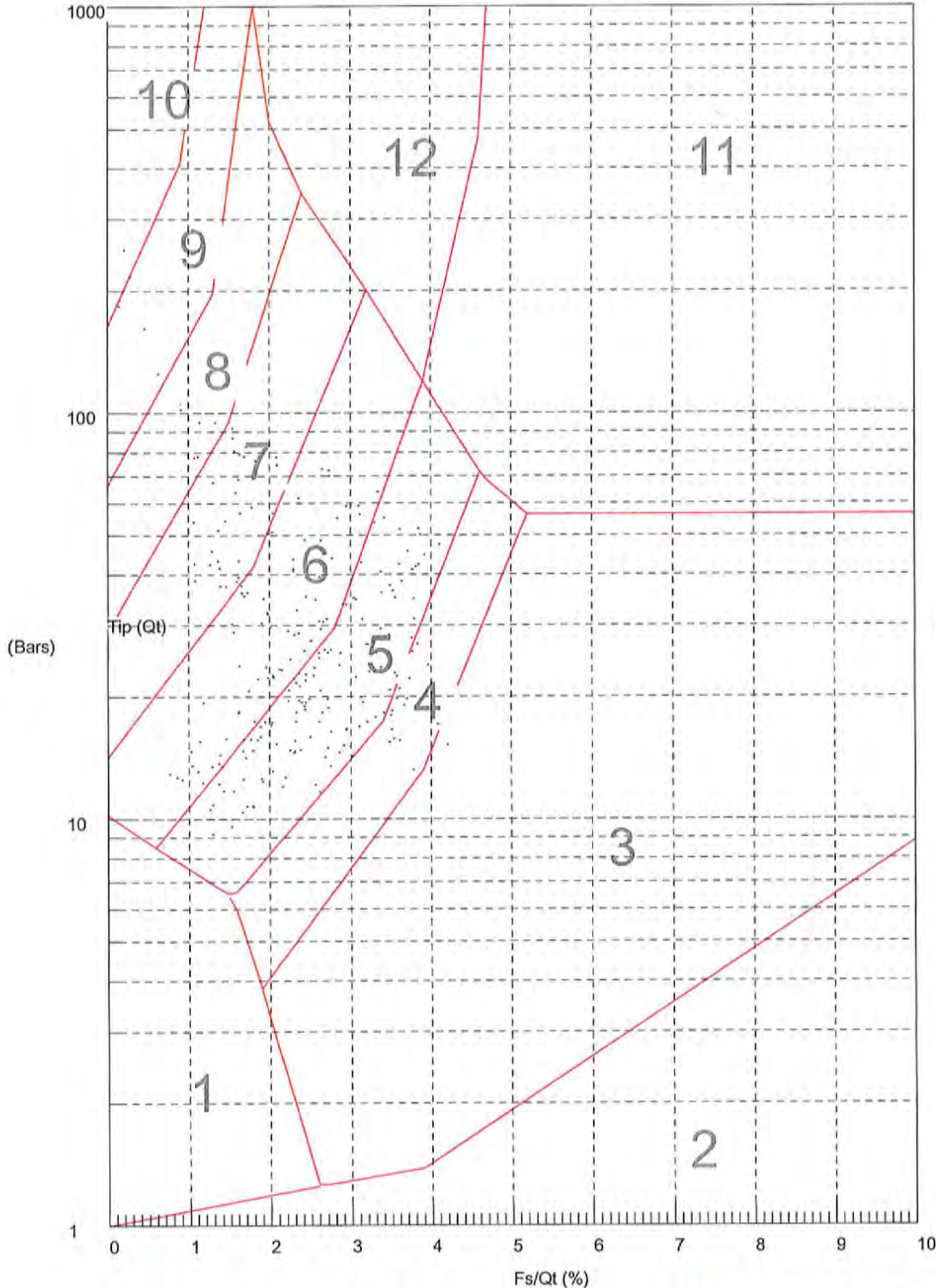
*Soil behavior type and SPT based on data from UBC-1983

CPT-1 / 235 Dunn Place McMinnville

Operator: OGE TAJ
 Sounding: CPT-1
 Cone Used: DPG1211

CPT Date/Time: 8/7/2014 9:46:47 AM
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 Job Number: OGE 14038CPT-1(021)

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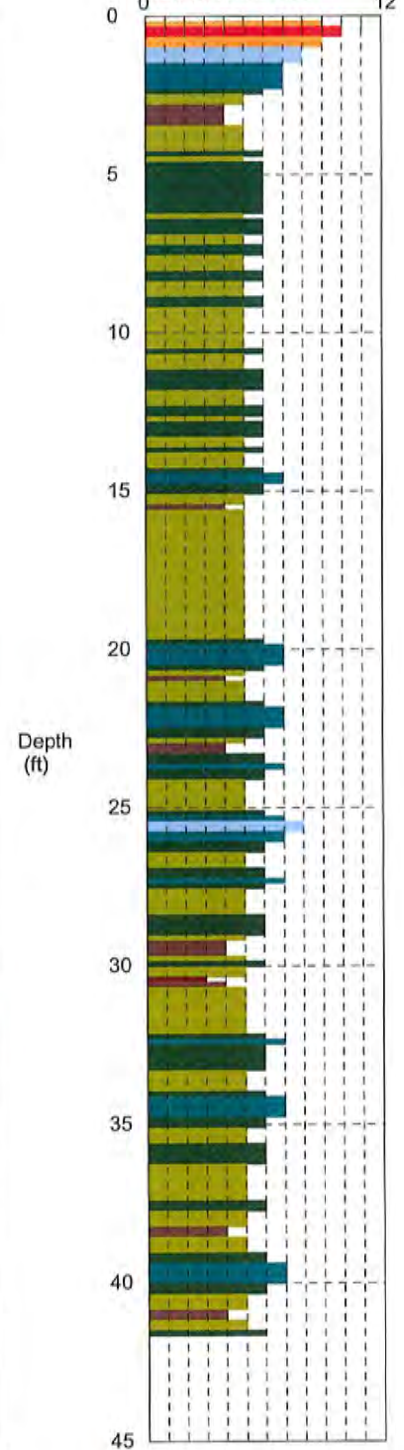
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 2 organic material
 3 clay

