



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

MEMO

DATE: January 4, 2024
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 January 4, 2024 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 December 28, 2023 meeting material packet.

Additional Materials

Materials from Applicant

The staff report include a new/revised condition #10 that the lot lines of the three of the townhouse lots be adjusted so they are not within the 60-foot setback from top of bank described in the geotechnical report and shown on the plans. The applicant submitted revised plan sheets on January 3, 2024 showing revised lots that would comply with that condition. *Attachment 1.*

Written Public Testimony

Four e-mails with attachments from Joe Strunk, received on January 3, 2024, are attached as *Attachment 2.*

A letter from Dr. George Siegfried, submitted via e-mail by Mike Full on January 4, 2024 is attached as *Attachment 3.*

E-Mail from DLCD

DLCD provided an e-mail on January 4, 2024 regarding the provisions of OAR 660-046-0010(3)((a)(A)(iii). *Attachment 4.* This administrative rule specifies that "middle housing" is not to be within 100-feet of a riparian corridor until certain Goal 5 planning work has

been completed by cities. DLCD concurs that the 2-year flood elevation would be considered the top of bank/bank full stage specified in the rule for purposes of measuring the 100-foot distance on this property for purposes of this rule. (This is different than the physical top of bank and the 60-foot setback described in the geotechnical report). The materials submitted by the applicant demonstrate the proposal would exceed the 100-foot distance specified in this rule.

Additional background information is provided in the December 7 memo from staff: https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/community_development/page/24605/pda_1-23_et_al_staff_memo_12-7-2023_including_written_testimony_reduced.pdf

Letter from City's Geotechnical Consultant

The applicant submitted Addendum #1 to the Geotechnical Report from Strata Design dated December 22, 2023 in response to the issues identified in the review letter from the City's geotechnical consultant. This addendum was included in the meeting packet materials. The City's consultant has reviewed this addendum, and the review letter is attached as ***Attachment 5***.

Additional background information is provided in the December 7 memo from staff: https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/community_development/page/24605/pda_1-23_et_al_staff_memo_12-7-2023_including_written_testimony_reduced.pdf

Planning Commissioner Questions and Concerns

The following information is provided in response to questions or concerns staff received from Commissioners.

Question/Concern About Architectural Standards re: Garages

Staff received an inquiry/concern from a Commissioner about how/whether the proposed townhouses meet the residential design and development standards, specifically those to prevent facades dominated by garage doors.

The applicant's proposed structures will need to comply with all applicable design and development standards at time of building permit submittal, except where they specifically requested flexibility as part of the Planned Development.

The following condition is in the staff recommendation for PDA 1-23:

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.

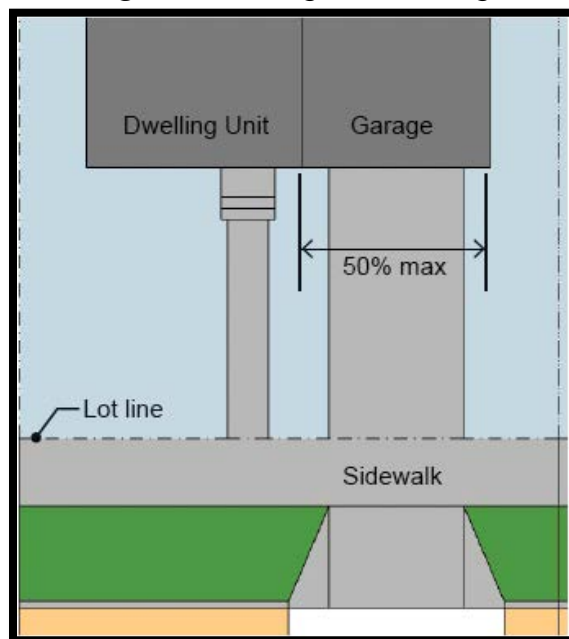
Section 17.11.100 provides Universal Design standards including those for garages provided in Section 17.11.100(E), excerpted below.

