



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

MEMO

DATE: December 7, 2023
TO: Planning Commission Members
FROM: Tom Schauer, Senior Planner
SUBJECT: Additional Information for Record - Dunn Place PDA 1-23, S 1-23, 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

This memo provides additional information for the December 7, 2023 public hearing for Dockets PDA 1-23, S 1-23, and TML 5-23 for Dunn Place. This includes written public testimony received by the Planning Department after the November 30, 2023 meeting material packet.

Written Public Testimony

Written public testimony submitted to the Planning Department after the November 30, 2023 meeting packet is attached as **Attachment 1**. Staff also anticipates submittal of additional written testimony. Any additional written testimony received is to be submitted at the public hearing.

Geotechnical Review

The property includes a portion of the South Yamhill River and the riverbank on the northwest portion of the property. As part of the application, the applicant submitted a geotechnical report. The geotechnical report recommends a 60-foot setback from physical top of slope, which is shown on the applicant's plans. With the geotechnical report, the applicant also submitted a letter dated September 7, 2023 from Ronald J. Derrick, PE, GE, Principal Geotechnical Engineer with Branch Engineering.

The 2014 report was conducted for a previous proposal for a memory care development on the property, which incorporated the 60-foot setback on the plans, with Dockets ZC 1-23 and CU 2-12 being approved based on the 60-foot setback. A similar plan was approved in 2019, (CU 3-19/TML 2-19) for a very similar proposal for a 44-bed memory care facility to be built to the 60-foot setback line. After that land use approval, the project didn't proceed to building permit.

The September 7, 2023 from Ronald J. Derrick, PE, GE, submitted by the applicant states that a Geotechnical Engineer visited the site on July 25 and August 25, 2023 before and after site clearing to assess the site conditions with respect to the recommendations provided in the August 15, 2014 Geotechnical Site Investigation. The letter concludes, "Based on our field observations and the data provided in the Strata Design report, BEI concurs that the 60-foot setback from the top of the existing slope appears reasonable and appropriate for the design life of the development. No subsurface investigation of the site or review of stability calculations by GeoDesign Inc. was performed by BEI."

Following the mailed notice to surrounding property owners for the current applications, staff was contacted by the property owner to the west, who shared information and concerns regarding soils and slope stability along the riverbank. Written testimony has subsequently been submitted (attached) regarding these issues.

Following the initial routine agency notification that occurs for applications, staff followed-up to obtain independent geotechnical review of the application materials. The City contracts for certain specialized engineering services when needed, and staff requested review of, and comment on, the applicant's geotechnical report by our engineering consultant and their geotechnical subcontractor on behalf of the City. Review and comment was conducted by Jason Bock, PE, Principal of GRI. His memo is attached as *Attachment 2*.

Information below summarizes how the geotechnical report relates to the City's land use criteria and findings for the land use decisions. Please be aware that separate from the land use decision, building plans would still be subject to review in accordance with the requirements of the state building code, and final design of civil plans for construction of public improvements would be subject to engineering review and approval.

While the City has initiated the public hearing process for a proposed Natural Hazards program, the proposed plan and code amendments have not been adopted. Under Oregon law, quasi-judicial land use applications are subject to the requirements in effect at the time of application. Therefore, those proposed plan and code provisions aren't applicable to these applications, because they weren't in effect at the time the applications were submitted.

The Zoning Ordinance does not have specific criteria for geotechnical reports. Again, structural issues are addressed by the building code as part of the structural review.

For the land use decisions, the relevant issues relate to the Planned Development Amendment criteria, the submittal requirements and standards for land divisions, and the Goals and Policies in Volume II of the Comprehensive Plan which serve as criteria for all land use decisions. These are summarized below.

17.74.070. Planned Development Amendment – Review Criteria. An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- 17.74.070. (A). There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- 17.74.070. (B). Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area.

...

- (See also 17.51.030(E). The Commission may attach conditions to carry out the purpose of this ordinance provided that such conditions are not used to exclude needed housing or unnecessarily reduce planned densities, and do not result in unnecessary costs or delay).