4 silty clay to clay
 5 clayey silt to silty clay
 6 sandy silt to clayey silt

7 silty sand to sandy silt
 8 sand to silty sand
 9 sand

10 gravelly sand to sand
 11 very stiff fine grained (*)
 12 sand to clayey sand (*)

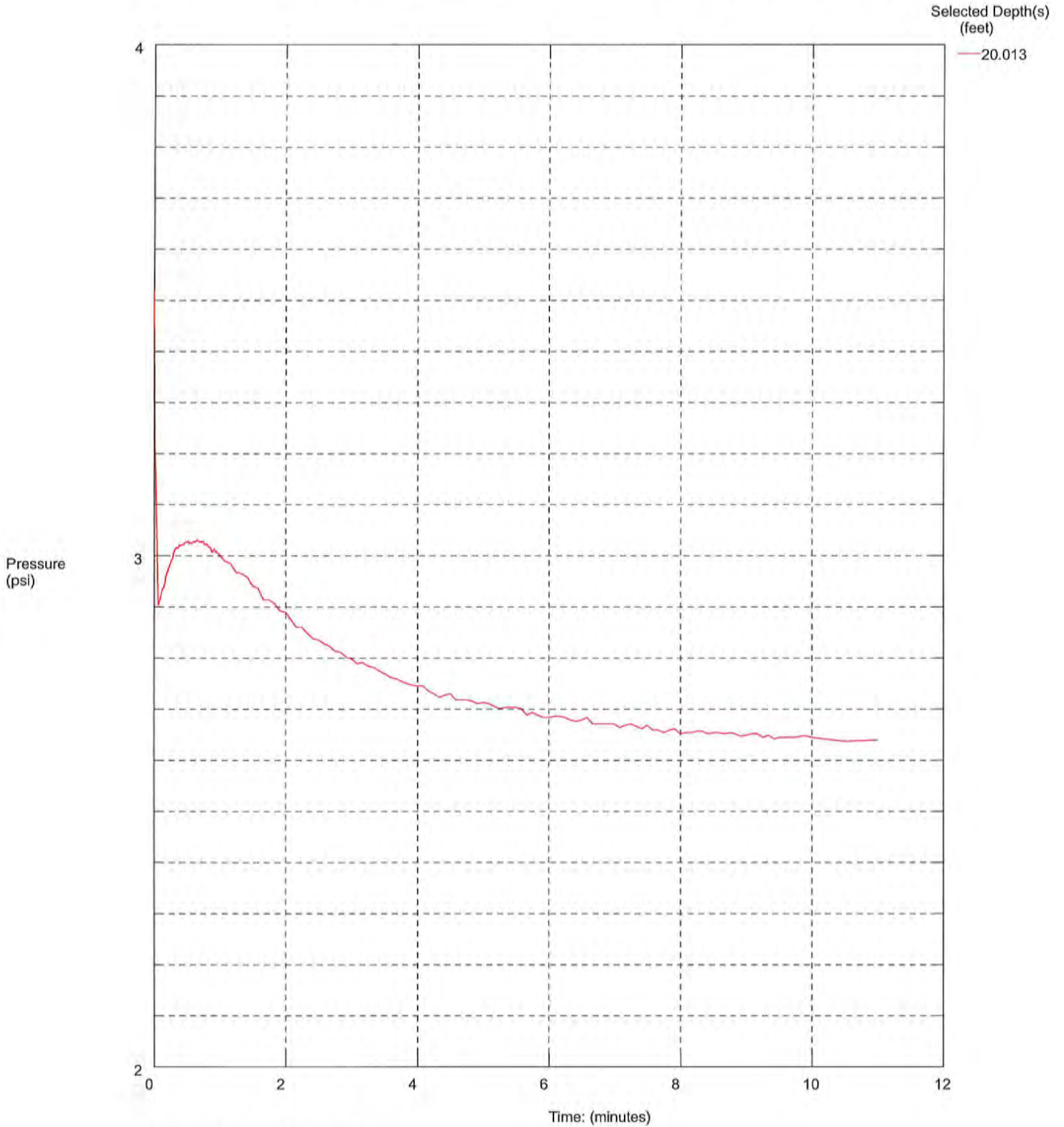
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Location: Strata Design / CPT-1 / 235 Dunn Place McMinnville
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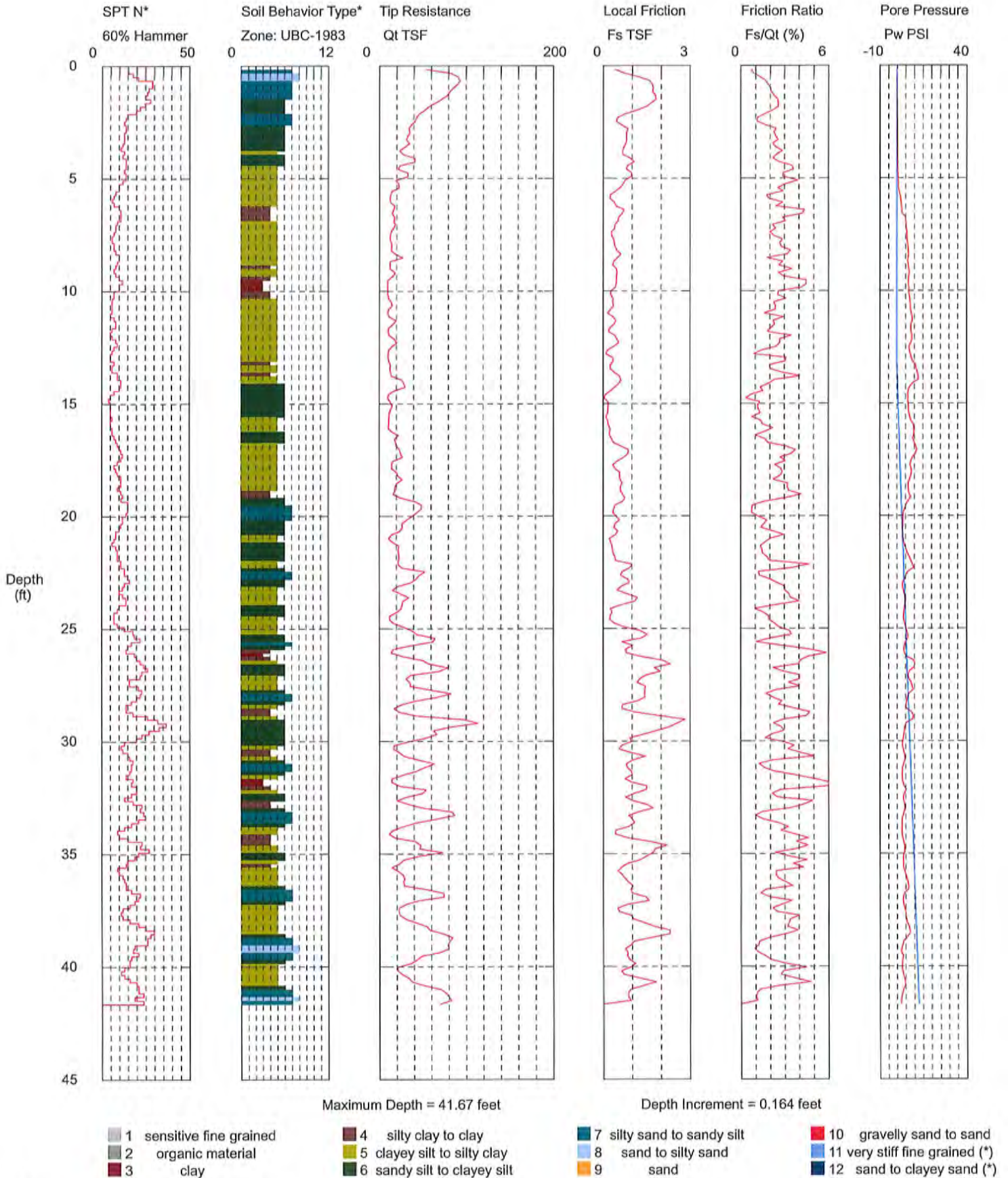