17.11.100 Residential Universal Design Standards. The universal design standards are standards that apply to the following housing types: Tiny Houses, Cottage Clusters, Plexes, Single Dwellings, Townhouses and ADUs. These standards are related to site design, street frontage, architectural design, parking, compatibility with neighboring homes, open space, and private space requirements.

Universal Design Standard	Tiny House	Cottage Cluster	Plex	Single Dwelling	Town-house	ADU
Façade	X	X	X	X	X	X
Street Frontage	X	X	X	X	X	X
Front Yard	X	X	X	X	X	X
Alleys	X	X	X	X	X	X
Garages	X	X	X	X	X	X
Compatibility	X	X	X	X	X	X

- ...
E. Garages. *These standards apply to all garages that are accessory to a dwelling whether they are attached or detached to the primary dwelling.*
1. **Length of Street Facing Garage Wall.**
 - a. *The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure below.*

Figure 1. Garage Percentage



- b. *Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following.*
 - c. *Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall, or a covered balcony above the garage that is:*
 - 1) *At least the same length as the street-facing garage wall;*
 - 2) *At least 6 feet deep; and*
 - 3) *Accessible from the interior living area of the dwelling unit.*
2. *Garage Setback.*
- a. *A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.*
 - b. *Whether attached to a residence or as a separate structure, a covered storage facility (garage) for a vehicle on which the main opening is toward a street shall be located not less than 20 feet from the property line bordering the street.*
3. *Exceptions.*
- a. *Garage that is less than half the façade width and flush with porch façade.*
 - 1) *A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:*
 - a) *The street-facing garage wall is 40 percent or less of the length of the building façade; and*
 - b) *There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. The porch must meet the standards for porches as set out in Universal Standards: Front Yard. (17.11.110(C))*
 - b. *Sideways-Facing Garages.* *The garage may extend in front of the house when:*
 - 1) *It is oriented perpendicular to the street and fronts on a paved court. The sidewall of the garage must meet the requirements of the Length of the street-facing garage wall.*
 - 2) *The sidewall of the garage - which in this case is the street-facing façade - must meet the requirements of Façade Universal Standards.*
 - 3) *In addition, the garage must meet the front setback requirements of the underlying zone.*
 - c. *Garages Adjacent to Alleys.* *A garage adjacent to an alley may have a zero-foot setback from the alley if allowed in the Development Standards table for the applicable housing type.*

For this application, the Planning Commission isn't reviewing the townhouses for compliance with the residential design and development standards in Section 17.11 of the Zoning Ordinance. The Planning Commission is only reviewing any requests by the applicant for flexibility to the applicable standards as part of the Planned Development review.

At the time of building permit application, staff will review the proposed townhouses for compliance with the applicable standards, subject to any flexibility authorized by the Planning Commission as part of the Planned Development approval.

The Planned Development application and decision includes flexibility regarding certain lot standards, and driveway spacing standards in 17.11, ***but not to architectural standards.***

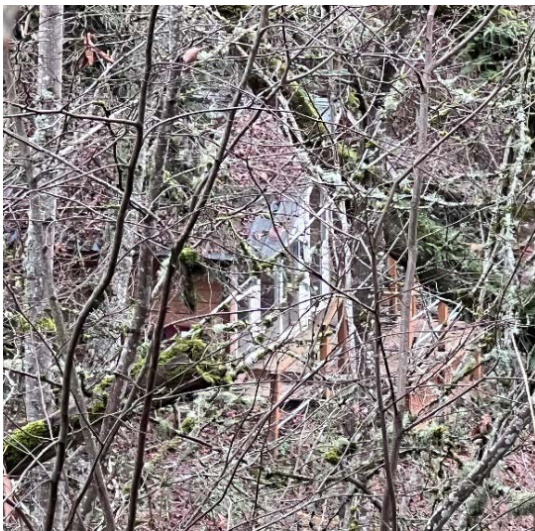
Other - Fencing

In a subsequent submittal after the original application, the applicant showed proposed privacy fences along exterior side yards that weren't shown on the original plans. If these exceed allowed height or setbacks of adopted fence regulations, they will be subject to fence variances and limitations regarding location, height, and design.