Subdivision Tentative Plan

- 17.53.070. Submission of Tentative Subdivision Plan.
 - 17.53.070(F)(4), “Special studies of areas which appear to be hazardous due to local conditions such as inundation and slippage.”
- 17.53.105 Lots.
 - A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.

Three Mile Lane Design Review, Ordinance 4572

- 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, and applicable regulations and standards in Volume III, and other City codes shall be adhered to.

Comprehensive Plan, Volume II: Goals and Policies

Goal II.1. To preserve the quality of the air, water, and land resources within the planning area.

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

Also, a portion of the property is zoned F-P Floodplain; however, the applicant is not proposing work, improvements, or development within the portion of the site which is zoned F-P.

In summary, the Planning Commission is reviewing the proposal and geotechnical issues for the land use decisions related to the above requirements. This includes review of the proposed site layout relative to site constraints for building relative to the hazards and to determine proposed lots would not be unbuildable.

Based on the letter provided by Jason Bock, PE, in order to make the necessary findings regarding the items above, staff recommends that the applicant should update the geotechnical analysis to address the provisions of the current building code, and submit the results of that analysis and whether that would affect recommended setbacks.

OAR 660-046-0010. Middle Housing Administrative Rule - Applicability

DLCD/LCDC developed and adopted administrative rules in 2020 to implement the “middle housing” provisions SB 2001, codified in ORS 197.758. These administrative rules are codified in OAR 660 Division 46, Middle Housing in Medium and Large Cities. The definition of “middle housing” includes townhouses. The City has adopted “middle housing” standards implementing HB 2001.

However, in the adopted administrative rules, LCDC included a provision that requires cities to apply a 100-foot setback to Middle Housing developed along a riparian corridor if the city has

not adopted land use regulations pursuant to OAR 660-023-0090. This provision supersedes local code provisions. It is unclear why this provision would apply only to middle housing, and not to other housing, including detached housing or larger multi-dwelling housing that exceeds the definition of middle-housing. However, in short, it appears the City must apply this standard to development of middle housing. Please note this provision pertains to “Goal 5” natural resources planning, not “Goal 7” hazards planning.

In summary, staff understands the requirement for the 100-foot setback to be measured from the "Bankfull Stage," meaning the two-year recurrence interval flood elevation. Staff has also requested a response from DLCDC regarding that interpretation. The applicant will be providing a map that shows the location of this setback relative to the site.

Excerpts from the Administrative Rules are provided below.

In part, OAR 660-046, provides:

OAR 660 Division 46. Middle Housing in Medium and Large Cities.

...

660-046-0010.

Applicability

(3) A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.

(a) Goal 5: Natural Resources, Scenic, and Historic Areas – OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division 23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.

(A) Goal 5 Natural Resources – Pursuant to OAR 660-023-0050 through OAR 660-023-0110, Medium and Large Cities must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5:

(i) Medium and Large Cities may apply regulations to Duplexes that apply to detached single-family dwellings in the same zone;

(ii) Medium and Large Cities may limit the development of Middle Housing other than Duplexes in significant resource sites identified and protected pursuant to Goal 5; and

(iii) If a Medium or Large City has not adopted land use regulations pursuant to OAR 660-023-0090, it must apply a 100-foot setback to Middle Housing developed along a riparian corridor.

In part, OAR 660-023 provides:

OAR 660 Division 23. Procedures and Requirements for Complying with Goal 5

...

(c) "Riparian corridor" is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

(d) "Riparian corridor boundary" is an imaginary line that is a certain distance upland from the top bank, for example, as specified in section (5) of this rule.

...

(g) "Top of bank" shall have the same meaning as "bankfull stage" defined in OAR 141-085-0010(12).

Portions of Division 85 have been recodified, and definitions are no longer provided in OAR 141-085-0010(12). Definitions are now provided in OAR 141-085-0510, which includes the following definition:

OAR 141 Division 85. Administrative Rule Governing the Issuance and Enforcement of Removal-Fill Authorizations with Waters of Oregon Including Wetlands

(6) "Bankfull Stage" means the two-year recurrence interval flood elevation.

