



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

EXHIBIT 2 - STAFF REPORT

DATE: January 4, 2024
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, responsibly & 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).** This is a continuance of the December 7, 2023 Planning Commission hearing. The applicant provided a 60-day extension to the 120-day processing timeline to March 9, 2024. The local decision, including resolution of any local appeals must be issued by that date.

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:

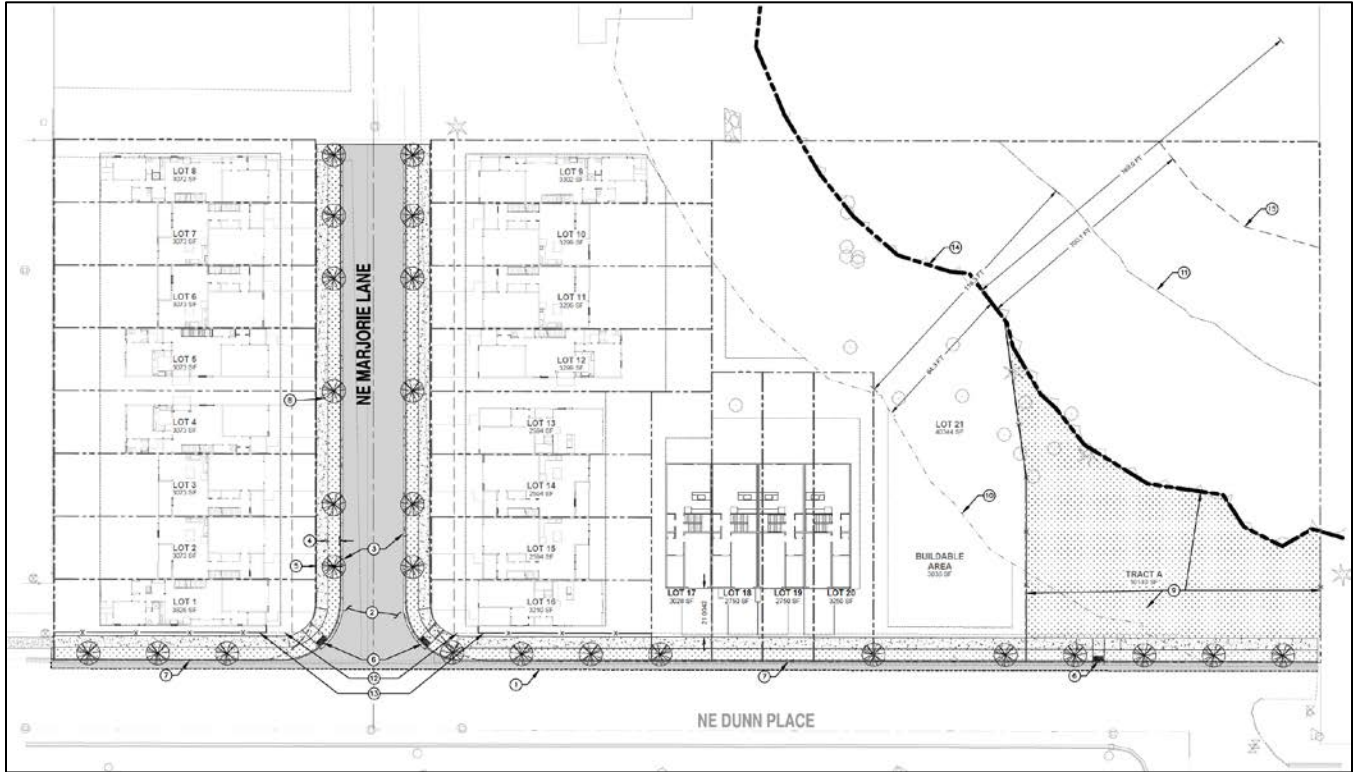
The applicable criteria and standards are summarized below:

- 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. The applicant's proposed plans are shown in **Figure 3a**. On December 7, the applicant also submitted a revised plan showing a larger open space area related to recommended conditions of approval. That plan also showed additional information related to features and setbacks associated with the river and riparian area. **See below.**



SITE PLAN

SCALE: 1" = 20'

ⓧ SITE PLAN KEYED NOTES

- | | | |
|--|--|---|
| <ol style="list-style-type: none"> 1. SAWCUT EXISTING ASPHALT 2. INSTALL ASPHALT ROADWAY 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) | <ol style="list-style-type: none"> 7. INSTALL STANDARD CURB ON NE DUNN PLACE 8. STREET TREE (TYP) 9. SHRUBS AND GRASS MEETING CITY PLANTING REQUIREMENTS W/ FENCE SURROUNDING TRACT A. 10. 60' SLOPE SETBACK LINE FROM TOP OF BANK 11. F-P ZONE BOUNDARY 12. EXISTING 12' WIDE PUE | <ol style="list-style-type: none"> 13. 6' TALL WOODEN GOOD NEIGHBOR FENCE ON PUE LINE FOR SIDE YARDS ALONG DUNN PLACE 14. TOP OF RIVER BANK 15. FEMA 100-YEAR FLOODPLAIN |
|--|--|---|



Discussion:

The proposed Planned Development Amendment application would amend the Planned Development to replace the previous portion of the master plan for Tax Lot 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.

Several issues were discussed at the December 7 hearing. These are summarized below.

- **Predominant issues were related to hazards associated with the river, riverbank, site conditions, and appropriate setbacks.** The original decision document included staff's recommendation based on the geotechnical report submitted by the applicant, consistent with the previous development approvals on the subject property. Following subsequent testimony regarding the issues, staff sought a third-party review of the report. That third party review letter by Jason Bock, PE with GRI is attached to the December 7, 2023 staff memo. The memo included

recommendations for additional analysis, to include analysis based on updated provisions of the current building code. The applicant engaged Strata Design, and they have provided Addendum #1 to the geotechnical report, dated December 22, 2203, which addresses the issues in the review letter by Jason Bock, PE. **See Attachment 2.** The addendum re-affirms the suitability of the 60-foot setback from top of physical bank. Staff has provided the Addendum to Jason Bock, and will provide his response upon receipt.

Most of the proposed structures would be more than 80 feet from top of physical bank, with the majority of those also exceeding 100 feet from top of physical bank. One unit, on Lot 9, shown as a 1-story unit is shown with the corner at the 60-foot setback. At the December 7 hearing, the applicant indicated that unit could be revised to a 2-story unit, which would have additional setback and also provide a larger usable rear yard outside of the 60-foot setback.

- **Rear of some lots extended into 60-foot setback area.** While the proposed townhouse structures were outside of the 60-setabck, three lots: 9, 10, and 20 have rear portions of the lots that extend into the 60-setback area, presenting questions about how fencing and small accessory structures, which are allowed within rear-yard setbacks, would be regulated.

Staff recommends a revised condition that those lots be reconfigured so those lots do not extend into the 60-foot setback. This condition is incorporated in the revised decision document.

At the December 7 hearing, the applicant indicated the proposed townhouse on Lot 9 could be revised to a 2-story unit, which would leave a usable rear yard similar to the other 2-story units. Lots 10 and 20 would continue to have usable rear yards if adjusted.

- **Administrative Rule restricting “middle housing” within 100 feet of riparian corridor.** The December 7 staff memo described this issue in more detail regarding an administrative rule that supersedes local regulations. The rule restricts “middle housing” within 100 feet of a riparian corridor until a City has completed its Goal 5 riparian planning work consistent with administrative rules. The applicant’s December 7 plan shows the proposal would significantly exceed the 100-foot setback measured from the “bankfull stage” (2-year flood) consistent with staff’s understanding of the administrative rule. Staff has requested that DLCD provide their interpretation of the rule, but that has not been received that.

Staff recommends a condition of approval that the applicant demonstrate consistency with DLCD’s interpretation of the rule.

- **Townhouse design and development standards.** The applicant provided additional findings on December 7, 2023, including findings regarding the residential design and development standards in Chapter 17.11 of the Zoning Ordinance. The applicant has not requested flexibility to those standards, except as they noted relating to driveway spacing. With the widths of townhouse lots of approximately 22 feet to 27 feet and garages provided for each townhouse, it wouldn’t be feasible to achieve the driveway spacing specified in the universal design standards, and staff recommends flexibility to the driveway spacing standards therefore be approved. Some units, 13&14 18&19 and have paired driveways, providing some additional space on the opposite sides of the lots. Lots 17 and 20 have driveways on the “inside” sides of the townhouse lots, leaving more uninterrupted curb area on the “outside sides” of the lots along Dunn Place.

Staff recommends that flexibility to the driveway spacing standards be approved for the townhouse development as part of the planned development. All other standards where flexibility is not requested/proposed as part of the Planned Development will be addressed as part of the building permit review at time of building permit application.

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

Agency comments are included in the decision document.

Written testimony submitted through the December 7, 2023 hearing is provided on the City website at: <https://www.mcminnvilleoregon.gov/cd/page/dunn-place-subdivision-townhomes-s-1-23-pda-1-23-tml-5-23>

As of December 28, 2023, additional written material after December 7, 2023 is Addendum #1 to the Geotechnical Report attached as Attachment 2.

Attachments:

1. Updated Decision Document
2. Geotechnical Report Addendum #1 from Strata Design dated December 22, 2023
3. All previous written materials and written testimony submitted through the December 7, 2023 Planning Commission hearing are available here:

<https://www.mcminnvilleoregon.gov/cd/page/dunn-place-subdivision-townhomes-s-1-23-pda-1-23-tml-5-23>

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.

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

TML 5-23

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.