Information Regarding Structure on Lower Portion of Adjoining Property to West

Staff received an inquiry from a Commissioner regarding a structure on the property at 165 NE Dunn Place, west of the subject property of the land use hearing. Staff visited the site on January 3 and spoke with the property owner.

The structure in question is a small enclosed accessory structure (with a door, windows, front porch with railing) set on blocks on the lower elevation portion of the site, accessible via a stairway from the upper portion of the lot to the lower portion of the lot.



Visually, this accessory structure appears to be of a size that would be exempt from building permits, and I don't believe there is a building permit for the structure. Without a permit, I don't have specific information regarding how long it has been in place.

17.54.020 Residential Accessory Structure and Use. An accessory structure refers to a detached, non-habitable building (such as a shed or greenhouse) generally used for storage or other non-commercial use. An accessory structure is permitted in addition to an attached or detached garage and shall comply with the following limitations:

- A. One accessory structure may be located within a required rear yard or a required interior side yard behind the back building line, and shall not contain more than 100 square feet in area or be greater than 10 (ten) feet in height. An accessory structure exceeding one or both requirements must comply with the setback requirements of the zone. In addition, if the accessory structure is more than 10 (ten) feet in height or greater than 200 square feet in floor area, a building permit shall be obtained prior to construction.

If located within the F-P zone, it would be subject to the following use limitations:

17.48.060 Use Limitations. In an F-P zone, the following limitations shall apply:

- A. No residence shall be constructed;
- B. A lot shall not be less than one acre in area;
- C. Within the floodway and flood fringe, no encroachment will be allowed which causes any increase in the flood height or which would result in hazardous velocities (see floodway schematic). To demonstrate compliance with this requirement, the applicant shall submit an engineering certification stating the proposed development will not impact the pre-project base floodway and flood fringe elevations. The certification shall be signed and sealed by a professional engineer and be supported by the appropriate technical data and studies, which are typically based upon the standard step-backwater computer model utilized to develop the 100-year floodway and flood fringe shown on the appropriate Federal Insurance Rate Map (FIRM) and tabulated in the adopted Flood Insurance Study. (Ord. 4921 §4D, 2010; Ord. 4684 §3, 1998; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

I have not been able to fully research this property. If it is located within the F-P zone, I do not see a record addressing Item C above.

I didn't see anything that appeared to be a dock at the time of the visit. There were items such as stacked wood and pieces of sheet metal on the ground on the lower elevation portion of the site.

