



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

SENT VIA EMAIL

January 10, 2024

Andrey Chernishov, HBH Consulting Engineers
501 E First Street
Newberg, OR 97132
via e-mail: achernishov@hbh-consulting.com

Re: Notice of Decision for PDA 1-23, S 1-23, and TML 5-23 for Dunn Place
235 NE Dunn Place, Tax Lot R4422CD 01700

Dear Mr. Chernishov:

This is to advise you that, at meetings of the McMinnville Planning Commission on December 7, 2023 and January 4, 2024, the above-referenced applications were presented and considered.

Based on the material submitted and the applicable review criteria, on January 4, 2024, the Planning Commission voted to **APPROVE** the applications, **subject to conditions**.

The Conditions of Approval are outlined below for your reference. Please note that we are providing the conditions of approval within this letter as a courtesy. The official Decision Document with the Findings of Fact, Conclusionary Findings and Conditions of Approval is attached to this letter for the applicant and is also on file with the Planning Department.

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.
16. Final review of the slope stability modeling referenced in the December 22, 2023 memorandum shall be based on submittal and review and approval of updated information as follows:

The applicant shall submit the documentation used for the results in the December 22, 2023 Strata memorandum (Addendum #1) to address Items 2 and 3 in the January 4, 2024 memo from Jason Bock, PE. Results shall be updated to meet calculated factor of safety, soil properties, and pseudo acceleration (dynamic models).

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.
38. For consistency with Policy #20 of the Three Mile Lane Area Plan, the street name of the new street shall be selected to convey the historic or current industry on the site (e.g., aviation, winemaking).

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.

Pursuant to Section 17.72.180 of the McMinnville Zoning Ordinance, the Planning Commission's decision may be appealed to the City Council within 15 days of the date this written notice of the Planning Commission's decision is mailed to parties who participated in the local proceedings and are entitled to notice. If no appeal is filed on or before January 25, 2024, the decisions of the Planning Commission will be final.

If you have any questions regarding this matter, please feel free to contact me at (503) 474-5108 or tom.schauer@mcminnvilleoregon.gov.

Sincerely,



Tom Schauer, AICP
Senior Planner

Attachments:

- Decision Document

Cc: Evergreen Court Townhomes LLC, c/o Jason Flores, jason@celticbuihthomes.com
Peter Glennie, peterglennie@comcast.net
Joseph M. Strunk, jstrunk@ppllp.net
Mike Full, pancho_mef@comcast.net
George Siegfried, grsd@hotmail.com
William Orr, worr@uoregon.edu
Ronald Derrick, Branch Engineering, rderrick@branchengineering.com
Randall Goode, Strata Design LLC, randy@strata-design.com
Nanette Pirisky, nanettenv@gmail.com
Dave and Barbara Tracy, b.d.bessac@pacbell.net
Jason Bock, GRI, jbock@gri.com