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

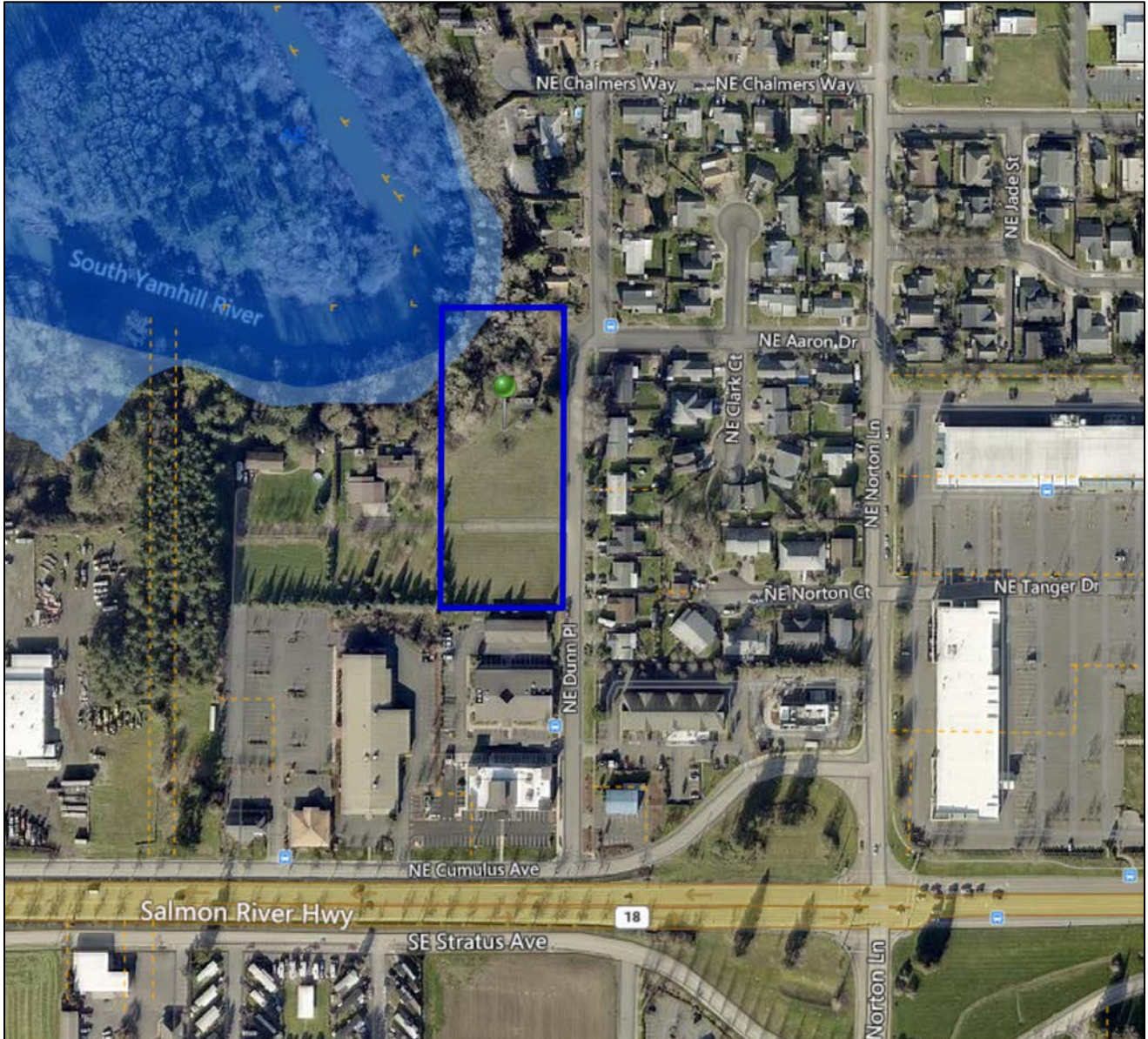


Figure 2. Zoning Map

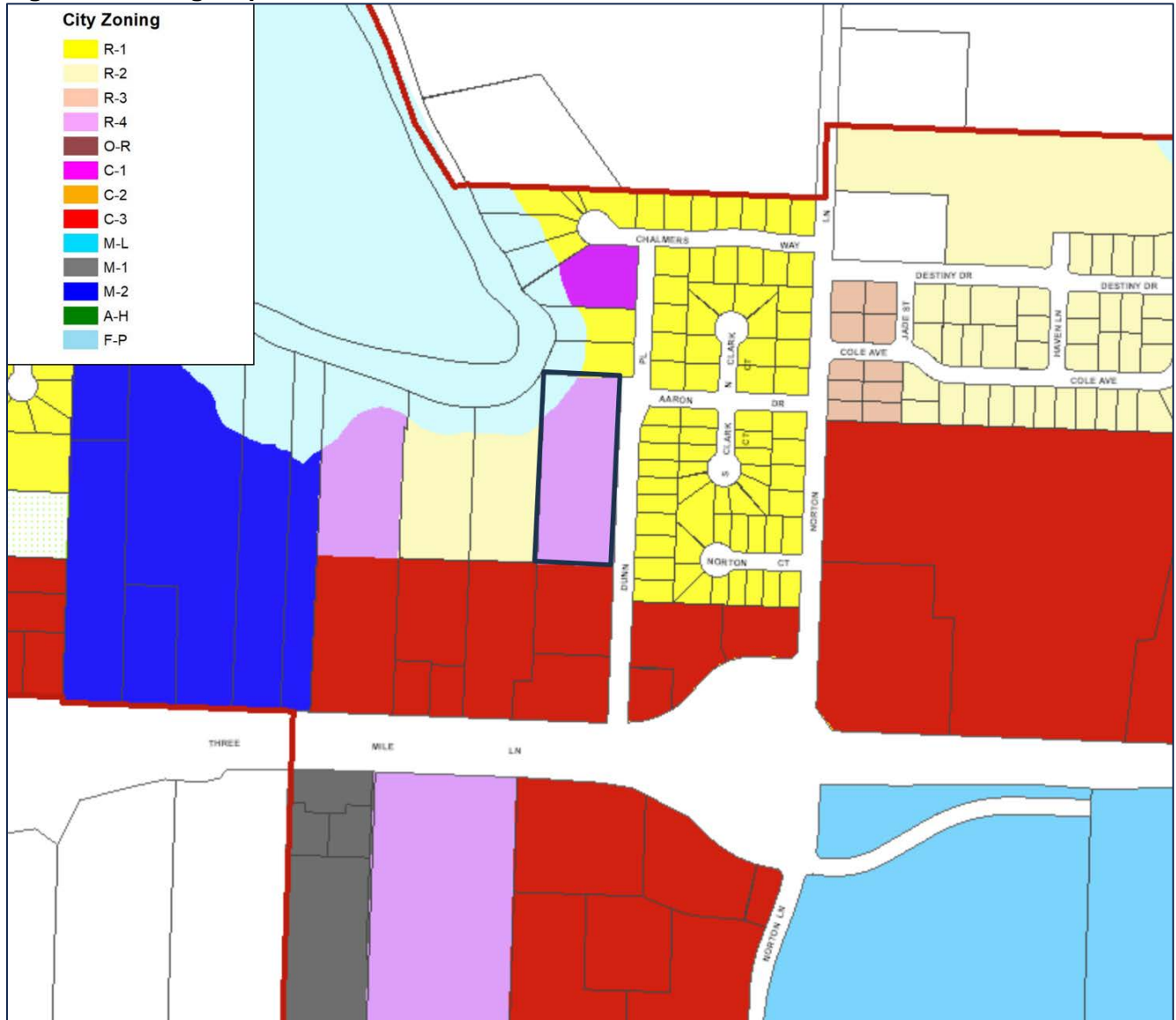


Figure 3a. Proposed Master Plan – Site Plan Summary (Original Submittal)
(See applications for detailed plans).

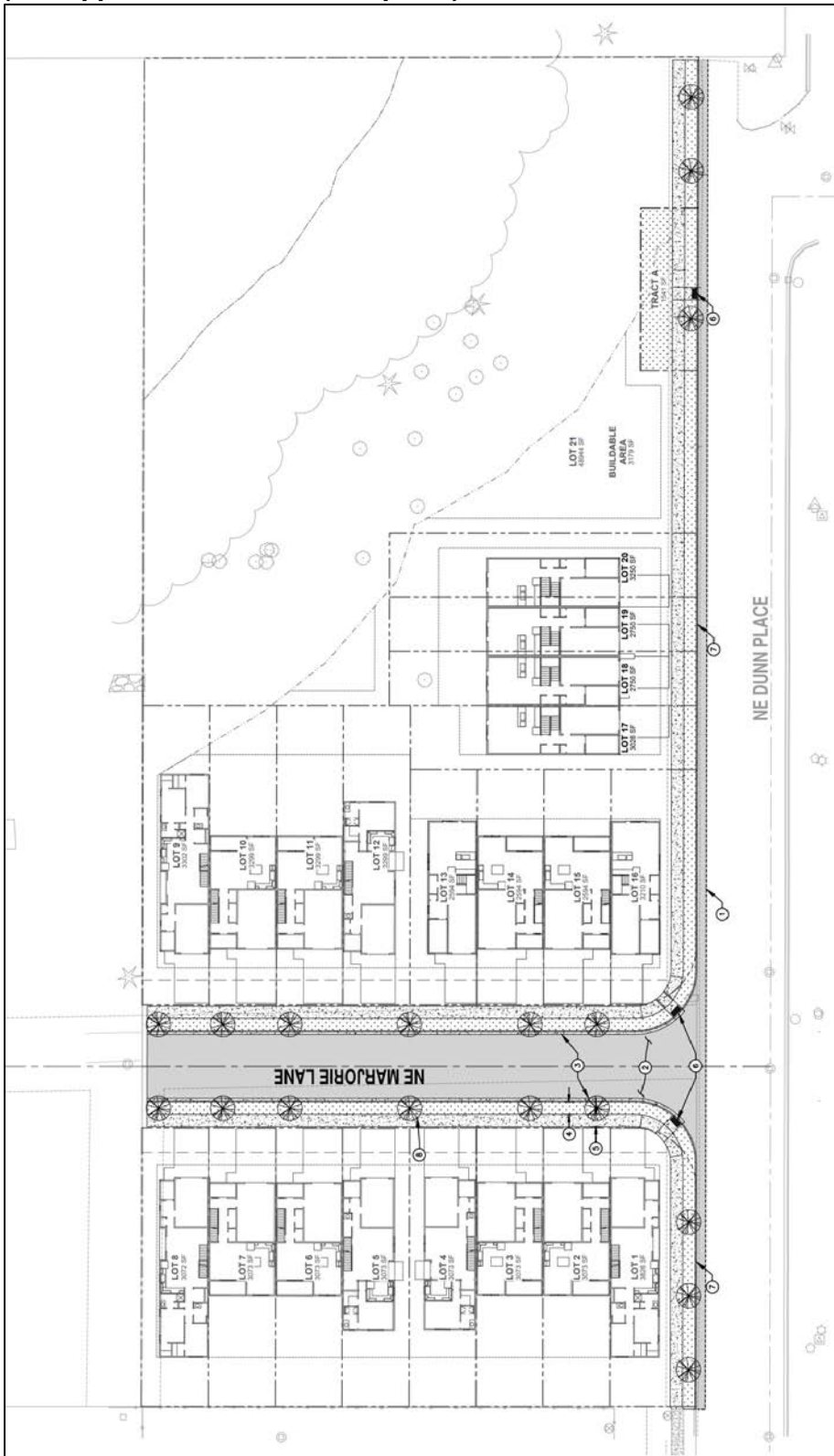


Figure 3b. Proposed Plan – Floorplans and Elevations, 1-12

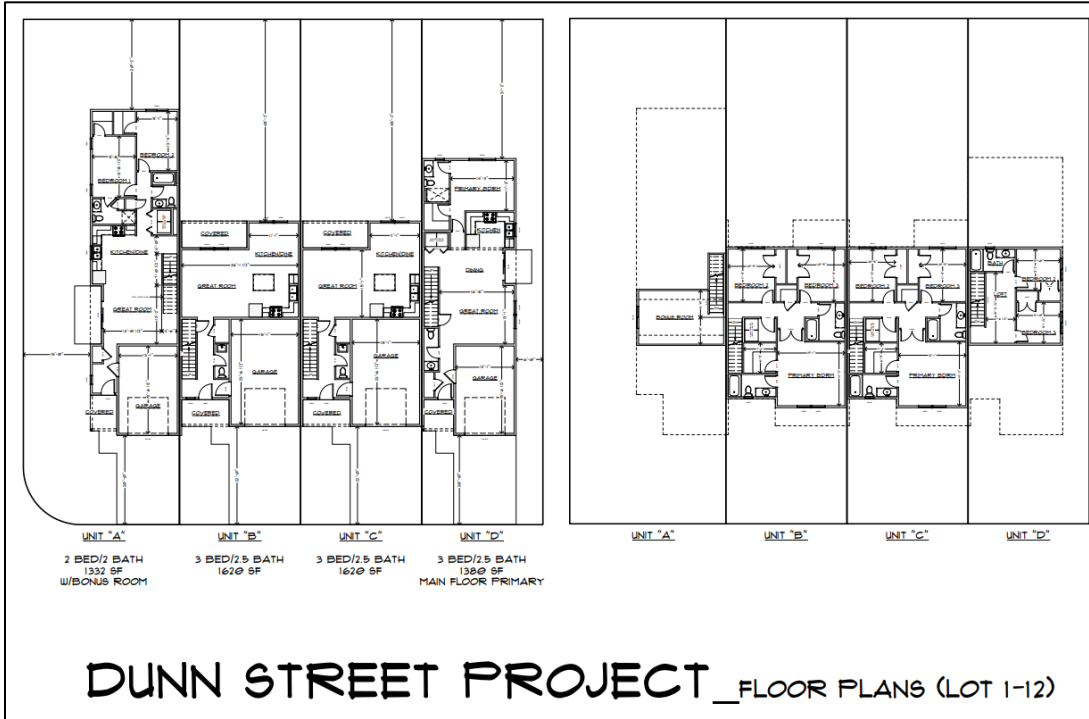


Figure 3c. Proposed Plan – Floorplans and Elevations, 13-16

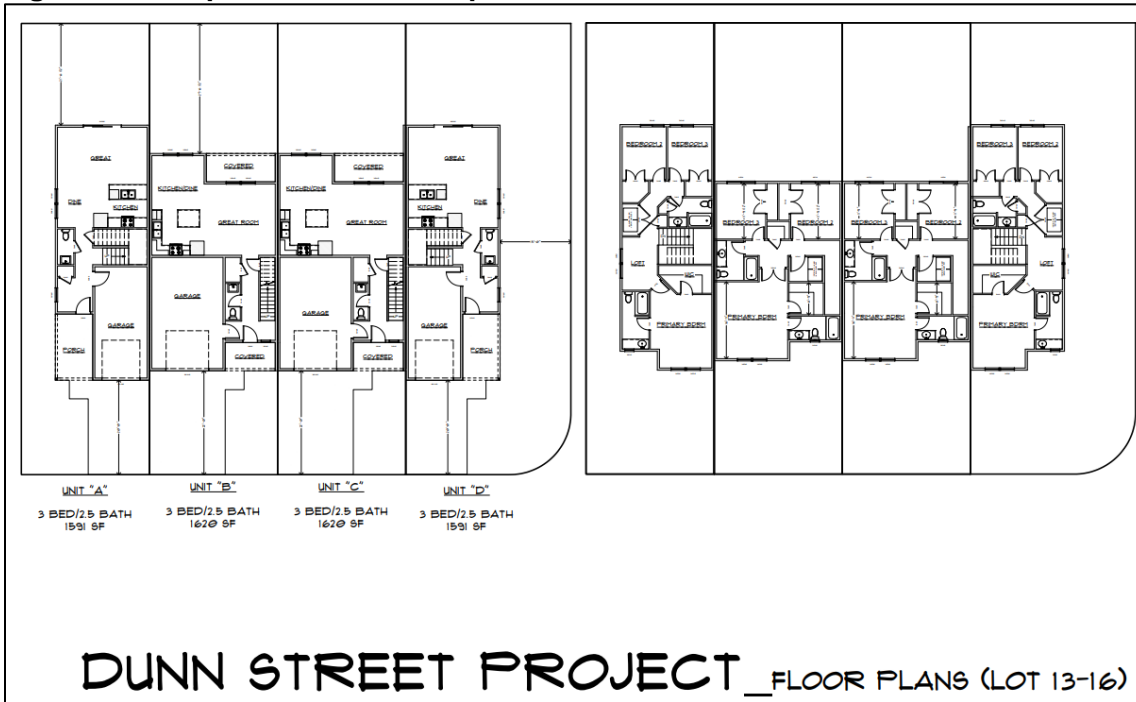
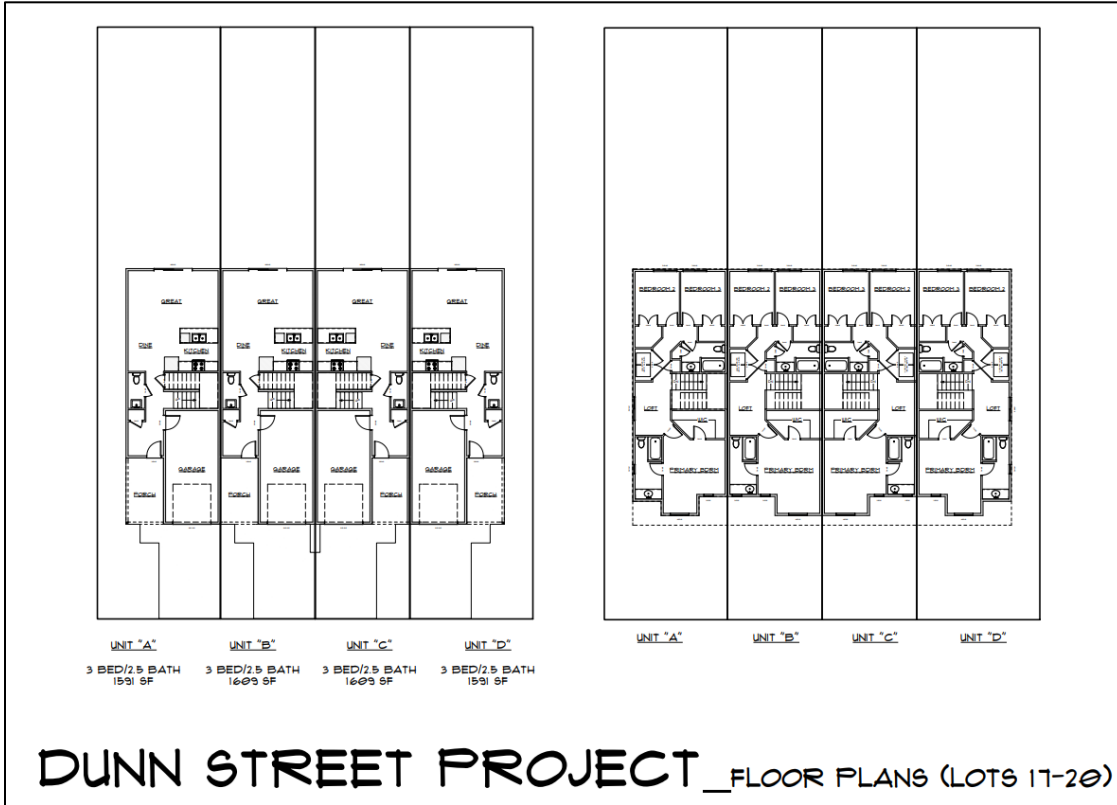