Attachments

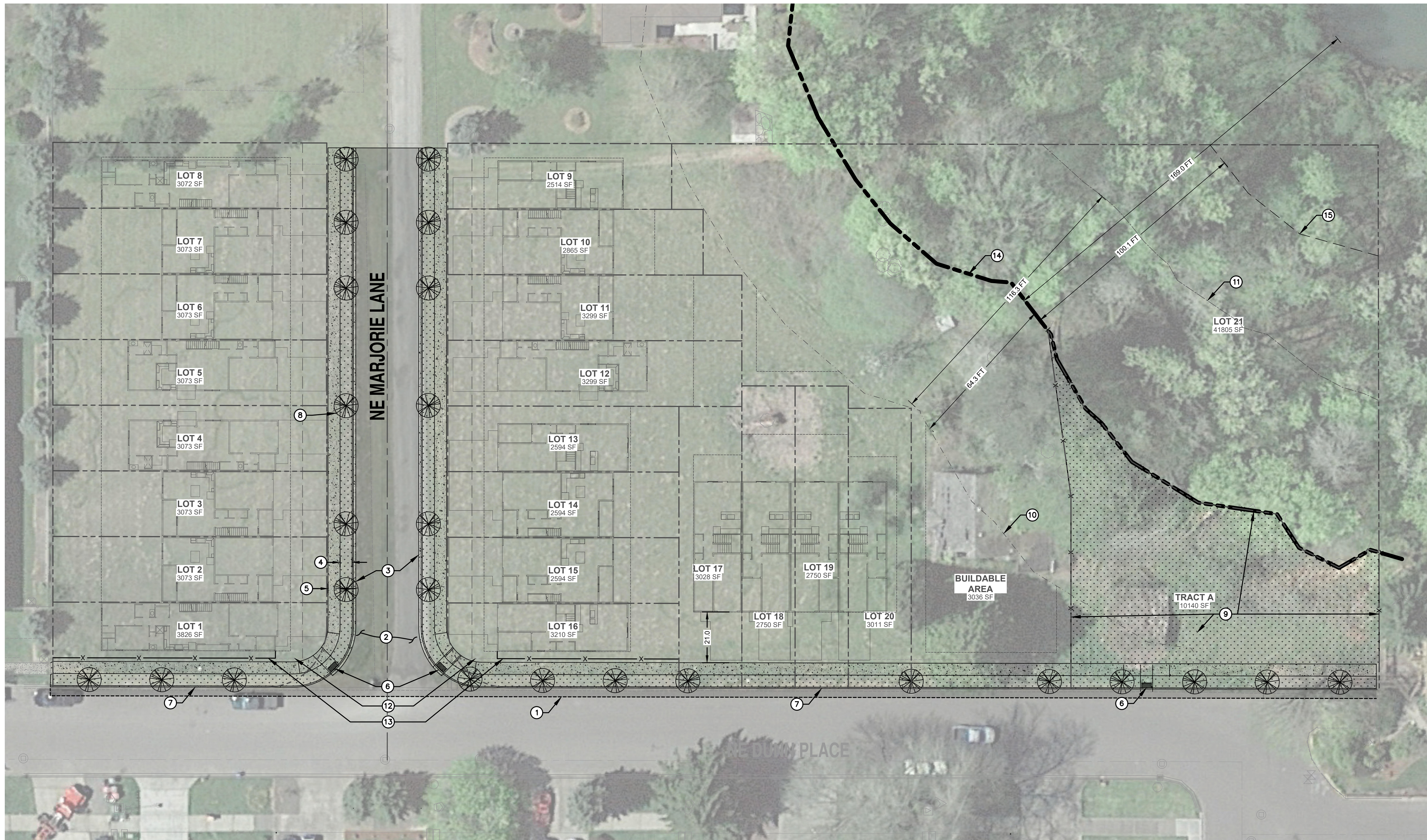
Attachment 1. January 3, 2024 submittal from Andrey Chernishov, applicant.

Attachment 2. Four January 3, 2024 e-mails with Attachments from Joe Strunk

Attachment 3. Letter from Dr. George Siegfried, submitted via e-mail by Mike Full on January 4, 2024

Attachment 4. January 4, 2024 Email from DLCD

Attachment 5. January 4, 2024 Memo from Jason Bock, PE, GRI

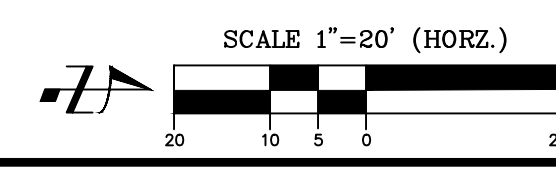


SITE PLAN

SCALE: 1" = 20'

⊗ SITE PLAN KEYED 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 | |



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 CONSULTING ENGINEERS
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 503/554-9553 fax 503/537-9554
 email: mail@hbh-engineers.com

Designed By: ARC | Checked By: ARB | Drawn By: ARB | Submitted No: PRELIMINARY
 File: L:\2021-008\4-Design\DWG\SITE PLAN.dwg

REV.	DATE	DESCRIPTION	BY

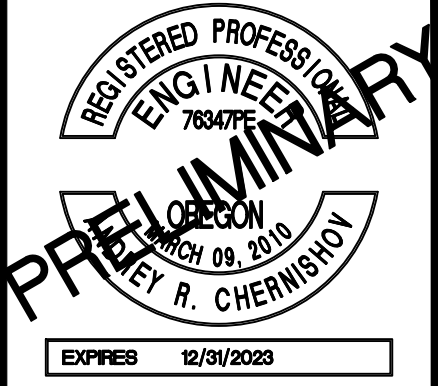
IF THIS LINE IS NOT 1/8" SCALE IS NOT AS SHOWN