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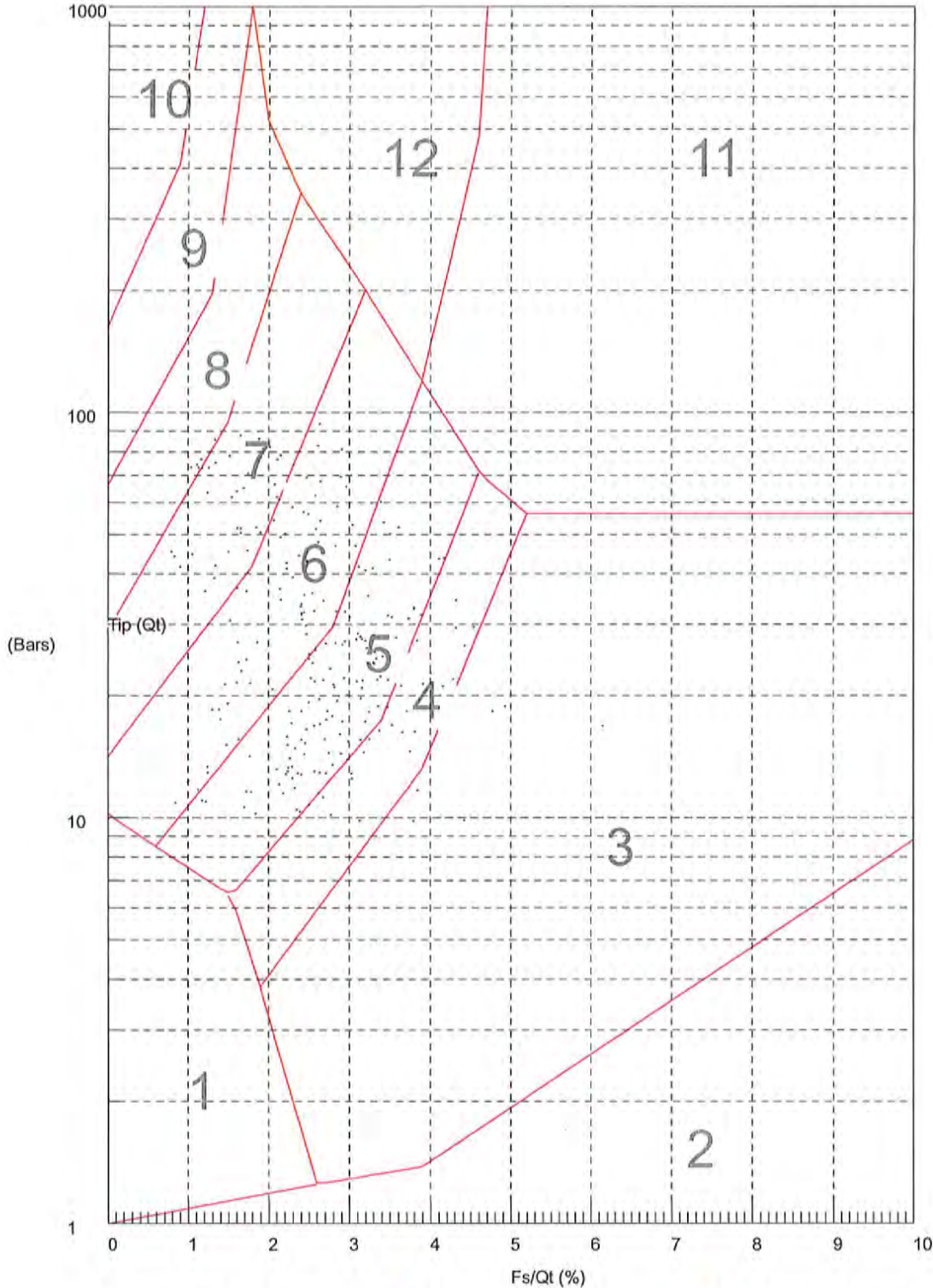
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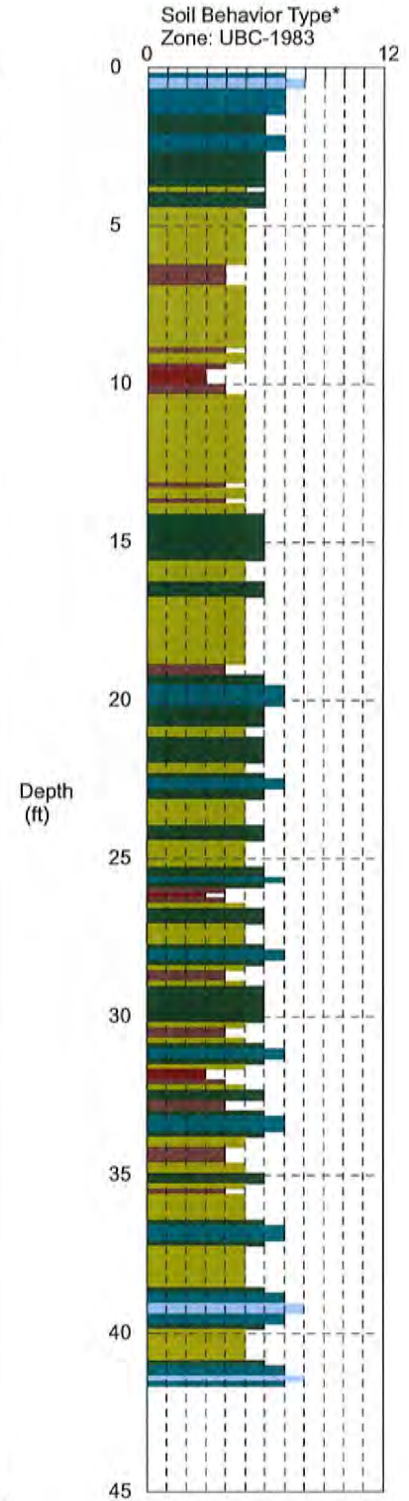
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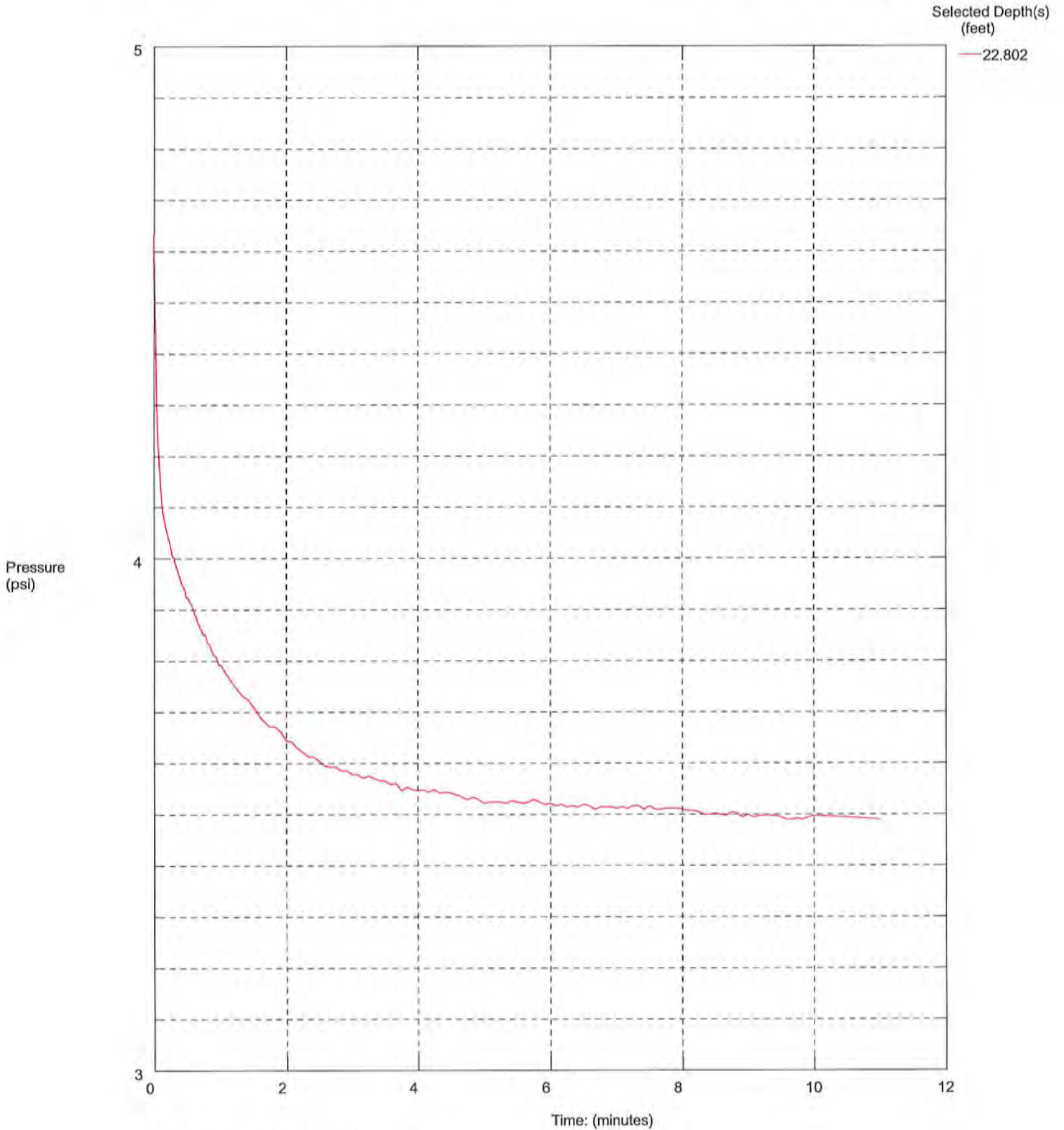
- | | | | |
|--------------------------|-----------------------------|----------------------------|--------------------------------|
| 1 sensitive fine grained | 4 silty clay to clay | 7 silty sand to sandy silt | 10 gravelly sand to sand |
| 2 organic material | 5 clayey silt to silty clay | 8 sand to silty sand | 11 very stiff fine grained (*) |
| 3 clay | 6 sandy silt to clayey silt | 9 sand | 12 sand to clayey sand (*) |