Figure 3d. Proposed Plan – Floorplans and Elevations, 17-20



Previous Master Plans –

Figure 4a. 2003

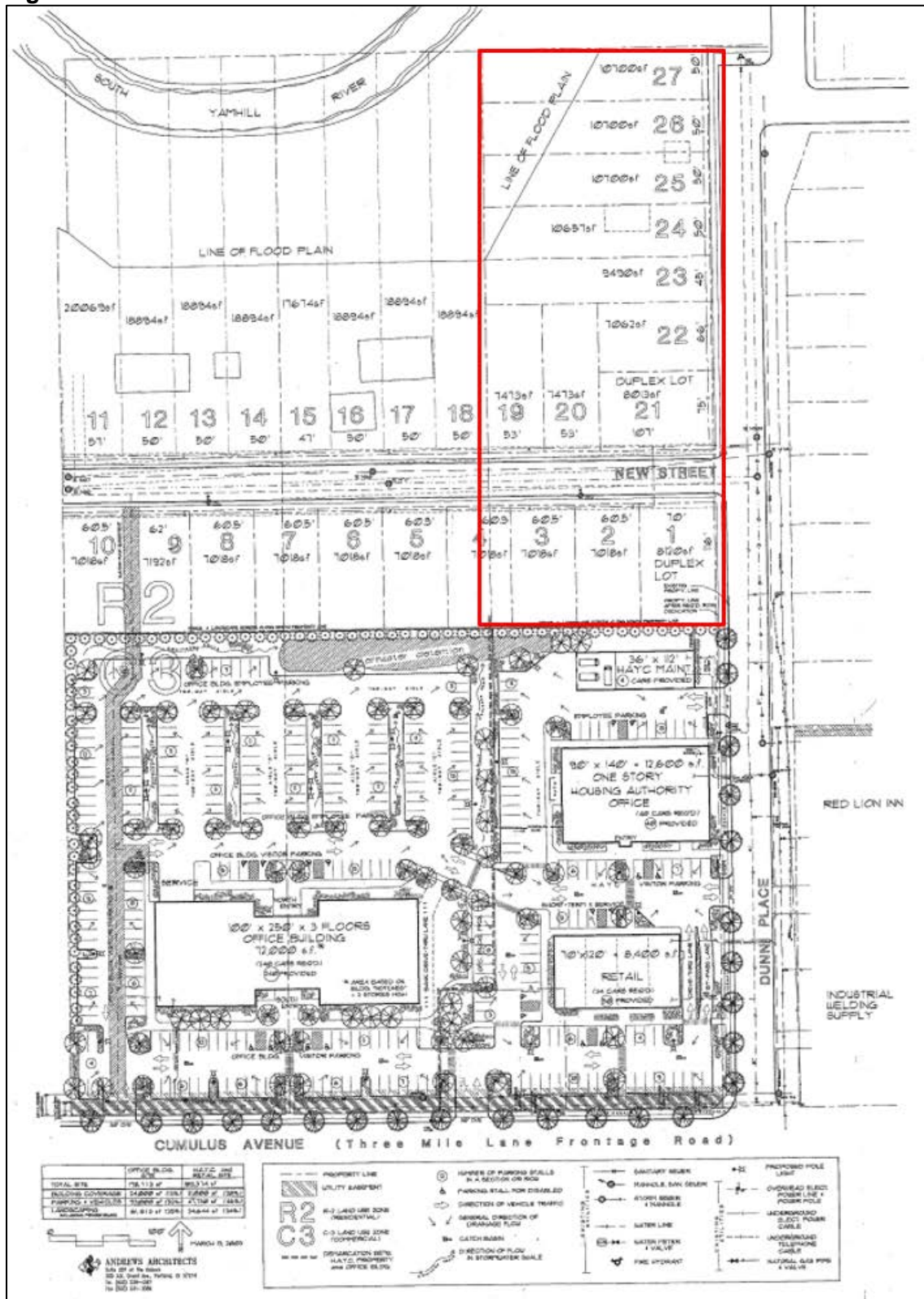


Figure 4b. 2005 - (Revision to Commercial Portion)

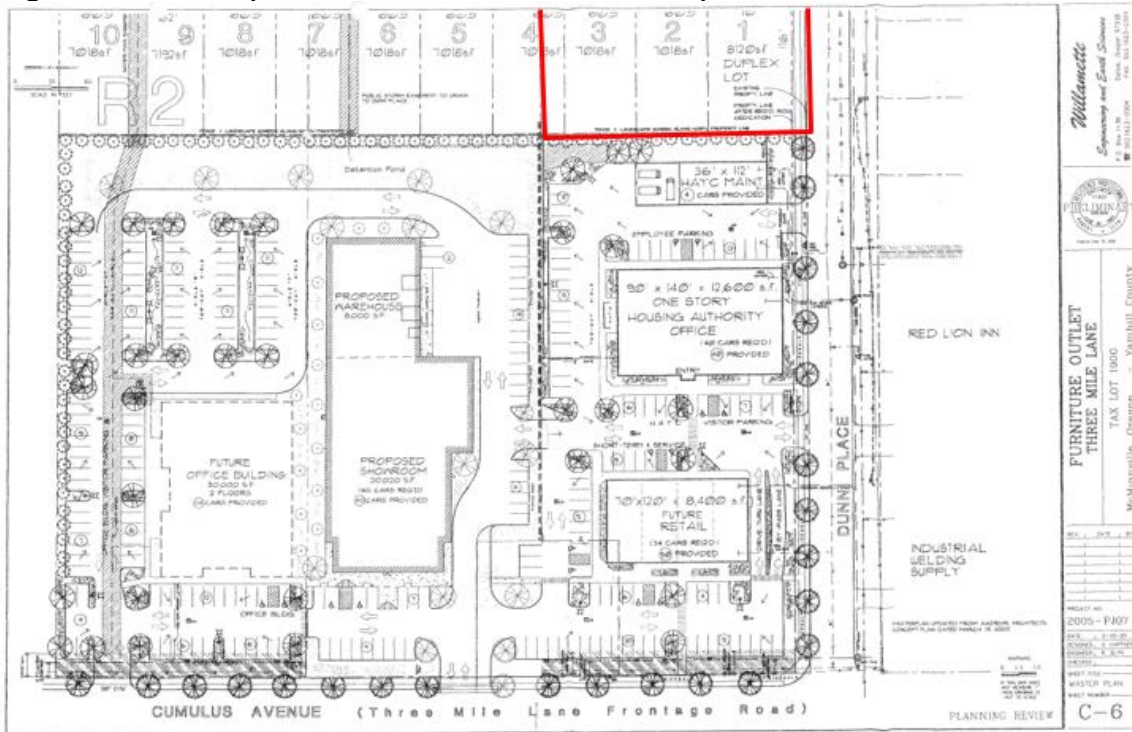


Figure 4c. 2012 - (Revision to TL 1700)

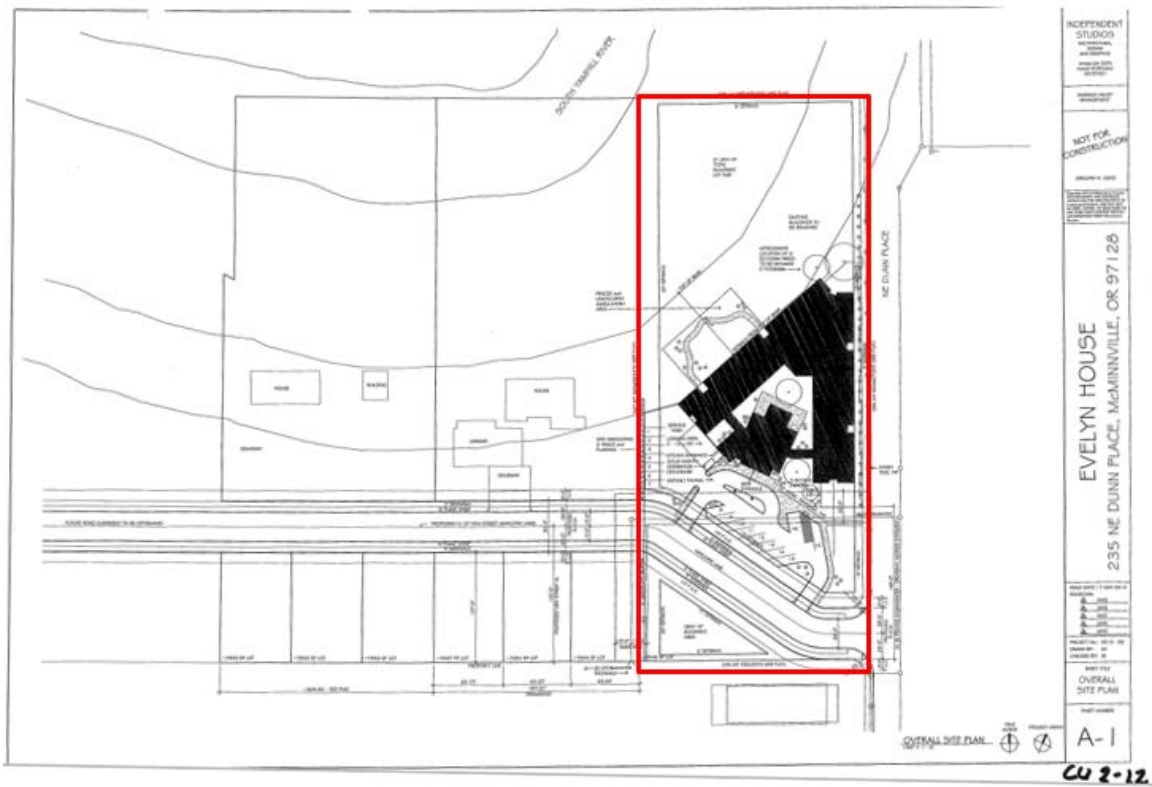
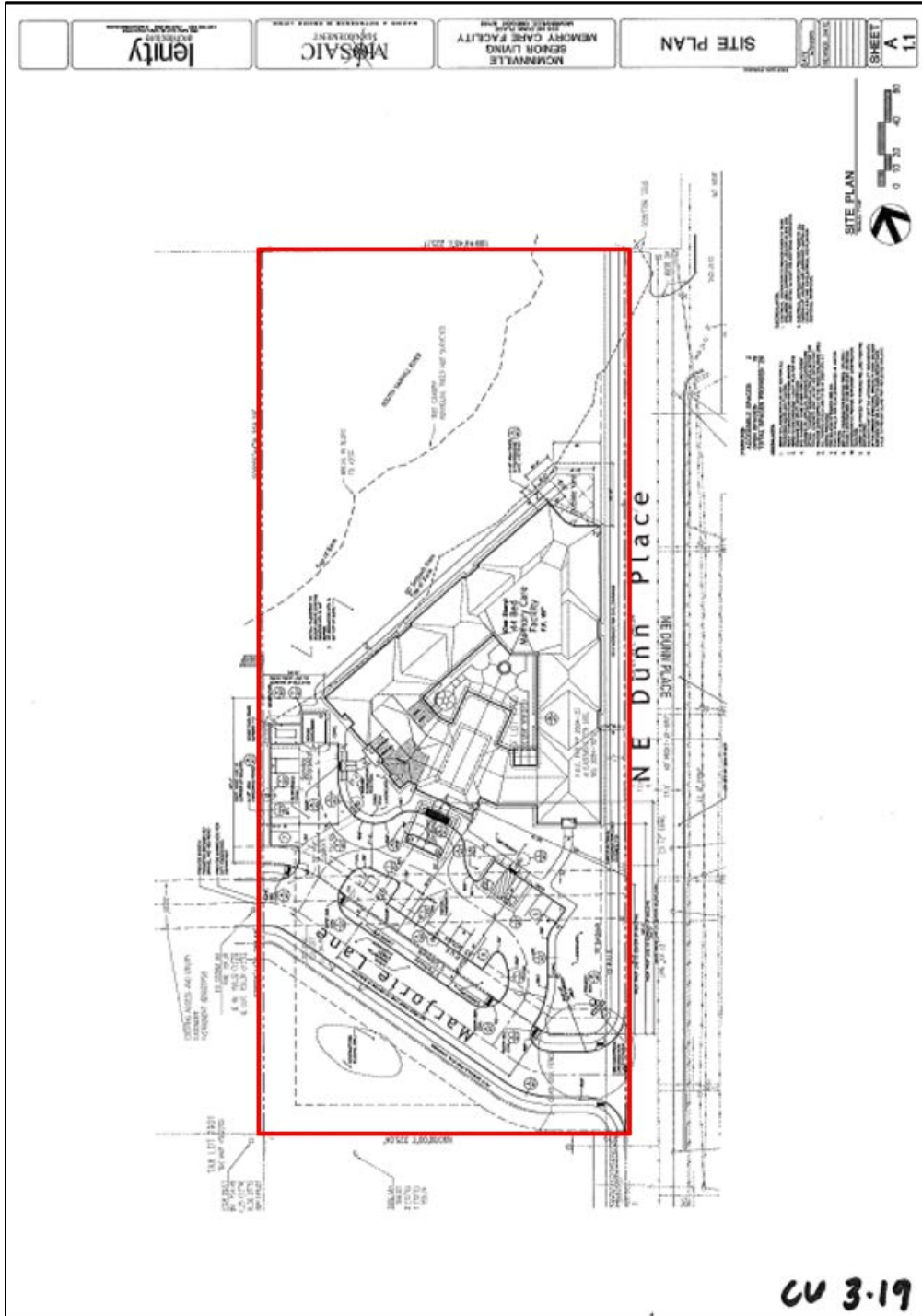