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

DUNN PLACE SUBDIVISION
 NE AARON DRIVE + NE DUNN PLACE

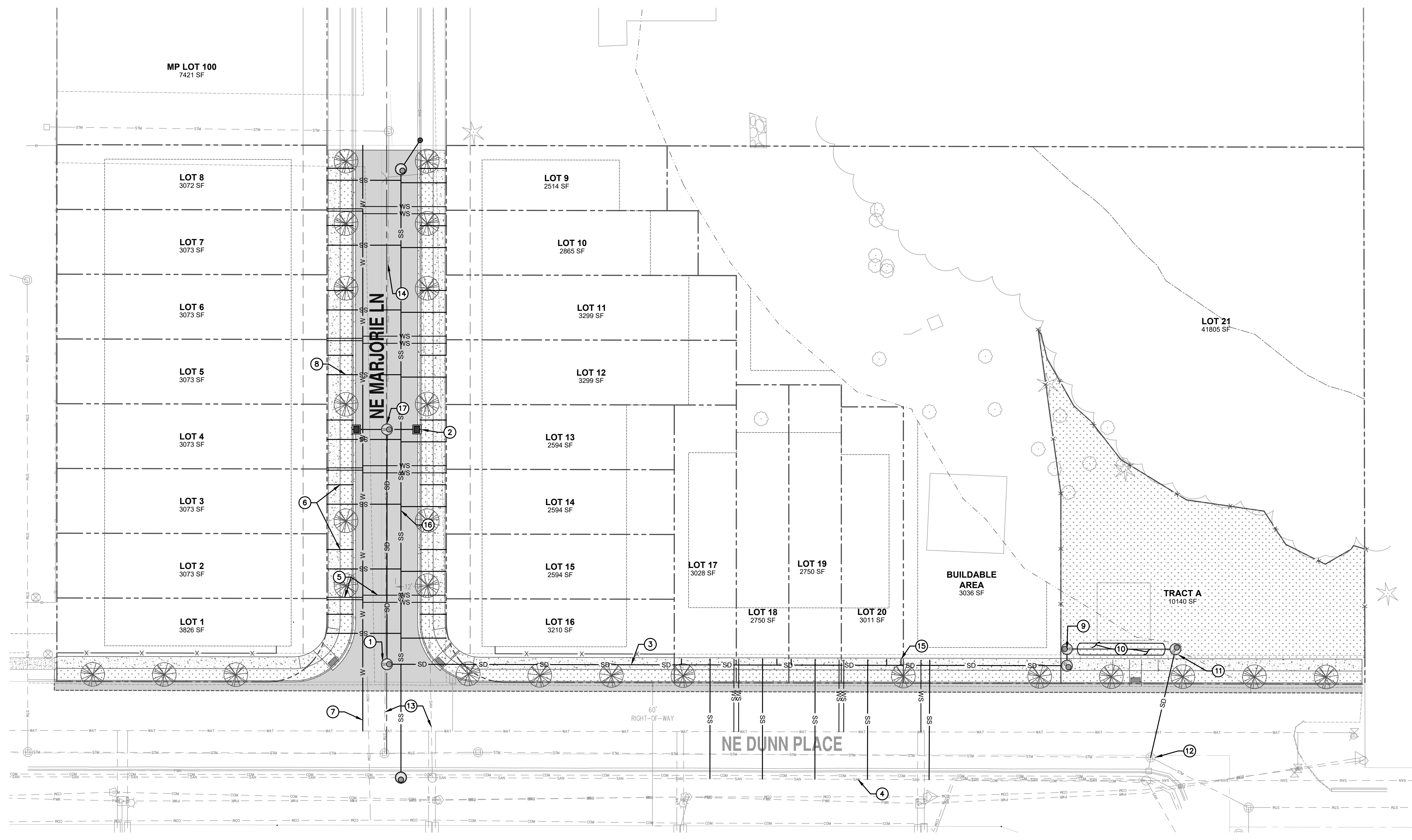
SITE PLAN

Date: Sheet No: **G4**
 1/3/2024
 4 of 8
 2021-008



H B H
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 503/554-9553 fax 503/537-9554
 email: mail@hbh-engineers.com