Additional Materials from Applicant

The applicant will also be submitting additional information. I'll forward that separately. In part, the additional information is being submitted to address the following:

- To show how the plan can address key conditions of approval, including the condition regarding common open space;
- To show the location of a 100-foot setback from the bankfull stage of the Yamhill River on the plans to address OAR 660-046-0010(3)(a)(A)(iii).
- To provide applicant responses to the 24 policies of the Three Mile Lane Area Plan

Extension to 120-Day Decision-Making Timeline

Per staff request, the applicant has also submitted a written request to extend the 120-day decision making timeline by 60 days to facilitate final local decision-making. With the 60-day extension, the deadline for the final local decision, including resolution of any local appeal, is March 9, 2024.

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

Staff Recommendation

Following the staff report, applicant's presentation, and public testimony, staff recommends a continuance to January 4, 2024.

In order to make findings regarding the issues above, including findings regarding buildable lots and setbacks from top of bank, staff recommends the applicant update the geotechnical analysis per the letter from Jason Bock, PE, GE using the factors in the current building code to address the setbacks from the top of bank relative to the proposed lots and improvements.

Tom Schauer

From: Mike Full <pancho_mef@comcast.net>
Sent: Monday, December 4, 2023 1:46 PM
To: Tom Schauer; Joe Strunk
Cc: SuperGenius
Subject: Planning Commission Meeting, December 7th
Attachments: We sent you safe versions of your files; 2023 Bill Orr Letter, Dunn Place development .JPG; 2004 Bend-O-River, GEOLOGY (Wm. Orr).doc

Follow Up Flag: Follow up
Flag Status: Flagged

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This message originated outside of the City of McMinnville.

To: Mr. Tom Schauer, Senior Planner, City of McMinnville

Reference: Proposed development at 235 NE Dunn Place, McMinnville.

Sir,

I am planning on attending the Planning Commission Meeting on December to speak in opposition to the proposed development. Mr Joseph Strunk, attorney, will also be speaking on my behalf in opposition. He will be submitting and requesting information prior to the meeting.

Additionally, geologist Dr. William N. Orr, PhD wished to attend to offer personal testimony in opposition but can not due to an unavoidable schedule conflict. He has asked me to forward to you a letter (attachment 1) offering his personal opinion based on decades of observation of this parcel of land, and further that I reinstate his letter previously submitted and dated 20 October 2004 (Attachment 2), as it accurately portrays his conclusions based on the currently proposed development.

Best regards,

Mike Full

November 28, 2023

To: McMinnville Planning Commission
Re; Celtic Homes I.I.C Proposal to build 21+ units @ N.E. Dunn Place, McMinnville
& Branch Engineering report on above parcel by R.J. Derrick Sept. 7th 2023
From: William N. Orr RPG (credentials below)

Because of my association with an adjacent property owner (Mike Full), I have regularly and carefully monitored ongoing slope failure on and near the proposed building site at N.E. Dunn for the past 20 years including 2023. Proposed construction site is on the outside (cutbank) of a large meander bend of the Yamhill River. The river here is deeply incised with an 80-foot (eight story) drop from the valley floor to the water surface. The slope between the valley floor and the stream is on average a 45 degree angle or 100% in engineering terms. There are numerous active springs issuing from the slope roughly 30 feet below the upper edge all along the cutbank.

The current proposal seeks to use old site assessments of an active slump going back 2 decades. This new proposal further seeks to increase the construction footprint from the original single dwelling and single residential lot to two-story, 21 or more residential units. This would clearly threaten properties on both margins of the proposed site.

The outer curving face of a meandering stream cutbank can be compared to a wall. If any portion or segment of the wall fails, the margins will also soon fail. Thus, adjacent property owners have a legitimate and urgent concern.

The September 7, 2023, Derrick site report has a serious error. It states (Lines 11 & 12) that while the slope below the proposed construction site ... "is heavily vegetated with leaning and pistol-butted trees but no apparent recent mass wasting or sliding was observed in the slope" I will tell you emphatically that leaning and pistol-butted (curved tree trunks) are clear and present evidence that a given slope is failing and in motion.