Figure 4d. 2019 – (TL 1700 - Consistent with 2012 Amendment)



CU 3-19



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

503-434-7311

www.mcminnvilleoregon.gov

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, continued to January 4, 2024. The applicant granted a 60-day extension to the 120-day period to March 9, 2024.

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. The applicant granted a 60-day extension of the 120-day period to March 9, 2023.

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.**

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

**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.

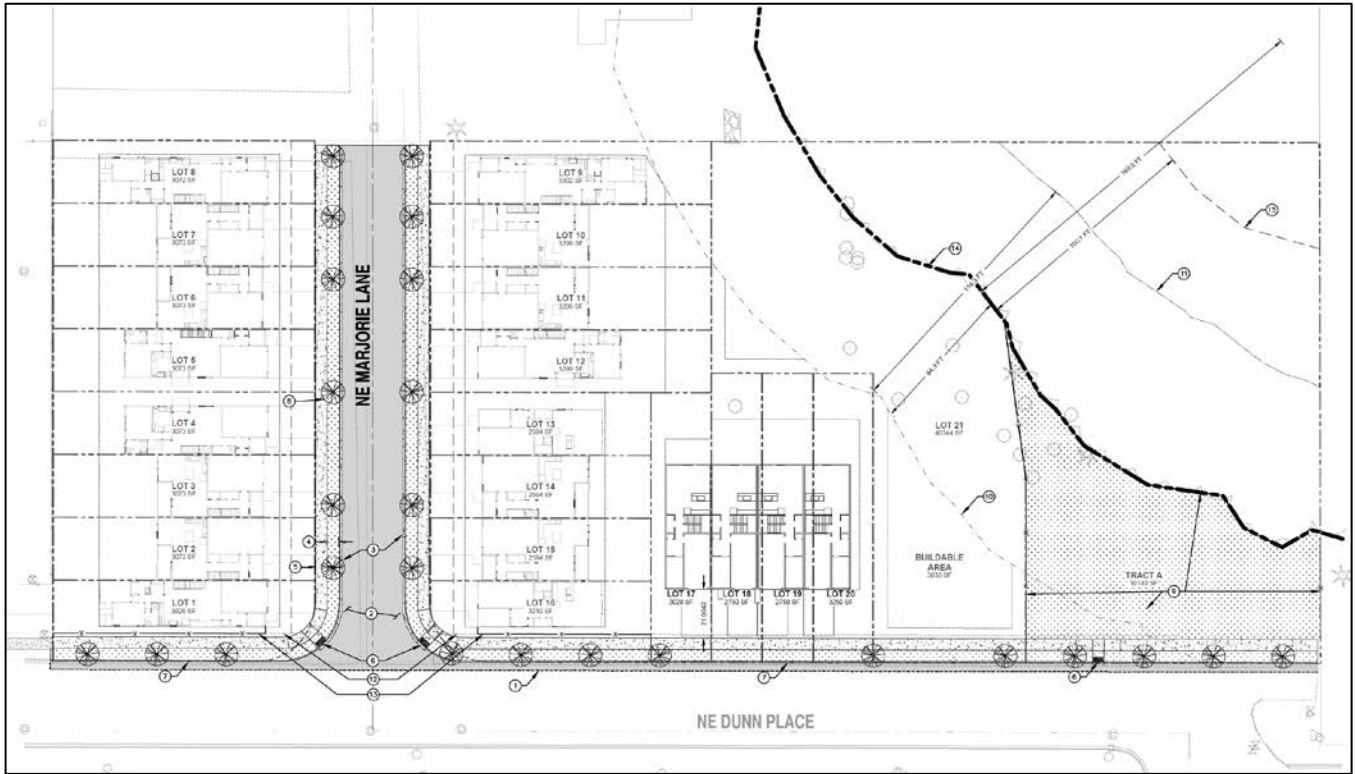
**TML 5-23.** The subject property is within the Three Mile Lane Planned Development Overlay, established by Ordinance 4131 and subsequently revised by Ordinances 4572, 4666, 4988, and 5101. The proposed development is subject to policies and standards of the Three Mile Lane Planned Development Overlay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

***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).

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. The applicant's proposed plans are shown in ***Figure 3a***. On December 7, the applicant also submitted a revised plan showing a larger open space area related to recommended conditions of approval. That plan also showed additional information related to features and setbacks associated with the river and riparian area. ***See below.***

**December 7, 2023 Submittal**



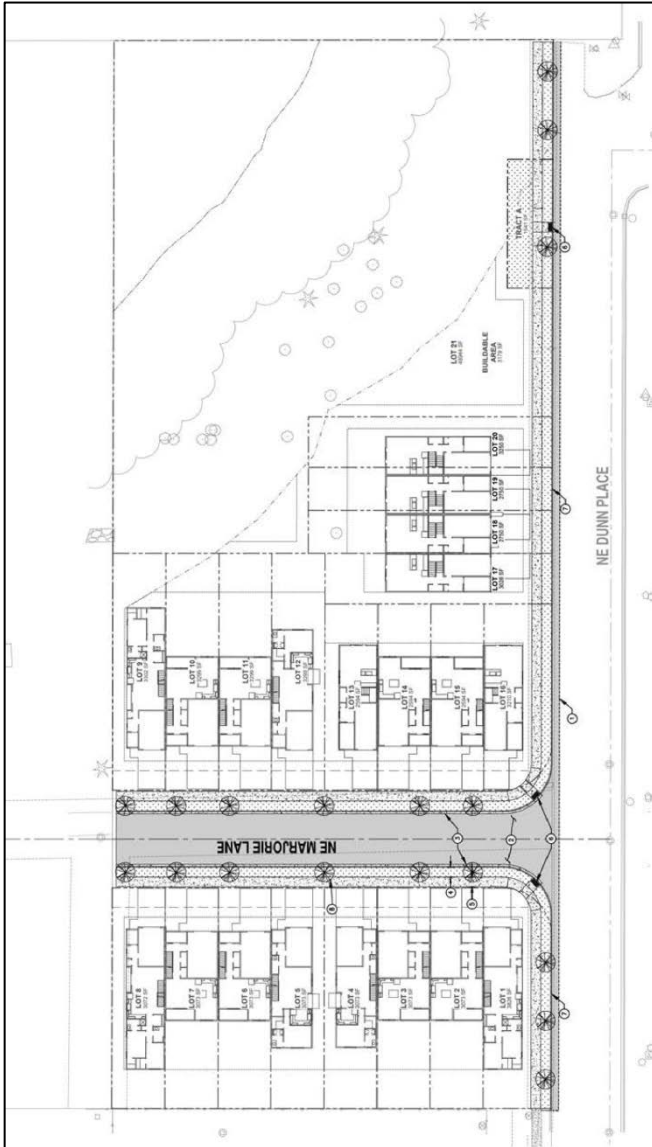
**SITE PLAN**

SCALE: 1" = 20'

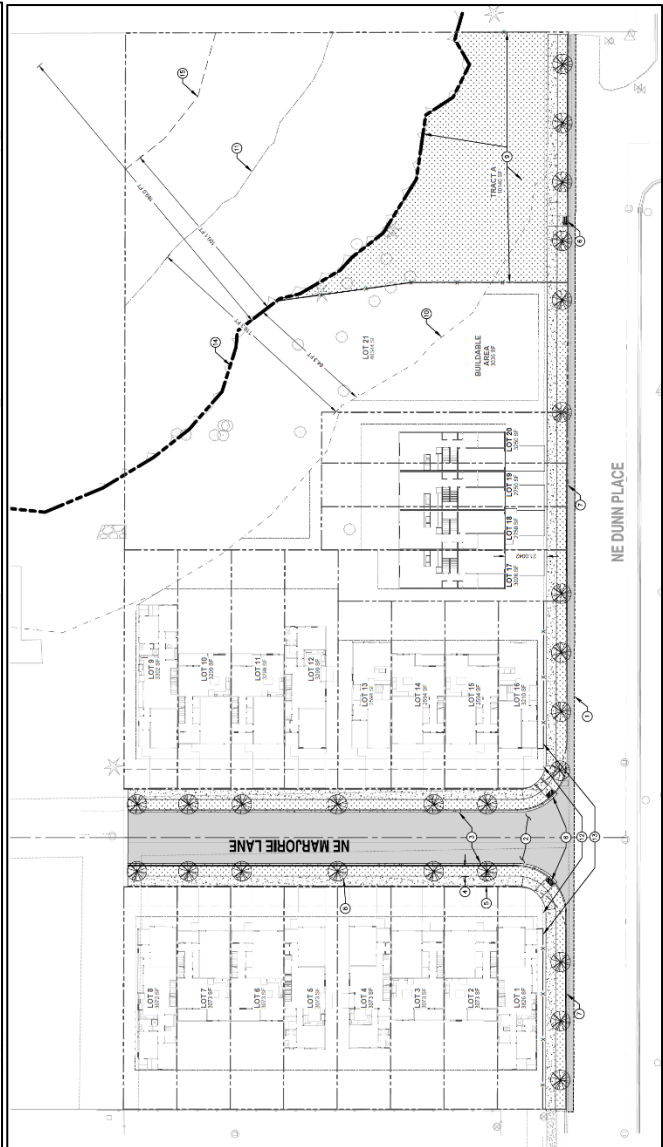
**KEYED SITE PLAN NOTES**

- |                                               |                                                                                     |                                                                                    |
|-----------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 1. SAWCUT EXISTING ASPHALT                    | 7. INSTALL STANDARD CURB ON NE DUNN PLACE                                           | 13. 6' TALL WOODEN GOOD NEIGHBOR FENCE ON PUE LINE FOR SIDE YARDS ALONG DUNN PLACE |
| 2. INSTALL ASPHALT ROADWAY                    | 8. STREET TREE (TYP)                                                                | 14. TOP OF RIVER BANK                                                              |
| 3. INSTALL 18" CURB & GUTTER ON MARJORIE LANE | 9. SHRUBS AND GRASS MEETING CITY PLANTING REQUIREMENTS W/ FENCE SURROUNDING TRACT A | 15. FEMA 100-YEAR FLOODPLAIN                                                       |
| 4. INSTALL 5.0' WIDE PLANTER STRIP (TYP)      | 10. 60' SLOPE SETBACK LINE FROM TOP OF BANK                                         |                                                                                    |
| 5. INSTALL 5.0' SIDEWALK (TYP)                | 11. F-P ZONE BOUNDARY                                                               |                                                                                    |
| 6. ADA RAMP (TYP)                             | 12. EXISTING 12' WIDE PUE                                                           |                                                                                    |