Designed By: ARB | Drawn By: ARB | Checked By: ARB | Submitted No: PRELIMINARY
 File: L:\2021-00814-Design\DWG\Utility Plan.dwg



COMPOSITE UTILITY PLAN

SCALE: 1" = 20'

COMPOSITE UTILITY PLAN KEYED NOTES

- | | | |
|---|--|---|
| 1. INSTALL 48" DIAMETER ECCENTRIC STORM MANHOLE (TYP) | 7. INSTALL 6" C900 PVC WATER MAIN (TYP) | 13. EXISTING SANITARY AND STORM LINES TO BE ABANDONED |
| 2. INSTALL CG-2 CATCH BASIN (TYP) | 8. INSTALL NEW SANITARY LATERAL TO NEW MAIN (TYP) | 14. VERIFY EXISTING PRIVATE STORM MAIN MEETS ALL CITY PUBLIC STORM REQUIREMENTS OR REBUILD AS NECESSARY WITHIN NEW ROW. |
| 3. INSTALL 12" D3034 SDR 35 PVC STORM MAIN. ROUTE TO ADS FACILITY (TYP) | 9. INSTALL POLLUTION CONTROL MANHOLE | 15. PROVIDE STORM LATERAL TO LOTS FRONTING NE DUNN PLACE INTO STORM MAIN (TYP) |
| 4. INSTALL SANITARY LATERAL VIA INSERT-A-TEE TO EXISTING MAIN IN DUNN PLACE (TYP) | 10. ADS MC-4500 DETENTION FACILITY | 16. INSTALL 8" D3034 SANITARY MAIN |
| 5. INSTALL WATER SERVICE LATERAL (TYP) | 11. FLOW CONTROL MANHOLE | 17. CONNECT EXISTING STORM INTO NEW STORM MANHOLE |
| 6. ROUTE DRAINAGE FROM NEW STREET FRONTING LOTS TO WEEPHOLE AT CURB (TYP) | 12. FLOW CONTROL MANHOLE DRAINS TO EXISTING MANHOLE IN NE DUNN PLACE | |

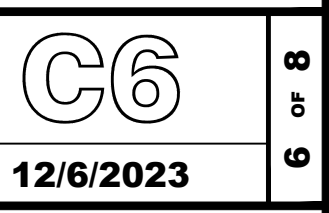
REV.	DATE	DESCRIPTION

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

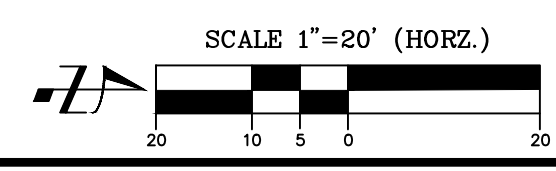
DUNN PLACE SUBDIVISION
 NE AARON DRIVE + NE DUNN PLACE
COMPOSITE UTILITY PLAN

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

Date: Sheet No:



12/6/2023
 2021-008



Tom Schauer

From: Joe Strunk <jstrunk@ppllp.net>
Sent: Wednesday, January 3, 2024 2:11 PM
To: Tom Schauer
Subject: RE: PDA 1-23
Attachments: 0.jpg; 1.jpg; 2.jpg; 3.jpg

This message originated outside of the City of McMinnville.

Hello Tom,

I am attaching photos with statements from Mike Full. He discussed some of these at the last hearing and may reference them at his testimony planned for tomorrow. I'm going to send you another email with additional photos. I was concerned there were too many for one email. Please add all of them to the record.

I'll also be submitting written statements tomorrow.