CPT-2 / 235 Dunn Place McMinnville

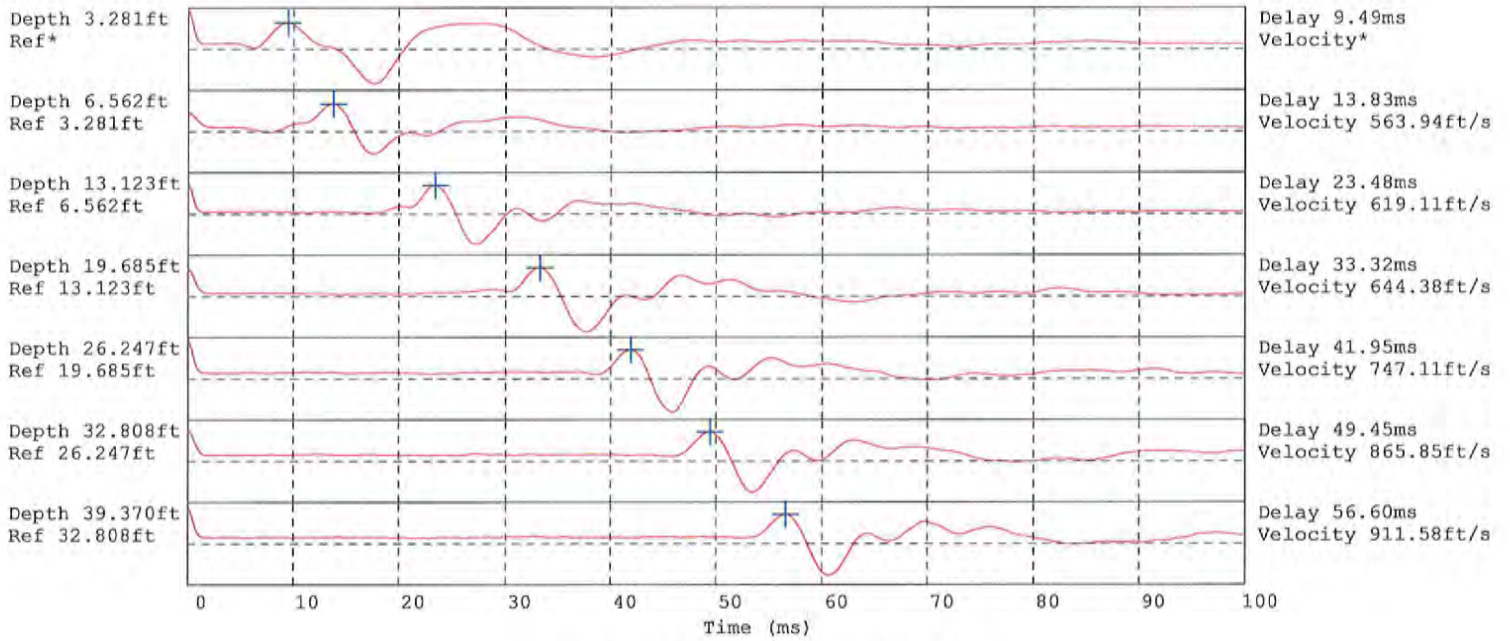
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Job Number: OGE 14038CPT-2(021)