**Original Submittal**



**December 7, 2023 Submittal**



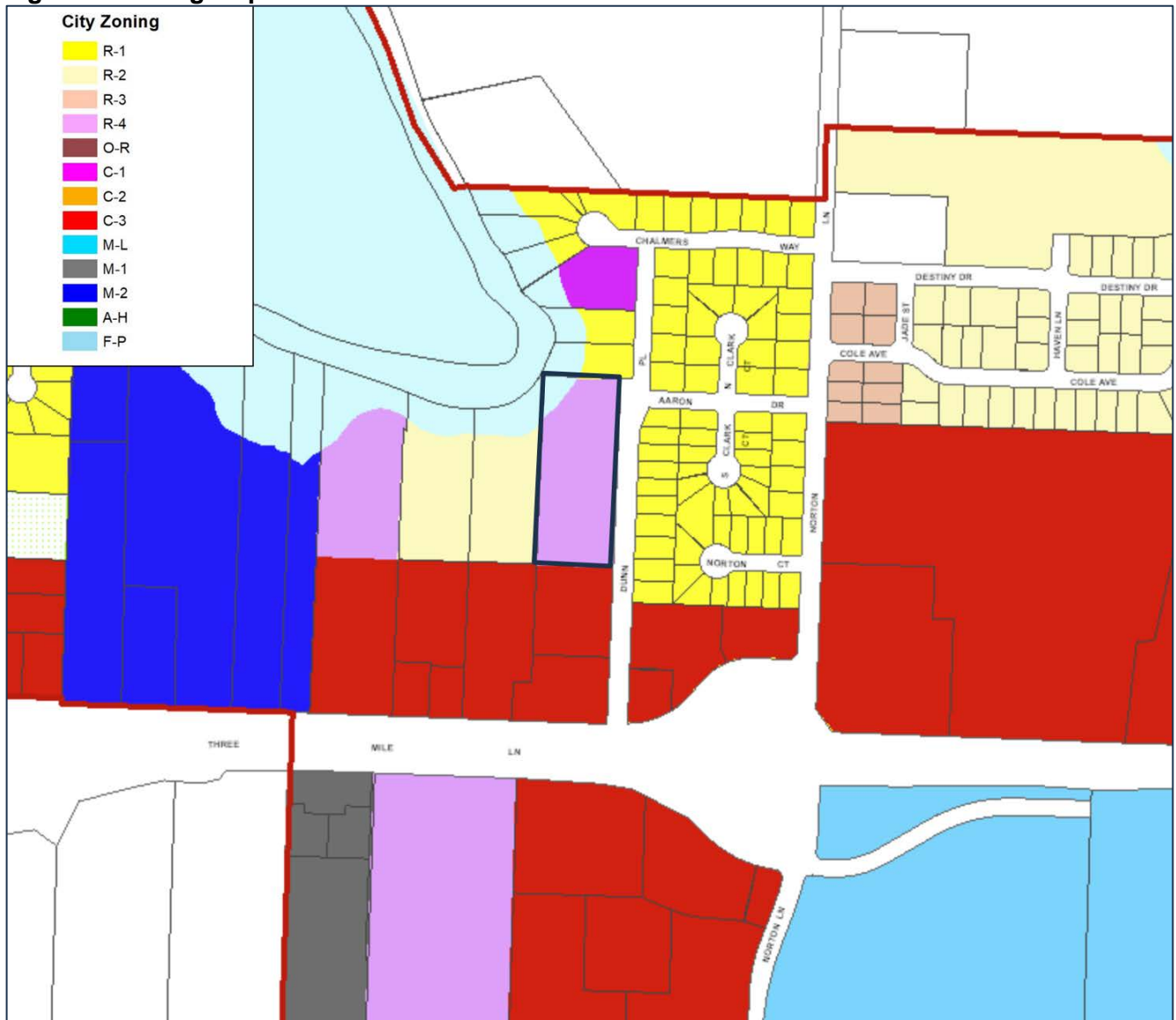


**Figure 1. Aerial Photo and Vicinity Map**





Figure 2. Zoning Map



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

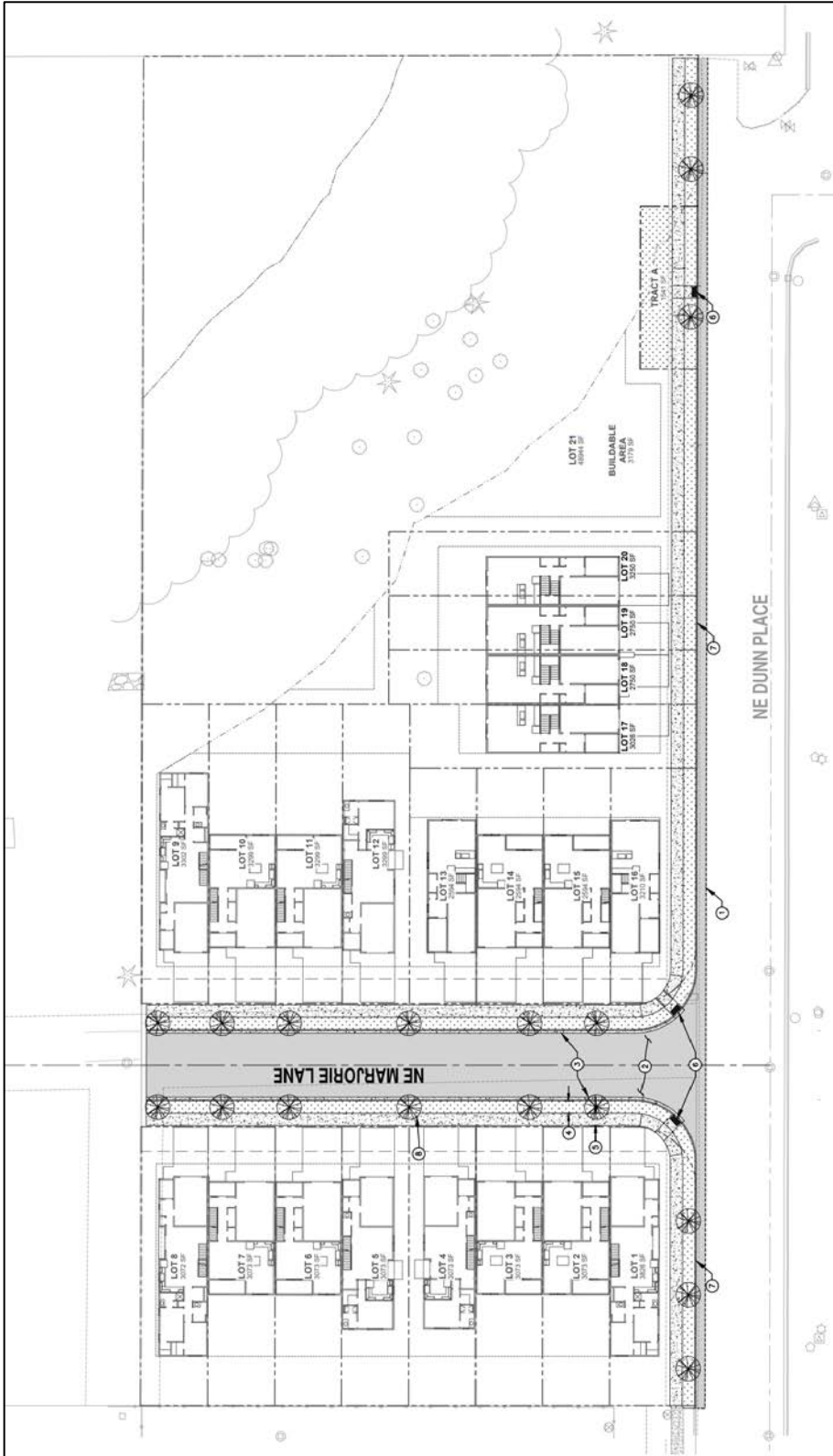


Figure 3b. Proposed Plan – Floorplans and Elevations, 1-12

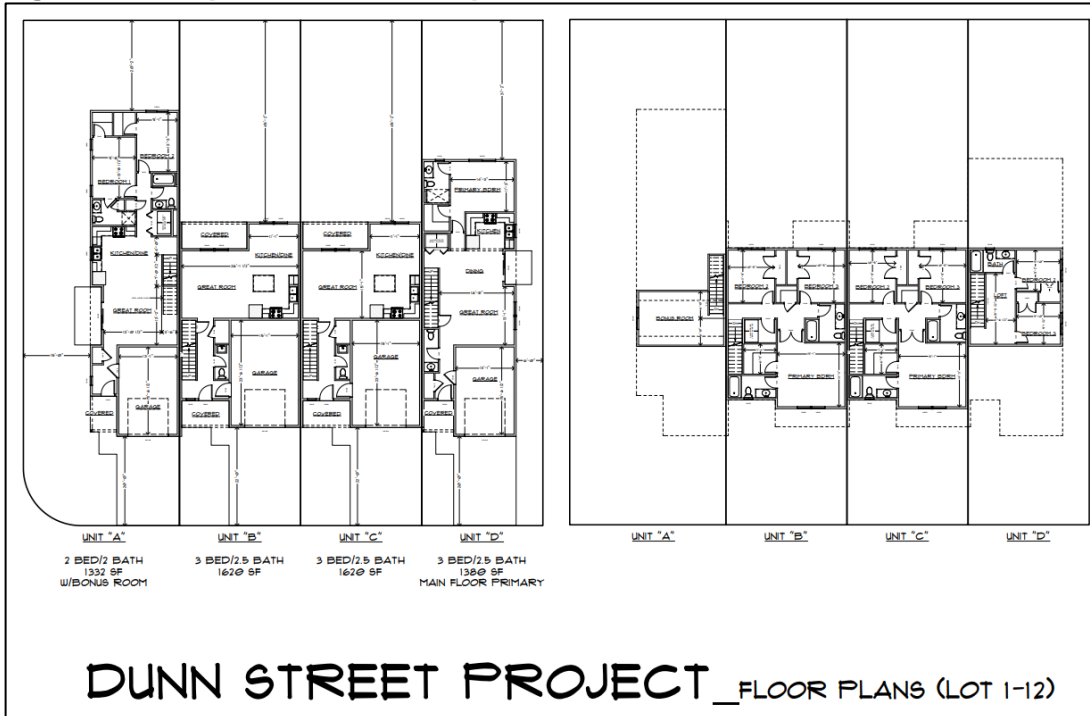


Figure 3c. Proposed Plan – Floorplans and Elevations, 13-16