If I may be permitted to present an analogy to this situation it would be like heavy smoke pouring out of a building, but fire is not yet visible.

Thank You

Credentials: I am licensed as an Oregon Registered Professional Geologist (#G147) with a consulting and academic career going back 45 years. I hold a PhD in Geology from Michigan State University and served 8 years under two governors on the Oregon State Board of Geologic Examiners with three of those years as board chair.



20 October 2004

To: Doug Montgomery, McMinnville City Planner
From: William Orr, Registered Professional Geologist
Reference: "Bend-O-River Village, 1st Addition"

Doug,

With regard to the proposed development referred to in plan as "Bend-O-River Village, 1st Addition" I can offer the following remarks.

The property is on the outside of a meander bend of the South Yamhill River. The stream at this locality is deeply incised in a rejuvenated state, actively eroding particularly on the outer (convex) sides of meanders. Upon examining the subject property as well as walking the adjacent upstream and downstream properties, I was able to see clear evidence of mass movement in the vegetation (poor drainage and tree trunks) as well as slump blocks and a series of resultant stair-step terraces all the way down to the stream's edge. These distinct slump terraces reflect the presence of failure surfaces beneath the property that are near vertical at the surface, becoming almost horizontal where they extend out toward the stream in the subsurface.

Two serious geologic hazards to development exist here. First, the normal vicissitudes of stream meandering and erosion are elementary geology and these speak clearly to the imprudence of construction on convex (outer) sides of meander bends. Slump structures and failure surfaces are clearly visible on the Full property as well as the subject (proposed development) property and the Otte and Siegfried properties to the north. Comments by adjacent owner, Full and the vegetation on the slope clearly show the slumps are presently active. Water plays a key role in these types of mass movements by lubricating the slip surfaces, and adding weight to the slump as well as other processes.

It is not my role or expertise to suggest detailed mitigation measures for this hazard, but at a bare minimum it would seem advisable to order a setback of 100 feet or more from the slope edge or the first slump surface.

William Orr,
Registered Professional Geologist

Tom Schauer

From: Nanette - Raven <nanettenv@gmail.com>
Sent: Wednesday, December 6, 2023 9:32 AM
To: Planning; Tom Schauer
Subject: 235 NE Dunn Place

This message originated outside of the City of McMinnville.

I would like to start by stating that I am not a NIMBY - However, I do have some concerns regarding the development of the townhomes near my adjacent residence.

As I read in the approval conditions, street trees and sidewalks must be included. Will there be any added measures for any offsite improvements of Dunn Place?

With the development of townhomes, this will add to the vehicle traffic that has already increased over the years with other facilities in the Dunn Place neighborhood.

My main concern is that with all of the new development, employees of these facilities enjoy a walk on their breaks and lunch hours, and there is not a safe sidewalk for them to walk on Dunn Place, so they walk in the street. There is quite a lot of foot traffic on a daily basis, and the sidewalks on Dunn Place from the corner of Aaron Drive to Chalmers Way are in horrible and unsafe condition. The improper planting of street trees by the City many years ago has caused a very dangerous sidewalk that pedestrians are unable to safely walk on, therefore they walk in the street.

The reason sidewalks are built is for the public to utilize them as a public right of way, and on Dunn Place this is currently impossible due to the dangerous condition of these public sidewalks.

I would like to suggest that since street trees and sidewalks are part of the plan for these new townhomes, that you hire a professional to carefully select a tree that will not cause damage in the future, and that you also include offsite improvements with this plan to replace the current damaged sidewalks on Dunn Place from Aaron Drive to Chalmers Way. This would significantly improve curb appeal on Dunn Place and also provide a safe public sidewalk for pedestrians of the neighborhood as well as employees of neighboring facilities to walk.

This is a safety concern that will not go away, and I am well aware that the homeowners are responsible for replacing the public sidewalks, but I would also like to suggest that the City amend this plan to include replacing the sidewalk on Dunn Place from Aaron Drive to Chalmers Way not only for safety concerns but to improve Dunn Place.

Thank you for your time.