Maximum Pressure = 4.631 psi

Strata Design / CPT-2 / 235 Dunn Place McMinnville

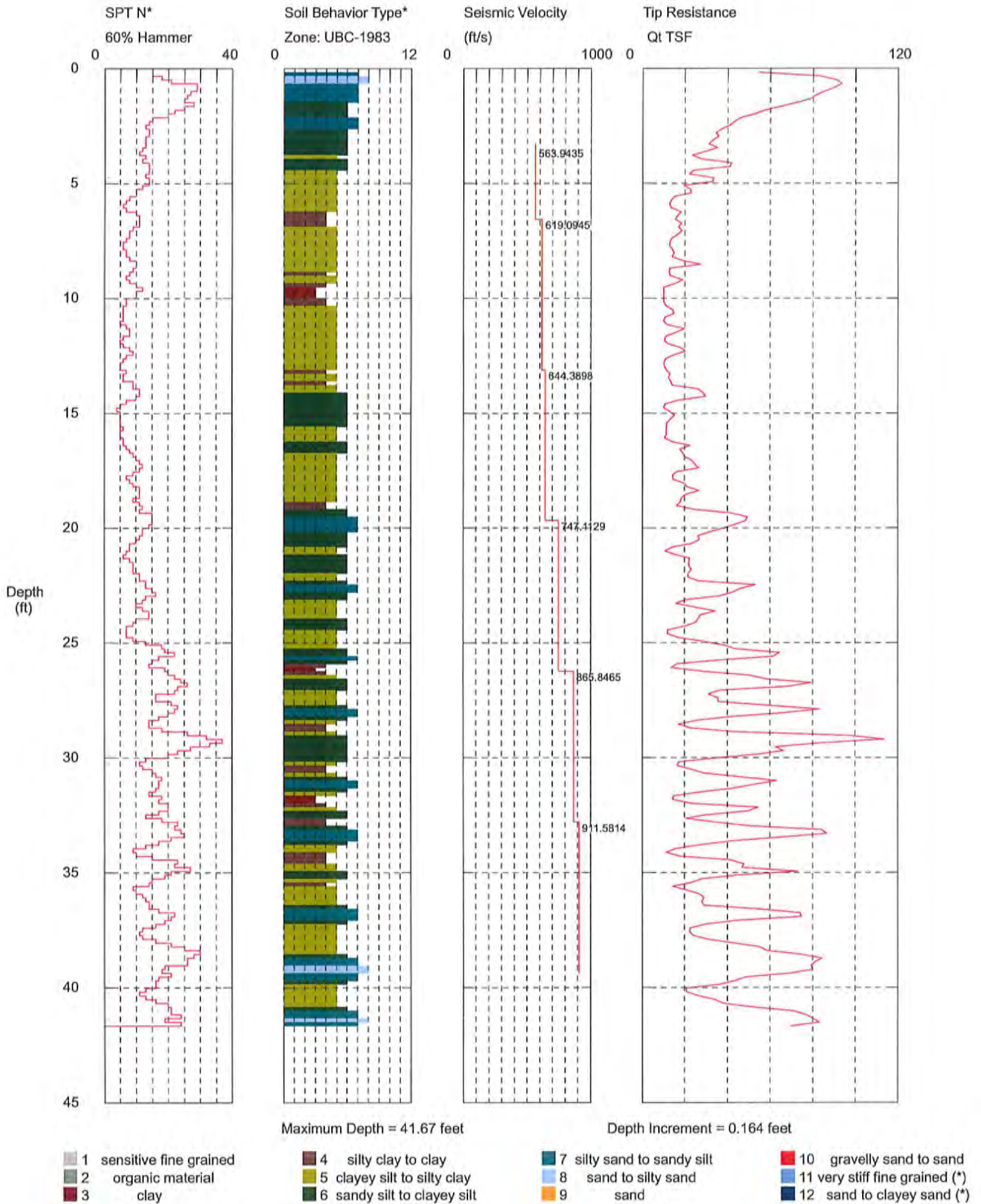


Hammer to Rod String Distance 1.3 (m)
* = Not Determined

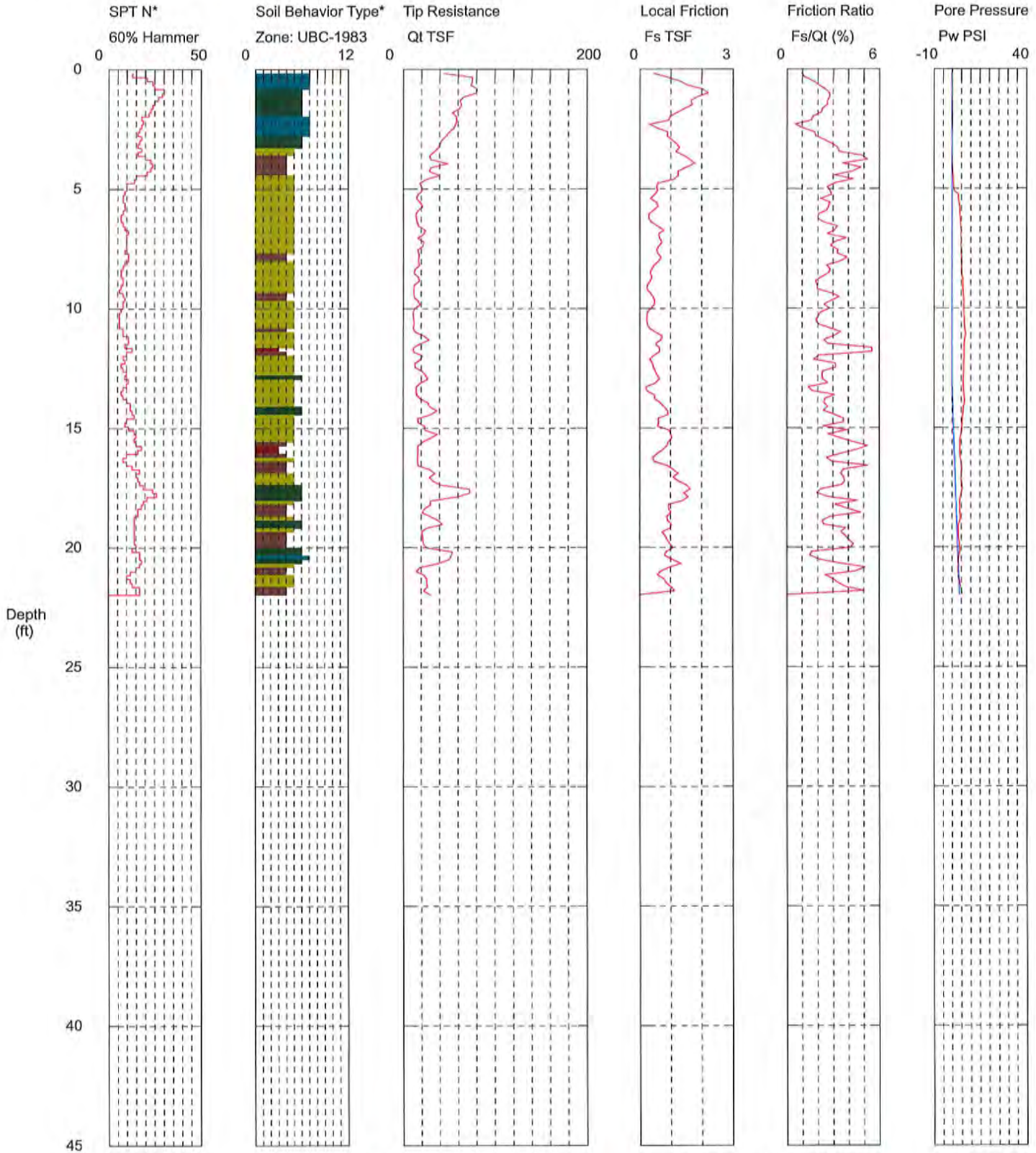
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 Location: Strata Design / CPT-2 / 235 Dunn Place McMinnville
 Job Number: OGE 14038CPT-2(021)



*Soil behavior type and SPT based on data from UBC-1983



Maximum Depth = 21.98 feet

Depth Increment = 0.164 feet

- | | | | |
|--------------------------|-----------------------------|----------------------------|--------------------------------|
| 1 sensitive fine grained | 4 silty clay to clay | 7 silty sand to sandy silt | 10 gravelly sand to sand |
| 2 organic material | 5 clayey silt to silty clay | 8 sand to silty sand | 11 very stiff fine grained (*) |
| 3 clay | 6 sandy silt to clayey silt | 9 sand | 12 sand to clayey sand (*) |