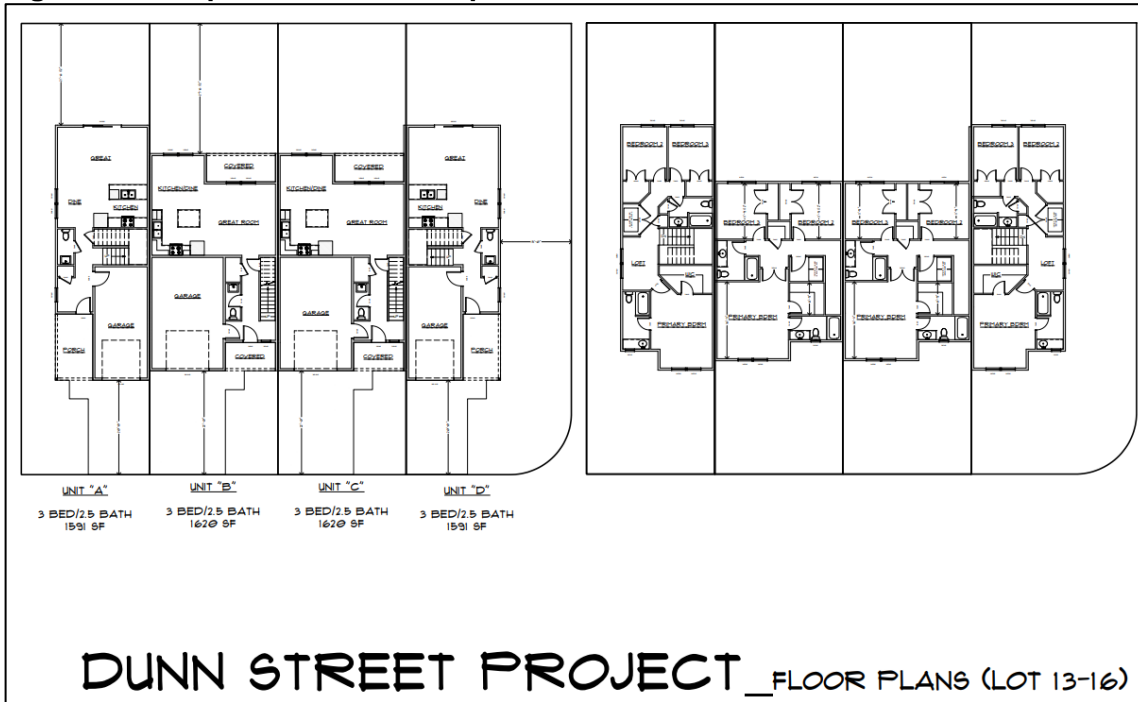
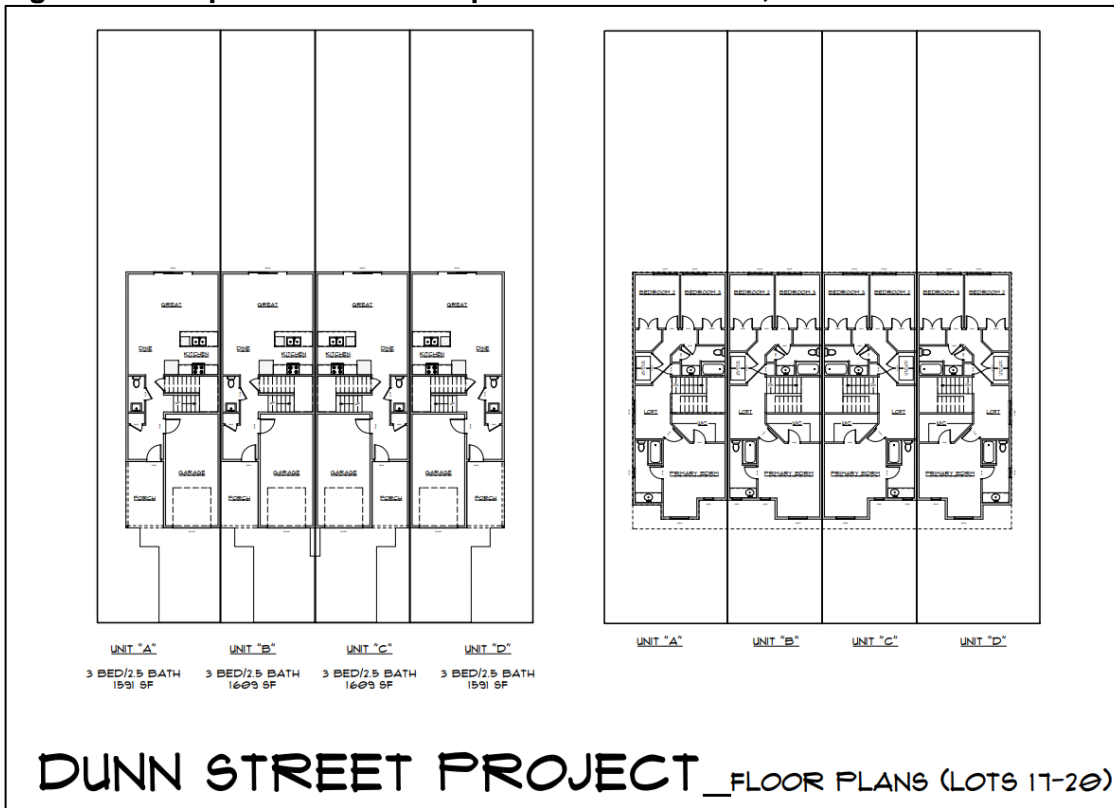


Figure 3d. Proposed Plan – Floorplans and Elevations, 17-20







Previous Master Plans –

Figure 4a. 2003

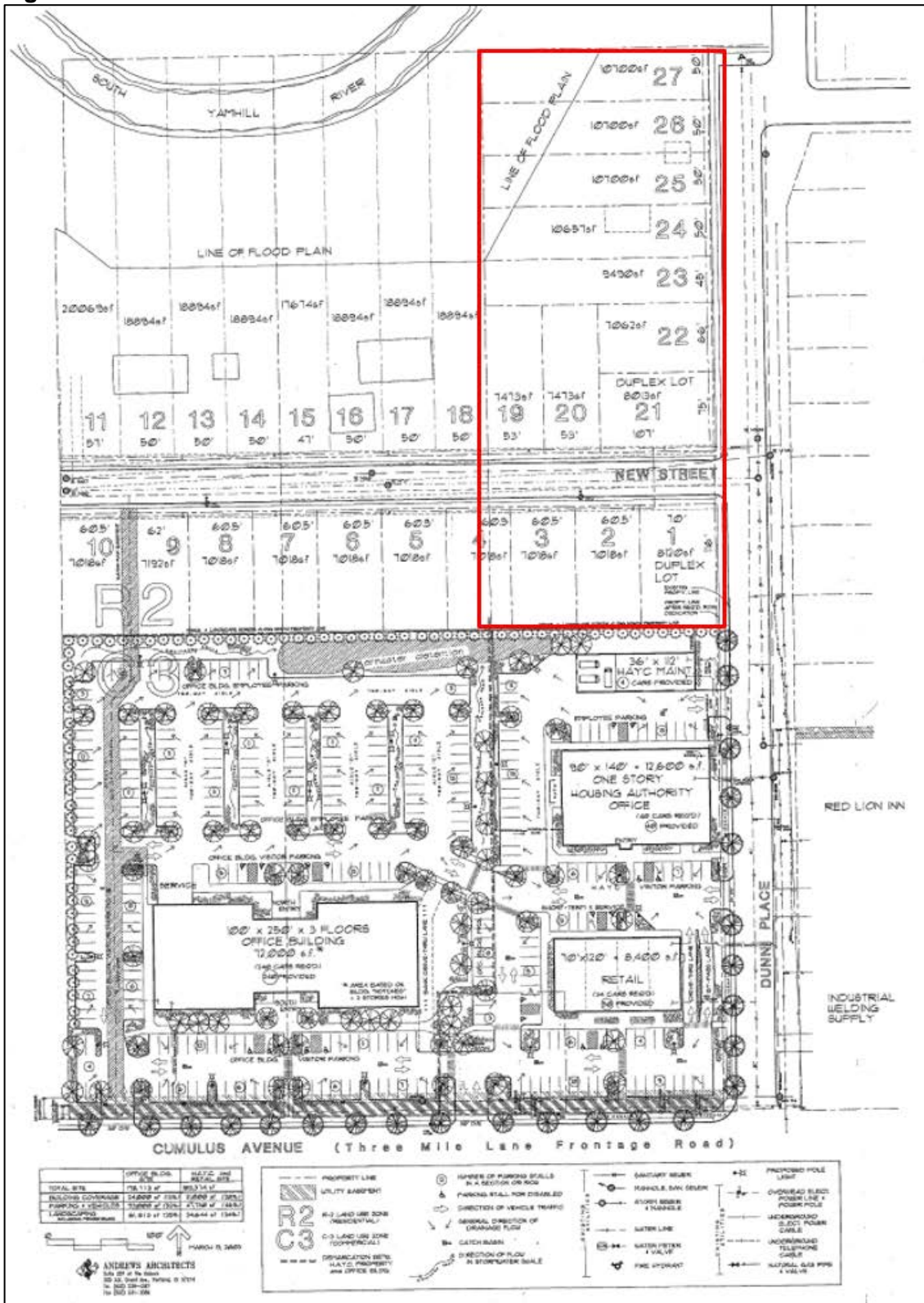


Figure 4b. 2005 - (Revision to Commercial Portion)

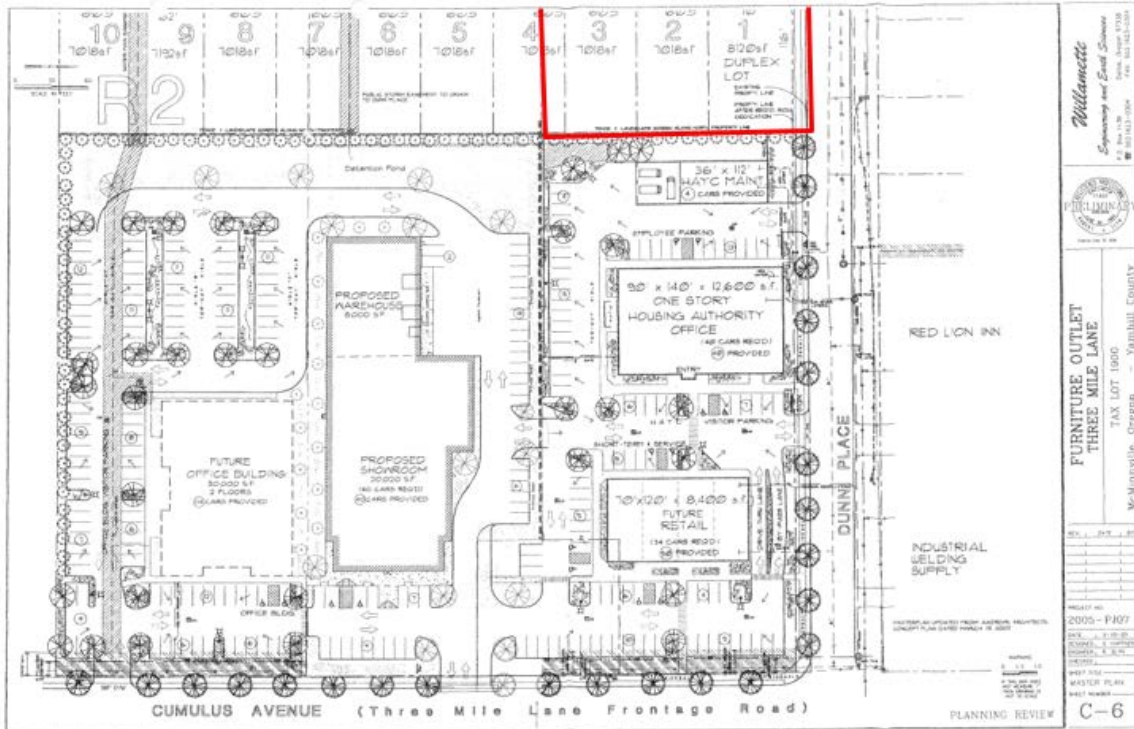


Figure 4c. 2012 - (Revision to TL 1700)

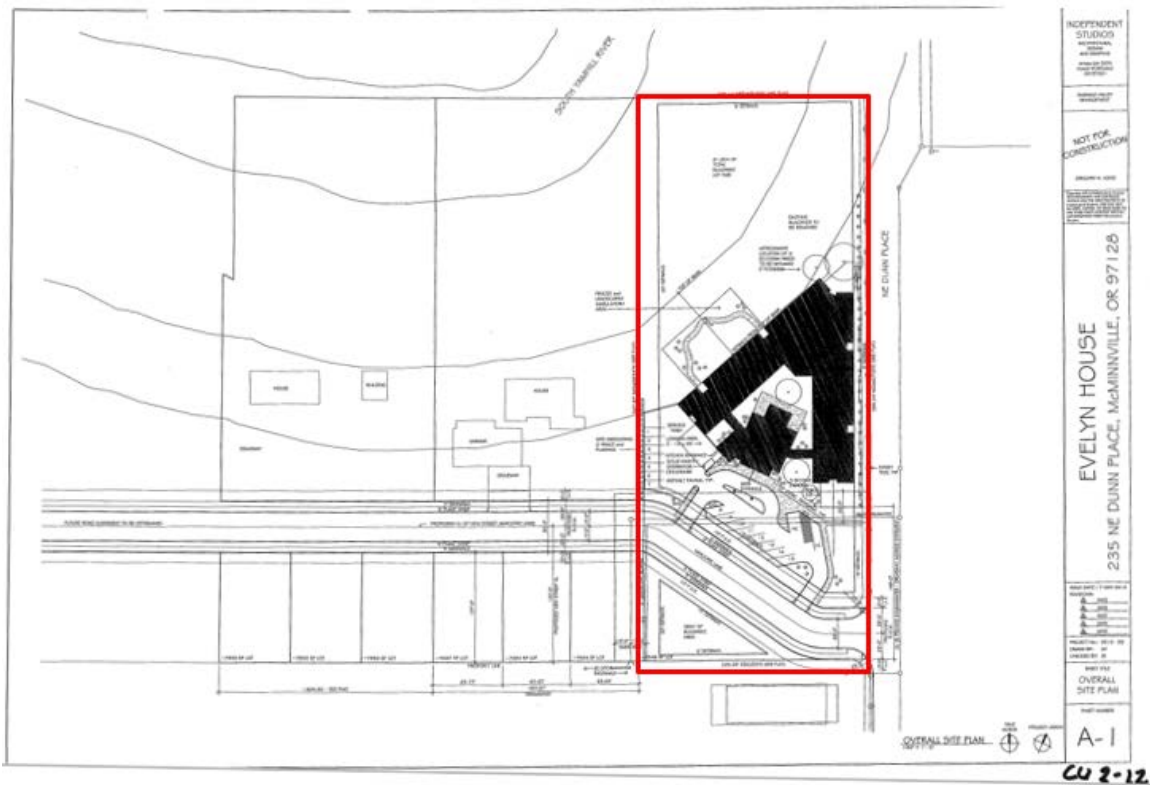
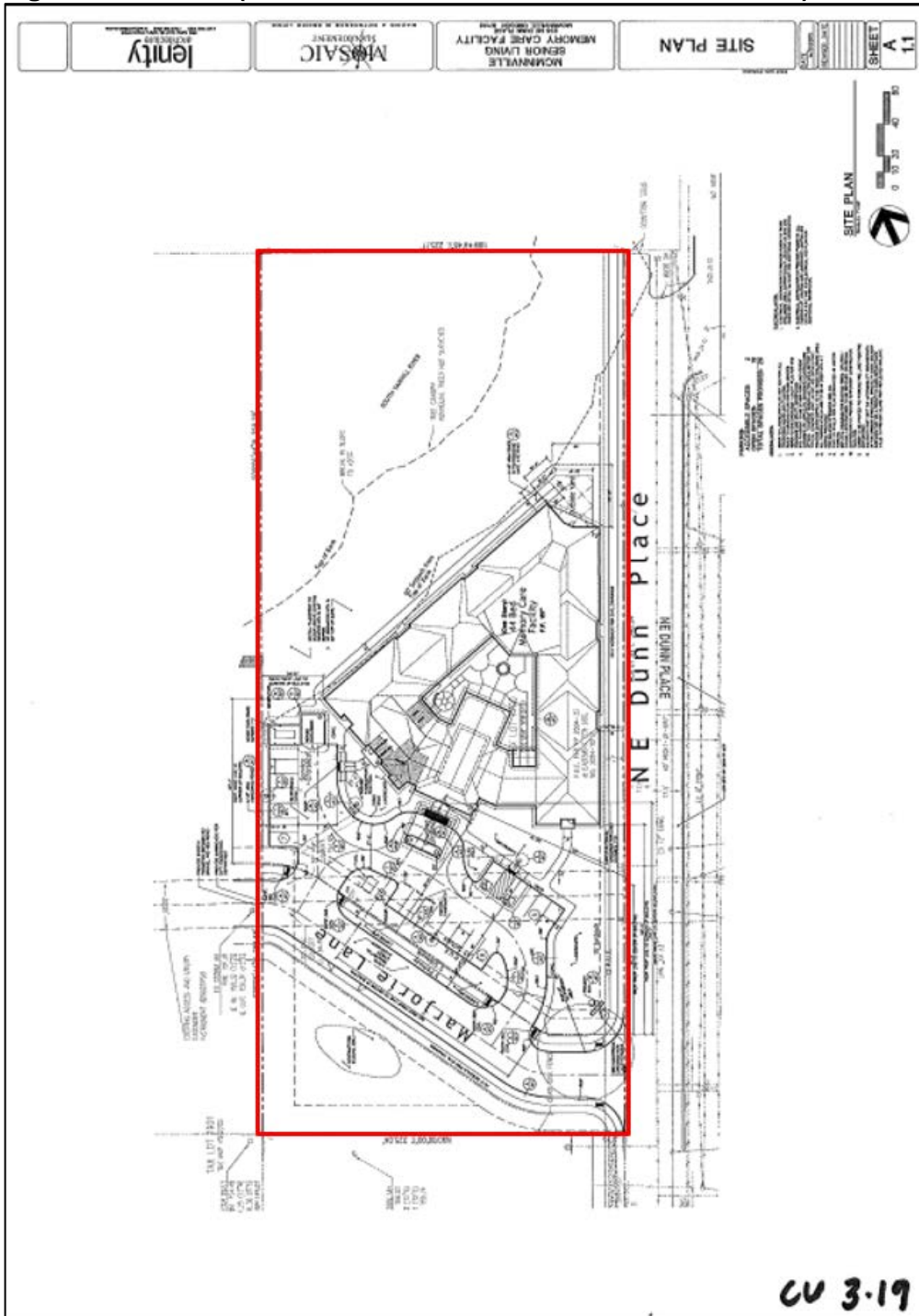