Respectfully submitted,
Nanette Pirisky
262 NE Dunn Place

Tom Schauer

From: Joe Strunk <jstrunk@ppllp.net>
Sent: Wednesday, December 6, 2023 11:47 AM
To: Tom Schauer; Heather Richards
Subject: 235 NE Dunn Place; PDA 1-23; S 1-23; TML 5-23
Attachments: Bank Slump1996 165 NE Dunn Place.jpg; Bank Slump 2022-2023 Winter Flood, Downstream from 235 NE Dunn copy.jpg; Bank Slump 2023 Dave Hermens property.jpg; Bank Slump 2023 Kingwood slump repair.jpg

This message originated outside of the City of McMinnville.

Hello Tom,

As mentioned, I am assisting Mike Full with his objection to the above-referenced applications. I have attached photos that he will be discussing at the hearing tomorrow. I am also going to forward by separate email a synopsis of what he intends to discuss tomorrow and a LIDAR image of the area. I see that you have already received by email two letters from Geologist William Orr expressing concerns with the application.

I am preparing a more detailed statement, but our concerns are primarily that it is not safe to site such a large development on this portion of the Yamhill River because of the instability of the bank. The geotechnical reports on which the development relies were prepared for less intensive uses, they do not account for the human history of this area that has created mass wasting, they do not account for potential impacts to surrounding properties, and they do not forecast changes in slope stability in the event of a catastrophic failure, which seems to periodically occur. Even these inadequate reports warn about the instability of the slope and the dangers posed by runoff. The development is not only on the Yamhill River; it is apparently on a particularly unstable portion of it. Because of the foregoing, and other matters to be discussed tomorrow, this record does not appear to support a finding of compliance with the relevant goals, policies, and criteria.

I am going to prepare a more detailed statement of these concerns, copies of which I will bring tomorrow.

Best,
Joe

Joseph M Strunk
Attorney at Law
Carol J. Prause Law Office LLC
Mail to: PO Box 827
408 SE Baker Street
McMinnville, Oregon 97128
Office: (503) 434-5575

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1996
Bank Slump, 165 NE Dunn Place



2023
Result of winter bank slump on Hermens
property, Riverside Drive, McMinnville.



2023
Ongoing construction at Kingwood Addition
to salvage/stabilize bank slump.



2022-2023
Winter flood erosion and bank slump
downstream, contiguous to 235 NE Dunn Place

Tom Schauer

From: Joe Strunk <jstrunk@ppllp.net>
Sent: Wednesday, December 6, 2023 11:50 AM
To: Tom Schauer; Heather Richards
Subject: 235 NE Dunn Place; PDA 1-23; S 1-23; TML 5-23
Attachments: We sent you safe versions of your files; 20231206114740701.pdf

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This message originated outside of the City of McMinnville.

Here is the statement from Mike Full that I mentioned in my earlier email.

Best,
Joe

Joseph M Strunk
Attorney at Law
Carol J. Prause Law Office LLC
Mail to: PO Box 827
408 SE Baker Street
McMinnville, Oregon 97128
Office: (503) 434-5575

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-----Original Message-----

From: probate * <probate@ppllp.net>
Sent: Wednesday, December 6, 2023 11:48 AM
To: Joe Strunk <jstrunk@ppllp.net>
Subject: Message from "RicohMP5055"

This E-mail was sent from "RicohMP5055" (MP 5055).

06 December, 2023

To: the McMinnville Planning Commission

Re: Proposed Development at 235 NE Dunn Place

Members of the Planning Commission:

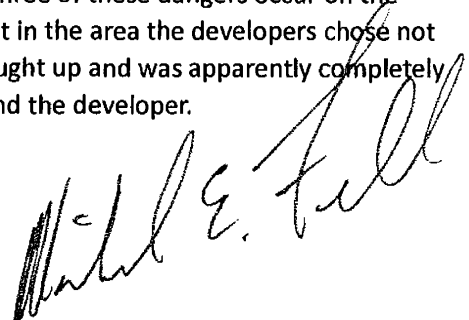
The property in question has been in my family's possession since the late 1930's until my grandparents death and I still live on the contiguous parcel to the west. As such, I have an oral family and actual history of this piece of property that spans nearly a century. Additionally, I have undoubtedly spent more time actually on the South Yamhill River than any other living person, studying the geology of the river and annual effects of mass wasting on riverfront properties over a period of time that spans more than five decades. From this unique perspective, I bring to you my opinion and conclusion as to the inadvisability of any high-density residential housing being built on the property at 235 NE Dunn Place.