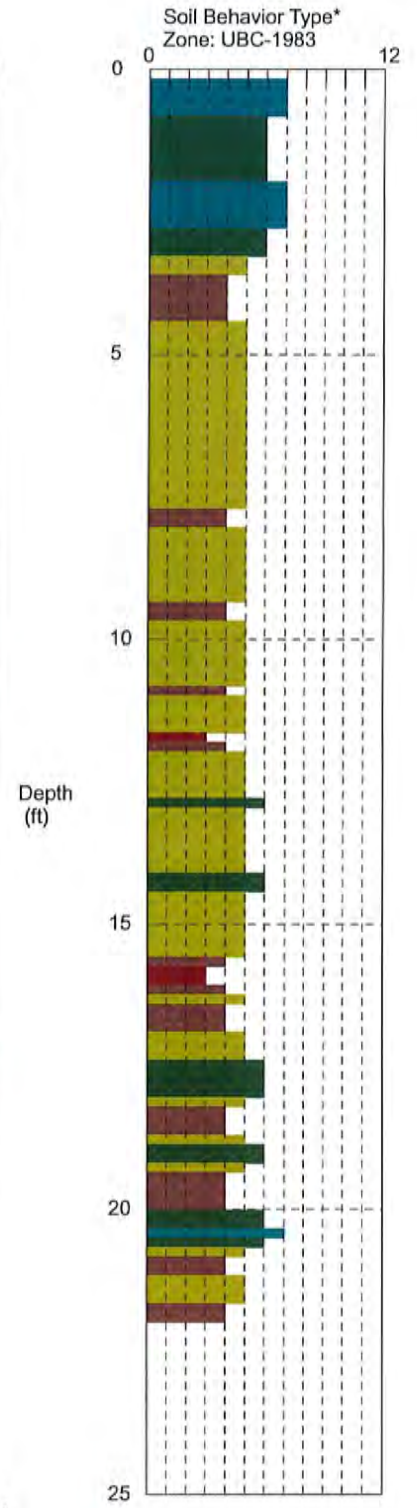
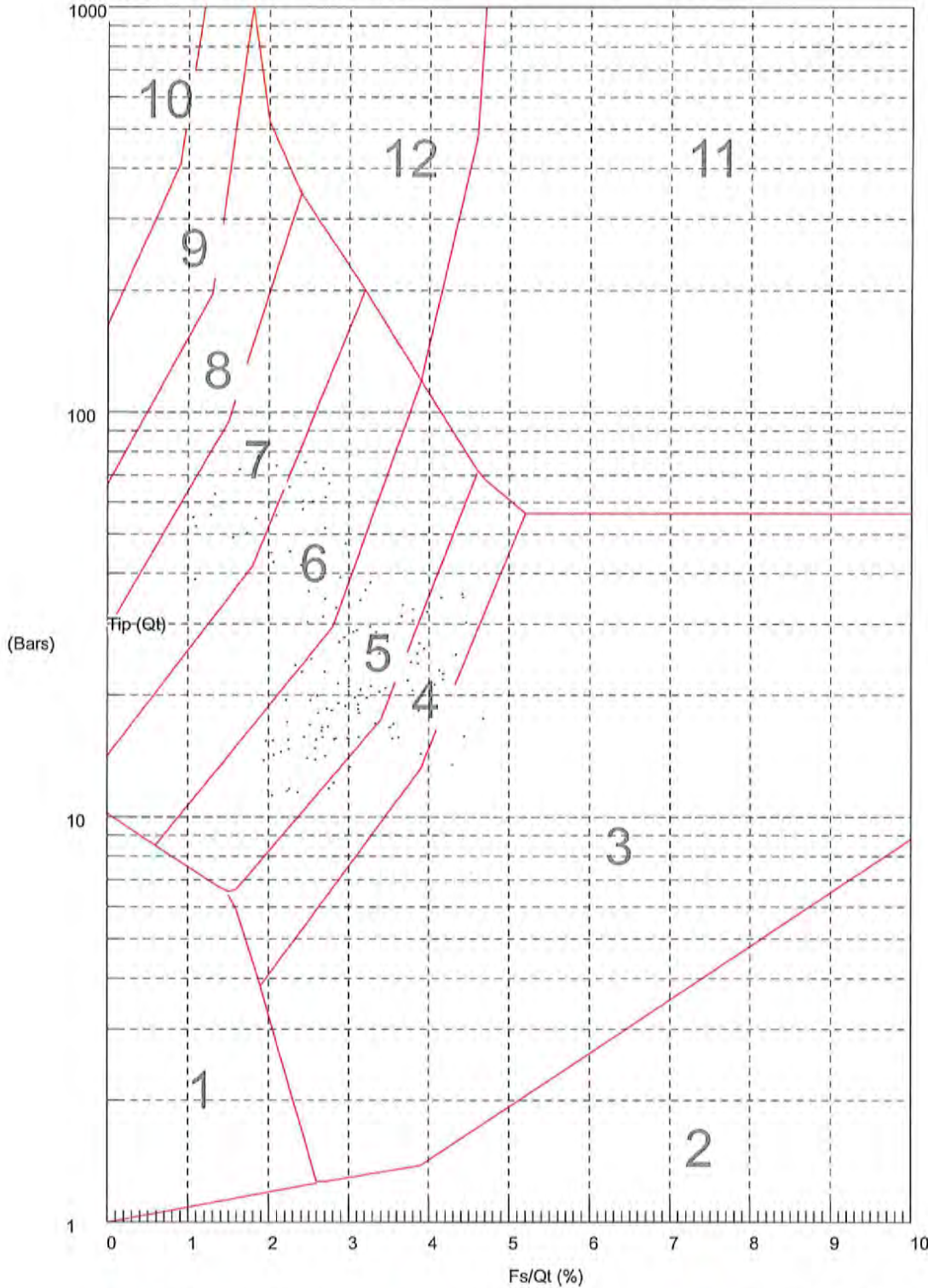
*Soil behavior type and SPT based on data from UBC-1983

CPT-3 / 235 Dunn Place McMinnville

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 Cone Used: DPG1211

CPT Date/Time: 8/7/2014 12:00:36 PM
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 Job Number: OGE 14038CPT-3(021)