Figure 4d. 2019 – (TL 1700 - Consistent with 2012 Amendment)





## **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 is listed in Section IV and attached as received. Oral testimony is 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. The applicant shall demonstrate the proposal is consistent with OAR 660-046-0010(3)(a)(A)(iii), including DLCD's interpretation of the rule.
3. Comply with all applicable provisions of Ordinances 4719 and 4956.
4. The plan shall be consistent with the Geotechnical Report.
5. Final configuration of Tract A shall 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.
6. Provide details of the driveways and space for street tree planting locations. Flexibility to the driveway spacing standards in the Universal Design Standards of Chapter 17.11 of the Zoning Ordinance is authorized as part of the townhouse Planned Development approval.
7. The property owner reserve to the City the option for a future easement for a trail along the riparian area at no cost to the City, in a form to be approved by the City Attorney.
8. Prior to subdivision final plat, submit a Street Tree Plan and a 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.

9. The plan shall incorporate the 60-foot setback shown in the plans.
10. The plans show a portion of the 60-foot setback encroaching into rear yards of lots 9, 10, and 20. The applicant shall revise the lots so they don't encroach into the 60-foot setback. Lot 9 shall be revised to a 2-story unit to provide a 20-foot usable rear yard area.
11. 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.
12. The plans shall comply with the vision clearance standards of Chapter 17.54.
13. 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.
14. At the time of building permit review, the structures shall be reviewed for compliance with the residential design and development standards of Chapter 17.11 of the Zoning Ordinance, except where flexibility to specified standards is incorporated into this Planned Development approval.
15. 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. Approval of S 1-23 is contingent on approval of the proposed Planned Development Amendment/master plan amendment PDA 1-23.
2. The plan shall be consistent with the Geotechnical Report.
3. 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.
4. On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. No additional storm drainage runoff shall be conveyed onto any adjacent property without the appropriate public and/or private storm drainage easements. Copies of recorded private easements must be provided to the City prior to the City's approval of the final plat. Any offsite public easements must be reviewed to and accepted by the City prior to the City's approval of the final plat.
14. 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.
15. 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.
16. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.

17. 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.
18. That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
19. That the required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.
20. That the applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two 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.
21. 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.
22. 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.
23. If applicable Green Stormwater Infrastructure landscaping and irrigation to be reviewed and approved by Engineering with the stormwater design review.
24. The applicant shall decommission any wells onsite in accordance with Oregon Water Resources Department Chapter 690 requirements.
25. 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.

26. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
27. 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.
28. 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
29. 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.
30. 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.
31. The Fire District will need verification that a fire hydrant is within 600ft of all the proposed structures within this new subdivision.
32. 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.
33. 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.
34. 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.
35. 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.
36. Prior to final plat, all Tract A landscaping and street trees shall be installed or security in place.
37. 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
2. December 7, 2023 Memo from Staff with Attachments:
  - Attachment 1. Written Public Testimony:
    - 1a. December 4, 2023 E-mail from Mike Full, with two attachments:
      - November 28, 2023 Letter from William Orr, Oregon Registered Professional Geologist
      - October 20, 2004 Letter from William Orr, Oregon Registered Professional Geologist
    - 1b. December 6, 2023 E-Mail from Nanette Pirisky
    - 1c. December 6, 2023 E-Mail #1 from Joe Strunk with Attachments
      - 4 photos
    - 1d. December 6, 2023 E-Mail #2 from Joe Strunk with Attachment
      - December 6, 2023 Statement from Mike Full
    - 1e. December 6, 2023 E-Mail #3 from Joe Strunk with Attachment
      - LIDAR Map Image
    - 1f. December 6, 2023 E-Mail from Dave and Barbara Tracy
  - Attachment 2. December 7, 2023 Memo from Jason Bock, PE, GRI
  - Attachment 3. December 7, 2023 E-Mail from Oregon Department of State Lands
3. Additional Materials Submitted by Andrey Chernishov, December 7, 2023
4. Additional Materials Submitted by Joe Strunk, December 7, 2023
5. Geotechnical Report – Addendum #1 from Strata Design, dated December 22, 2023

### **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.
- **GRI**  
GRI provided a review of the Geotechnical Report on behalf of the City. See attachment 2 to December 7, 2023 memo from staff.

### **Public Comments**

#### **Written Public Testimony:**

- December 4, 2023 E-mail from Mike Full, with two attachments:
  - November 28, 2023 Letter from William Orr, Oregon Registered Professional Geologist
  - October 20, 2004 Letter from William Orr, Oregon Registered Professional Geologist
- December 6, 2023 E-Mail from Nanette Pirisky
- December 6, 2023 E-Mail #1 from Joe Strunk with Attachments
  - 4 photos
- December 6, 2023 E-Mail #2 from Joe Strunk with Attachment
  - December 6, 2023 Statement from Mike Full
- December 6, 2023 E-Mail #3 from Joe Strunk with Attachment
  - LIDAR Map Image
- December 6, 2023 E-Mail from Dave and Barbara Tracy
- December 7, 2023 Memo from Jason Bock, PE, GRI (on behalf of the City)
- December 7, 2023 E-Mail from Oregon Department of State Lands
- December 7, 2023 Submittal from Andrey Chernishov
- December 7, 2023 Submittal from Joe Strunk
- Geotechnical Report-Addendum #1 from Strata Design, dated December 22, 2023, submitted by Andrey Chernishov

#### **Oral Public Testimony: Oral Testimony is Summarized in the Meeting Minutes:**

- Applicants/Owners: Andrey Chernishov, Jason Flores, Peter Glennie
- Joseph M. Strunk, representing Mike Full
- Mike Full
- George Siegfried

## **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 the date of submittal of the additional information, on September 11, 2023.
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. The applicant granted a 60-day extension to the 120-day processing timeline. The date for the final local decision, with the extension, is March 9, 2024.
9. On December 7, 2023, the Planning Commission held a duly noticed public hearing to consider the applications. The hearing was continued to January 4, 2024.
10. On January 4, 2024, the Planning Commission held the continued 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.

In addition, it is not feasible to achieve the driveway spacing standards of Chapter 17.11 for the proposed townhouse lots, and flexibility is therefore reasonable as part of the planned development.

- 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 Plan

17.53.080 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 Streets

17.53.101. Streets

17.53.103. Blocks

17.53.105. Lots

17.53.110. Lot Grading

17.53.120. 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.

Section 17.53.105(A) specifies in part, "All lots in a subdivision shall be buildable." The applicant has submitted Addendum #1 to the geotechnical report, updating the geotechnical analysis, demonstrating sufficiency of a 60-foot setback from top of physical bank of the river, demonstrating the proposal lots are reasonably found to be buildable, subject to the recommendations in the geotechnical report.

As a condition of approval, the applicant must demonstrate the plan is consistent with OAR 660-046-0010(3)(a)(A)(iii), including DLCD's interpretation of the rule. The applicant's plan shows proposed buildings would exceed 100 feet from the bankfull stage (2-year flood) of the Yamhill River.

- **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.** Section 17.53.120 specifies, "If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions."

The applicant's plan shows the rear portions of some lots are within the 60' setback from top of bank. The proposed townhouses are not within the 60' setback. As a condition, lots 9, 10, and 20 would be revised so they do not extend into the 60-foot setback from top of bank.

- **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. **[NOTE: Where "APPLICANT'S RESPONSE" is not indicated for a specific goal or policy listed below, findings were made, but not included in the applicant's submittal.]**

**CHAPTER II. NATURAL RESOURCES****GOAL II.1. TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.****LAND****Policies:**

*Policy 2.00 The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.*

**APPLICANT'S RESPONSE:** N/A. (See materials from Geotechnical Engineer submitted by applicant).

**FINDING: SATISFIED WITH CONDITIONS.** Chapter 17.53 of the Zoning Ordinance authorizes special studies in conjunction with subdivisions. The applicant submitted a geotechnical report, and the City obtained an independent third party review. The applicant responded to the issues identified in the independent review letter, and the proposal will provide lots with buildable area outside the 60-foot setback identified in the updated analysis.

The application is subject to the regulations in effect at time of application, and the City's pending Natural Hazards program is not adopted, and was not in effect at the time of application, and therefore is not applicable.

**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****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.*

**APPLICANT'S RESPONSE:** The proposed townhouse structures include simple gable forms which are consistent with industrial and agricultural uses 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.*

**APPLICANT'S RESPONSE:** The surrounding neighborhood consists of detached single-family housing on larger lots, while the proposed development provides attached single-family housing on smaller lots. As such, the proposed project increases the diversity of housing types in the

area. The applicant has addressed how the proposed townhomes are compatible with existing housing in the narrative provided above.

**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).*

**APPLICANT'S RESPONSE:** The submitted Building Elevations demonstrate that the proposed structures include the use of board and batten siding, which was historically used on agricultural structures.

**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. Except as noted in these findings, 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, incorporated as a condition of approval.

### **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



PORTLAND, OREGON - WOODLAND, WASHINGTON  
STRATA-DESIGN.COM | 360-450-7574

December 22, 2023

Jason Flores  
Celtic Homes LLC  
Delivery via E-Mail: jason@celticbulthomes.com  
503.580.6422

RE: Geotechnical Report Addendum #1  
Proposed Muti-Unit Memory Care Development  
235 Dunn Street; McMinnville, Oregon

This document is intended to provide responses to the requested items that were recently issued to you by the City of McMinnville 3<sup>rd</sup> Party Geotechnical Engineer (GRI<sup>1</sup>). Our response to the numbered items is as follows:

**Item 1** - *The geotechnical reports and memorandums reviewed include seismic design parameters in accordance with the 2012 Oregon Structural Specialty Code (OSSC). Seismic parameters should be updated to reflect the current 2022 OSSC.*

Response: As a portion of Addendum #1 to our Report<sup>2</sup>, the updated seismic parameters are as follows:

Seismic design criteria for this project will be based on the 2022 SOSSC and ASCE 7-16. Based on the results of our subsurface exploration, the site is classified as Site Class D. ASCE 7-16 Section 11.4.8 requires a ground motion hazard study in accordance with section 21.2 for structures on Site Class D sites with  $S_1$  greater than or equal to 0.2 g, ( $S_1$  at the site is 0.451 g. Exception 2 of the ASCE 7-16 section 11.4.8 indicates a ground motion hazard study is not required for structures on Site Class D sites with  $S_1$  greater than or equal to 0.2 g, provided the value of the seismic response coefficient  $C_s$  is determined by Eq. (12.8-2) for values of  $T \geq 1.5T_s$  and taken as equal to 1.5 times the computed in accordance with either Eq. (12.8-3) for  $T_L \geq T \geq 1.5T_s$  or Eq (12.8-4)  $T \geq T_L$ . We anticipate the buildings will meet these requirements, but if Exception 2 is not applicable, a ground motion hazard analysis will be required. We recommend the structural engineer evaluate these requirements and exceptions to determine if the parameters of Site Class D provided in Table 1 can be used for design or if a site-specific seismic hazard evaluation is required.