Historically, this piece of property and the adjacent pieces both upstream and downstream are subject to from small to property sized catastrophic events of mass wasting. Issues stemming from bank creep, bank slippage and bank collapse have been triggered by floods, earthquakes, ground water saturation and scarification (human induced mass-wasting).

ANY development of the property at 235 NE Dunn Place should take into account factors occurring not only above the arbitrarily marked top of the bank delineated by a roughly approximate dotted line on a map, to the river course, surrounding properties, and the general area.

We intend to introduce evidence and information at the Planning Commission Meeting in opposition to the proposed development to include:

- Historical data relevant to this specific piece of property which is contradictory to the high-density development of the property. This includes but is not limited to the presence of an old City of McMinnville garbage dump on adjacent properties, an old offal disposal site on contiguous property and a mass wasting site less than five hundred feet from the proposed development, the size of which if imposed over the development would more than completely cover it.
- Letters from a preminent Registered Geologist who has personal first-hand observation of this piece of property that spans over three decades. These letters speak to the inadvisability of a high density development of this property and the danger to area properties if it occurs.
- The inadequacy of the site proposal's planning: it relies on past geo-tech studies which were developed for different proposals, not this proposal, with this footprint and this level of impact. It fails to account for river, flood, earthquake, natural ground movement or scarification occurring on this or adjacent properties.
- The City of McMinnville is in the process of adopting a disaster preparedness plan that identifies earthquake, flood and landslide dangers. All three of these dangers occur on the property in question and in fact border the development in the area the developers chose not to examine. The issue of scarification was not even brought up and was apparently completely unknown or overlooked by the City, the disaster plan, and the developer.