Classification Data:
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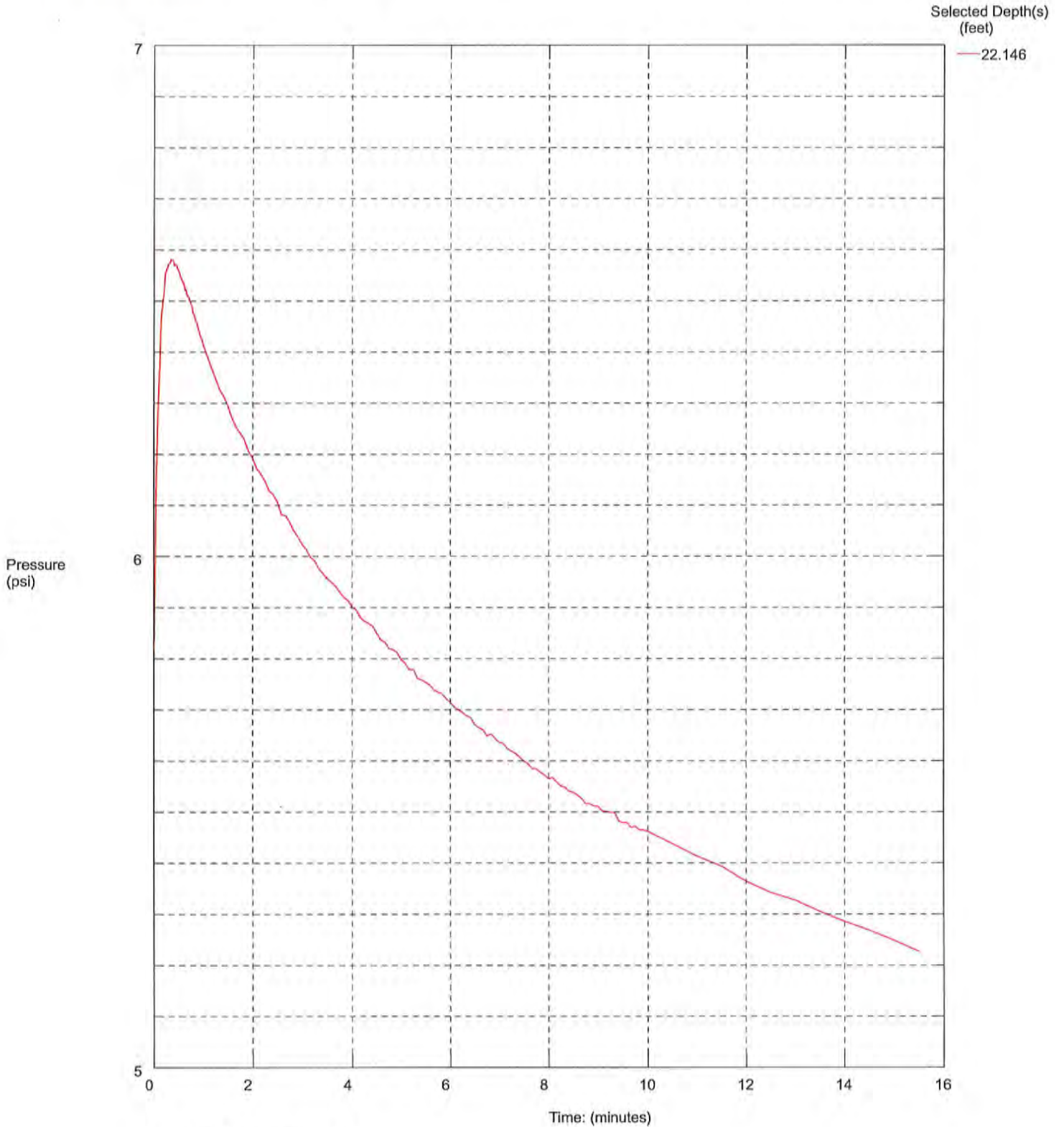


- | | | | |
|--------------------------|-----------------------------|----------------------------|--------------------------------|
| 1 sensitive fine grained | 4 silty clay to clay | 7 silty sand to sandy silt | 10 gravelly sand to sand |
| 2 organic material | 5 clayey silt to silty clay | 8 sand to silty sand | 11 very stiff fine grained (*) |
| 3 clay | 6 sandy silt to clayey silt | 9 sand | 12 sand to clayey sand (*) |

CPT-3 / 235 Dunn Place McMinnville

Operator: OGE TAJ
Sounding: CPT-3
Cone Used: DPG1211

CPT Date/Time: 8/7/2014 12:00:36 PM
Location: Strata Design / CPT-3 / 235 Dunn Place McMinnville
Job Number: OGE 14038CPT-3(021)



Maximum Pressure = 6.581 psi

September 7, 2023



Mr. Jason Flores
Celtic Homes, LLC
PO Box 20025
Keizer, Oregon 97307

**RE: EVALUATION OF GEOTECHNICAL SITE INVESTIGATION
235 NE DUNN PLACE
MCMINNVILLE , OREGON
Branch Engineering Inc Project No. 21-027**

Pursuant to your request, a Branch Engineering, Inc. (BEI) Geotechnical Engineer visited the above referenced site on July 25, and August 25, 2023, before and after site clearing, to assess the site conditions with respect to recommendations in the provided August 15, 2014 Geotechnical Site Investigation for a Proposed Memory Care Center prepared by Stata Design LLC. The Strata Design report references two prior reports for the site prepared by GeoDesign Inc. in March and January 2005. Our assessment is intended to specifically address the current slope conditions and review of the Strata Design comments regarding the stability of the east bank of the South Yamhill River adjacent to the northwest boundary of the subject site.

Our field observations indicate an approximately 80-foot high slope averaging a 1.5H:1V angle down to the river at the closest lateral distance off the northwest boundary of the subject site. The slope appears to steepen to at least 1H:1V in areas and flattens near the river's edge. The slope is heavily vegetated with leaning and "pistol-butted" trees, but no apparent recent mass wasting or sliding was observed on the slope. The only observed indication of recent land movement is located off site to the north in the northwest corner of 301 NE Dunn Place. This land movement was observed from the cul-de-sac at the west end of NE Chalmers Way and consists of erosion and a fence leaning and out of alignment indicating at least surficial movement; it was also observed that stockpiles soil appears to have been recently placed just above the area of suspected movement.

Based on our field observations and the data provided in the Strata Design report, BEI concurs that the 60-foot setback from the top of the existing slope appears reasonable and appropriate for the design life of the development. No subsurface investigation of the site or review of stability calculations by GeoDesign Inc. was performed by BEI.

Sincerely,
Branch Engineering Inc,

A handwritten signature in blue ink, appearing to read "Ronald J. Derrick", is written across the page.

Ronald J. Derrick, P.E., G.E.
Principal Geotechnical Engineer