---

1 Letter from GRI dated December 7, 2023: Third Party Review of Dunn Place Documentation, 235 NE Dunn Place, McMinnville, Oregon

2 August 15, 2014, Report of Geotechnical Site Investigation, Prepared by Strata Design, Inc.

**Table 1 - Seismic Design Parameters\***

| Seismic Design Parameters                         | Short Period<br>( $T_s = 0.2$ second) | 1 Second Period<br>( $T_1 = 1.0$ second) |
|---------------------------------------------------|---------------------------------------|------------------------------------------|
| MCE Spectral Acceleration                         | $S_s = 0.904g$                        | $S_1 = 0.451g$                           |
| Site Class                                        | D                                     |                                          |
| Site Coefficient                                  | $F_A = 0.00$                          | $F_V = 0.00$                             |
| Adjusted Spectral Acceleration                    | $S_{ms} = 1.029g$                     | $S_{M1} = \text{See Section 11.4.8}$     |
| Design Spectral Response Accelerations Parameters | $S_{DS} = 0.686g$                     | $S_{D1} = \text{See Section 11.4.8}$     |

\*The structural engineer should evaluate code requirements and exceptions to determine if these parameters can be used for design.

**Item 2** - Geological/geotechnical hazards should be evaluated using current 2022 OSSC including review of dynamic slope stability. Sufficient factor of safety at the proposed building offset from the crest of the slope should be demonstrated.

Response: Included with this Addendum #1, STRATA completed an updated analysis of dynamic slope stability. We deem that the dynamic factor of safety achieved demonstrates that the slope setback criteria of 60-feet remains valid. The dynamic analysis included accounting for the conditions of pseudo-static (seismic), and the 100-year flood elevation level. The full analysis report is attached (Appendix A).

**Item 3** - Slope stability analysis should confirm adequate factor of safety is achieved during an appropriate flood stage. Selected flood elevation should be clearly identified and referenced.

Response: Included with this Addendum #1, the updated analysis of dynamic slope stability factored in flood elevations based on a 100-year elevation of 120 feet (NAD 88). The 1996 recorded flood level was about 110-feet (NAD 88). The top of the river bank is around Elevation 160 feet (NAD 88).

**Item 4** - Planned grading and development should be reviewed to confirm validity of original assumptions regarding slope stability and potential impacts to global stability from the planned development.

Response: Included with this Addendum #1, STRATA has fully reviewed of the updated development plan. The current plan shows that the structure nearest to the concave zone of the river is actually offset from the crest of slope by about 80 feet. In the previous iteration (2017) iteration for development, this distance was less at about 60 feet.

There is one structure which is about 60 feet from the crest, however it is also perpendicular to a straight section of the Yamhill River, whereas the outside curve or concave area of bank is downstream of this.

**Item 5** - Geotechnical report should clearly identify recommendations concerning suitability of infiltration and surface stormwater discharge.

Response: Included with this Addendum #1, STRATA is advising that, to the extent practical, stormwater from the roof and street areas be retained in a lined facility, with a pipe overflow on to the street curb, or stormwater main pipe (if one exists). If this is not possible, then we advise infiltration locations be at least 100-feet from the top of bank.

**Item 6** - Geotechnical engineer of record should clearly identify the applicability of geotechnical recommendations provided in previous reports for the current planned use.

Response: Included with this Addendum #1, STRATA concludes that the remaining recommendations stated in our Report, with the exception of the above stipulations, should remain valid and applicable to current development plans.

Respectfully Submitted,  
Strata Design LLC



Exp: 6/30/25

Name: Randall S. Goode, PE  
Title: Principal

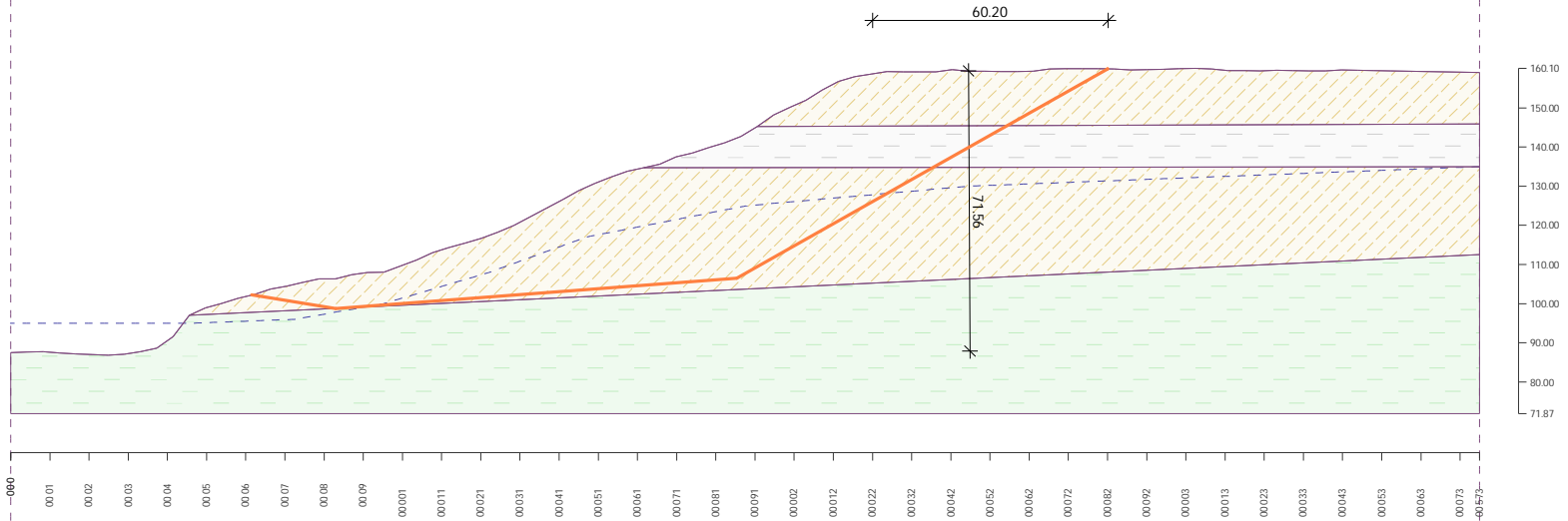
Attachments

APPENDIX A.1: STATIC & DYNAMIC ANALYSIS OF SLOPE  
NON FLOOD CONDITION



Name :

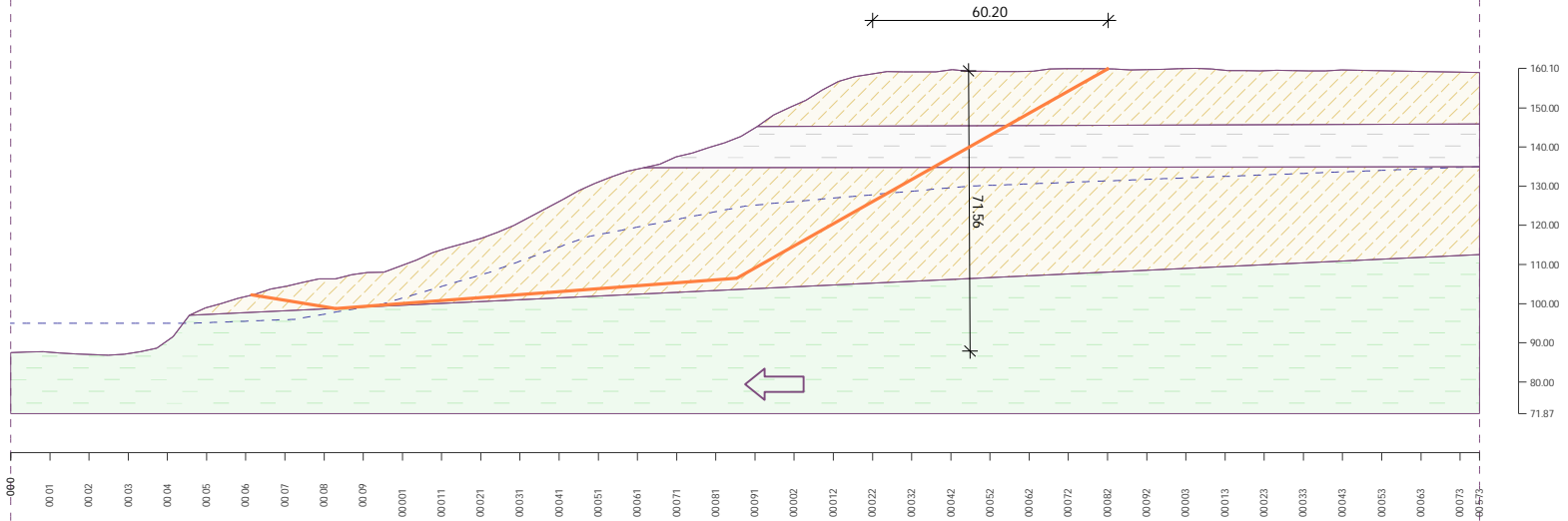
Stage - analysis : 1 - 1



Slope stability verification (Sarma)  
Slope stability ACCEPTABLE

Name :

Stage - analysis : 1 - 1



Stiff Green Clay



Med Stiff Light Brown Clay



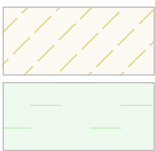
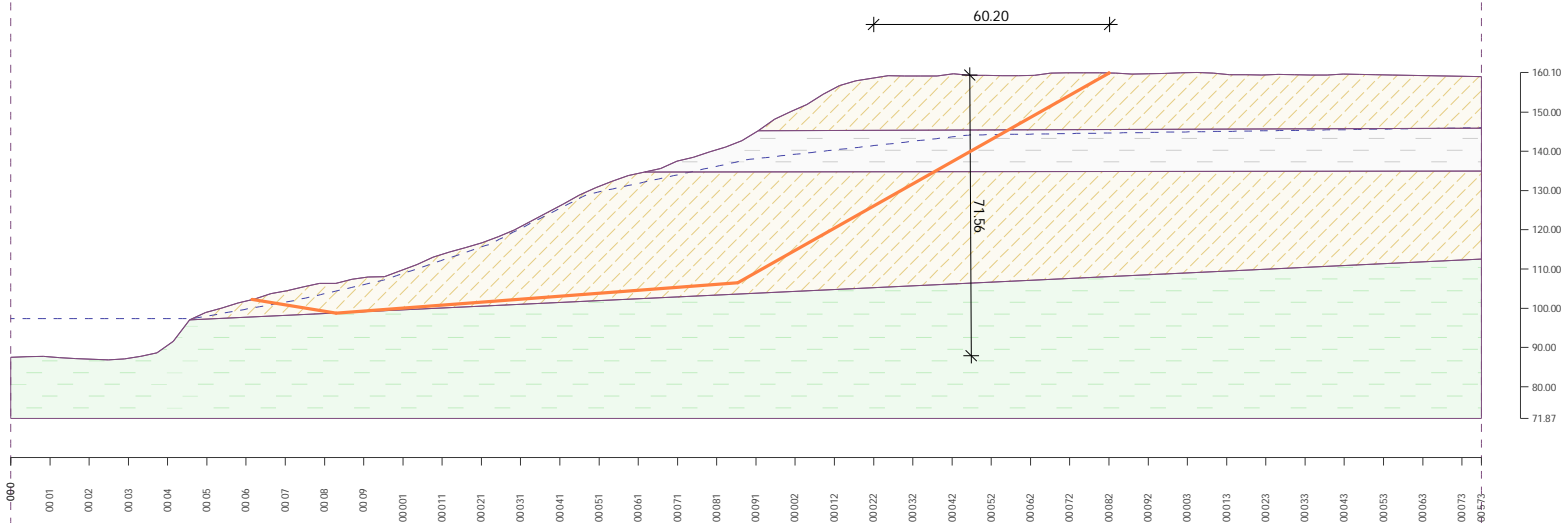
Stiff Brown Silt

Slope stability verification (Sarma)  
Slope stability ACCEPTABLE

## APPENDIX A.2 : SLOPE STABILITY ANALYSIS - WITH FLOOD CONDITION

Name :

Stage - analysis : 1 - 1



Stiff Brown Silt

Still Green Clay



Med Stiff Light Brown Clay

Slope stability verification (Sarma)  
Slope stability ACCEPTABLE