Tom Schauer

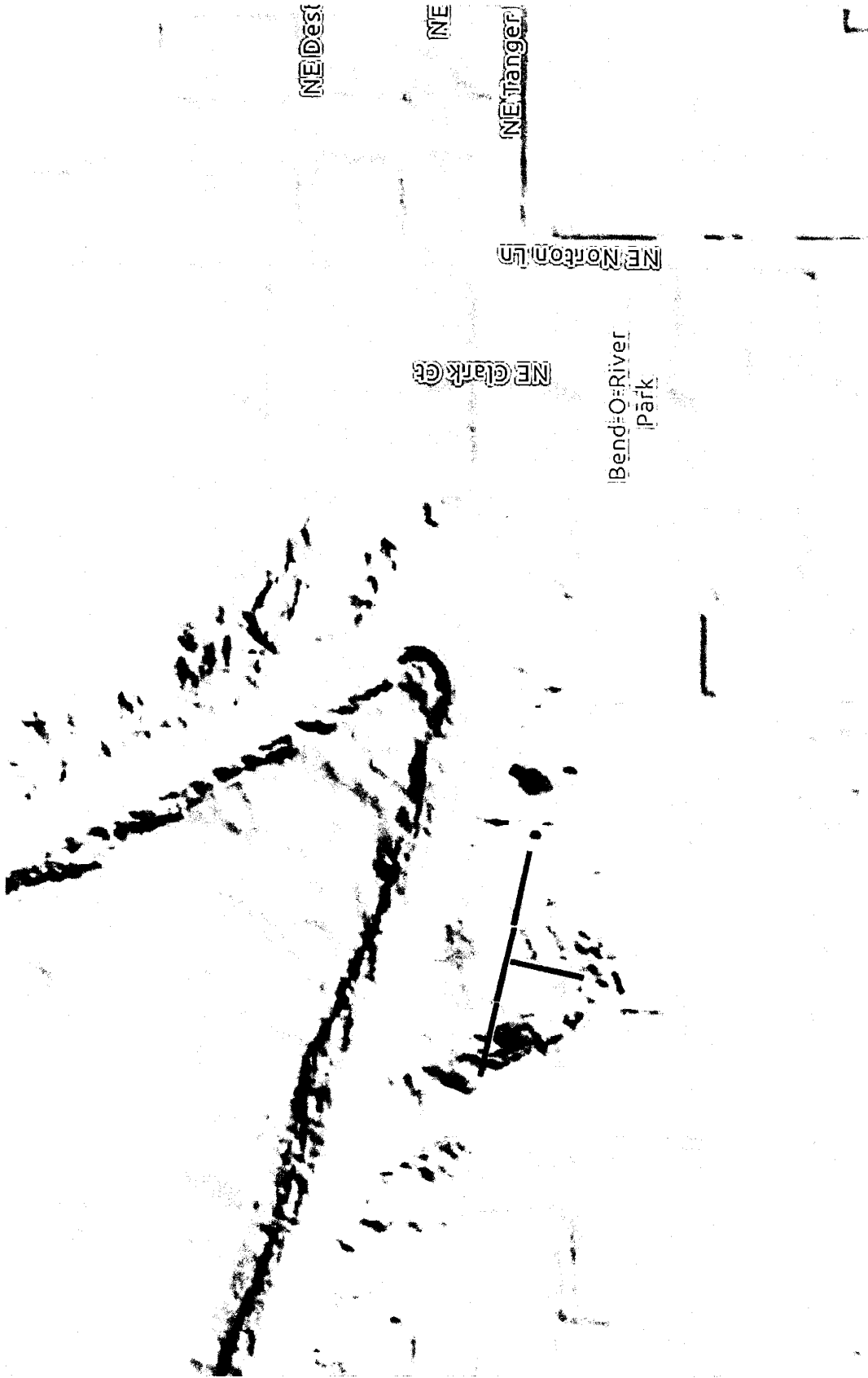
From: Joe Strunk <jstrunk@ppllp.net>
Sent: Wednesday, December 6, 2023 12:04 PM
To: Tom Schauer; Heather Richards
Subject: 235 NE Dunn Place; PDA 1-23; S 1-23; TML 5-23
Attachments: Lidar Mass wasting, approximately 450 feet upstream.jpg

This message originated outside of the City of McMinnville.

Here is the LIDAR image I promised in my earlier email.

Joseph M Strunk
Attorney at Law
Carol J. Prause Law Office LLC
Mail to: PO Box 827
408 SE Baker Street
McMinnville, Oregon 97128
Office: (503) 434-5575

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LIDAR Image, area of proposed development at 235 NE Dunn Place
(Source: Oregon Department of Geology and Mineral Industries)

Tom Schauer

From: Heather Richards
Sent: Wednesday, December 6, 2023 6:28 PM
To: Tom Schauer
Cc: b.d.bessac@pacbell.net
Subject: FW: Dunn Place proposed development

Have a great day!

Heather

-

Heather Richards
Community Development Director
503-474-5107 (phone)
971-287-8322 (cell)
www.mcminnvilleoregon.gov

-----Original Message-----

From: Barbara Tracy <b.d.bessac@pacbell.net>
Sent: Wednesday, December 6, 2023 6:12 PM
To: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Subject: Dunn Place proposed development

This message originated outside of the City of McMinnville.

We are Dave and Barbara Tracy and we live at 265 NE Dunn Place-adjacent to the planned development on Dunn Place.

We are not opposed to the project but have a few concerns.

1)We're concerned that there's not enough off street parking 2)The access to Cumulus is not well designed either at three mile lane or at Norton. This is already an access problem and will only be worse with increased traffic.

3)Will there be outdoor common space for children to play?

Thank you!

Sent from my iPhone



1101 Broadway, Suite 215
Vancouver, WA 98660
360-213-1690 | www.gri.com

MEMORANDUM

To: City of McMinnville
231 NE 5th Street
McMinnville, OR 97128

Date: December 7, 2023
GRI Project No.: 6880-B

From: Jason Bock, PE

Re: **Third Party Review of Dunn Place Documentation**
235 NE Dunn Place
McMinnville, Oregon

At the request of the City of McMinnville, GRI has reviewed the following documents related to the Dunn Place Property.

- January 19, 2005, Preliminary Geotechnical Site Evaluation, Prepared by Geo Design, Inc.
- March 14, 2005, Slope Stability Analysis, Prepared by Geo Design, Inc.
- August 15, 2014, Report of Geotechnical Site Investigation, Prepared by Strata Design, Inc.
- September 7, 2023, Evaluation of Geotechnical Site Evaluation, Prepared by Branch Engineering, Inc.

The purpose of our review was to review submittals and provide comments regarding conformance with applicable codes and Geotechnical and Geology Standard of Practice.

COMMENTS

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.

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.

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.

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.

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

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

LIMITATIONS

GRI's role as a third-party reviewer has been solely to provide technical advice to assist the City in its discretionary permit decisions. Our services are limited to the review of the documents described and formulating an opinion as to the project team's conformance to local and current engineering geology and geotechnical engineering standards of practice. We cannot confirm the accuracy of the information provided by others, nor can we confirm their conclusions and design recommendations. In addition, we have no control over the design or construction of this property and make no representations regarding its future condition(s). The opinions presented in this memorandum were prepared in accordance with generally accepted, local, and current geotechnical engineering and engineering geologic principles and practices. No warranty, either expressed or implied, is provided.

Please contact the undersigned if you have any questions.

Submitted for GRI,



Jason Bock, PE

Principal

This document has been submitted electronically.

Tom Schauer

From: BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>
Sent: Thursday, December 7, 2023 1:54 PM
To: Tom Schauer
Subject: FW: Yamhill County FW: Dunn Place Subdivision Applications - S 1-23, PDA 1-23 & TML 5-23

This message originated outside of the City of McMinnville.

Hi Tom,

I hope you are well and have had a great year!

I looked in our database for documents for this action, location. As a reminder – IFF wetlands, waters, or soils are SWI mapped in the project area of a proposed subdivision or PUD, that prompts a WLUN submittal. I did NOT check the SWI, so if you already did and found no mapped features there, then please take this as a friendly reminder, and accept my shortcut.

Since McMinnville does not have an LWI, note that we added ESH (might apply in McMinn) and SSW (not in McMinn) to the SWI. The update isn't fully complete yet. I'll send a note on OPN when it is.

Happy Holidays!

Jevra Brown, Aquatic Resource Planner
 Department of State Lands
 Cell 503-580-3172 | Jevra.Brown@DSL.Oregon.gov

Checking for wetlands and waters? – Use the STATEWIDE WETLANDS INVENTORY
 ~SWI Annual Update December 2023 – Layers Added!~

From: DSL Support Services * DSL <Support.SERVICES@dsl.oregon.gov>
Sent: Thursday, November 2, 2023 2:21 PM
To: CHATFIELD Marcus W * DSL <Marcus.W.Chatfield@dsl.oregon.gov>; FRISONE Dario * DSL <Dario.FRISONE@dsl.oregon.gov>; EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>
Cc: SERRA Erin * DSL <Erin.SERRA@dsl.oregon.gov>; BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>
Subject: Yamhill County FW: Dunn Place Subdivision Applications - S 1-23, PDA 1-23 & TML 5-23

When I looked up address in Ormap, for the address I got 04S04W22 tax lot 1700

Regards,

Kizzy Hatter
 Support Services Specialist
 Department of State Lands
 775 Summer St NE STE 100 | Salem, OR 97301
 971-707-8008 (Cell)
 Email: kizzy.hatter@dsl.oregon.gov

From: Amanda Winter <Amanda.Winter@mcminnvilleoregon.gov>
Sent: Thursday, November 2, 2023 12:41 PM
To: Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>; andrew.schurter@nwnatural.com; Anne Pagano <Anne.Pagano@mcminnvilleoregon.gov>; Jeff Gooden <Jeff.Gooden@mcminnvilleoregon.gov>;