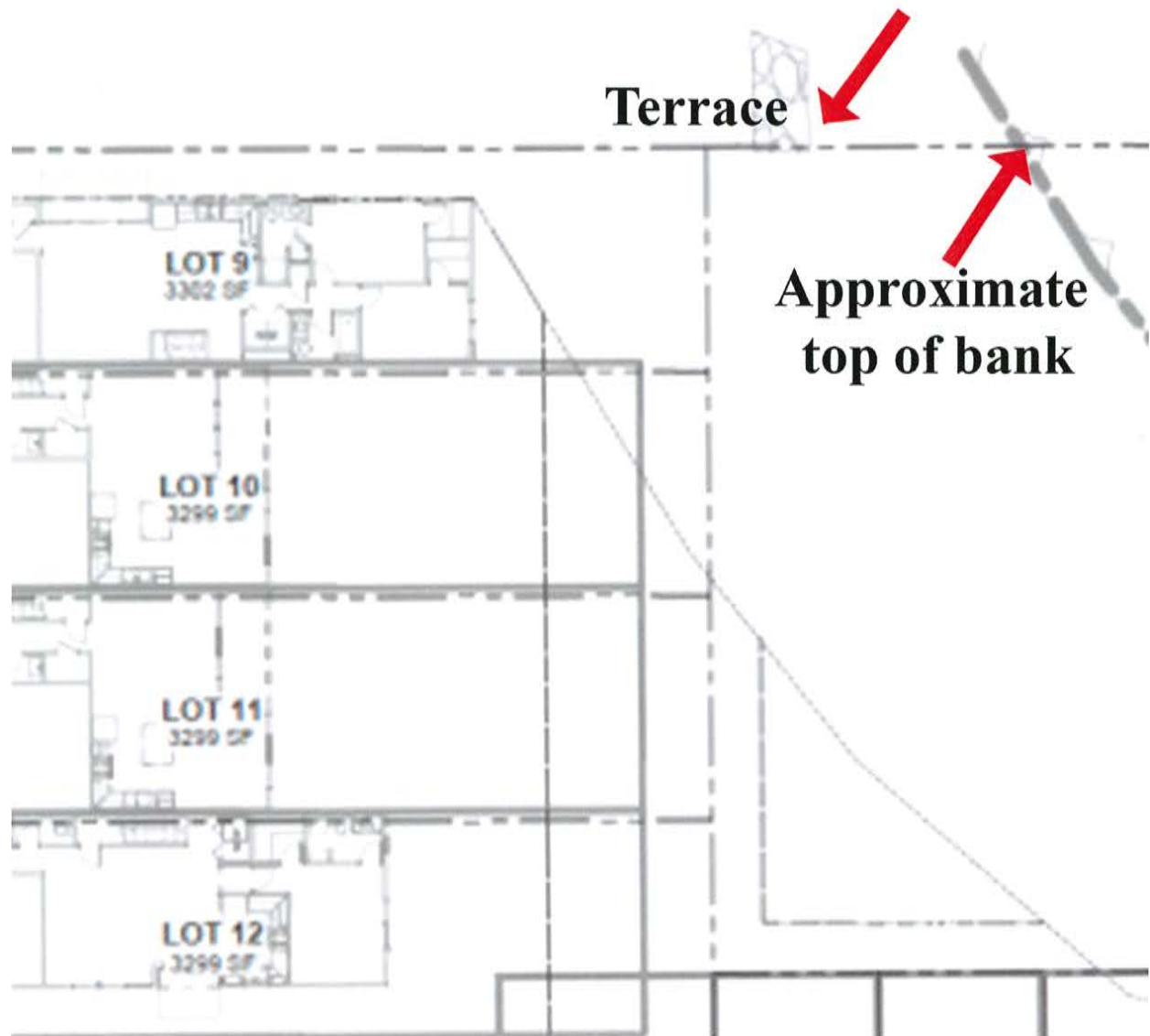
Has Jason Bock commented on the last submission by StrataDesign? Were you also awaiting comment from DLCD re: OAR 660-046?

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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From: Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Sent: Wednesday, December 27, 2023 10:21 PM
To: Joe Strunk <jstrunk@ppllp.net>
Cc: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Bill Kabeiseman <billkab@batemanseidel.com>; David Ligtenberg <David.Ligtenberg@mcminnvilleoregon.gov>
Subject: RE: PDA 1-23



**An interesting study of perspectives:
My terrace denotes the top of the bank for
my property; the fuzzy line marks the
“approximate line of the top of the bank”
that the developer chooses to use.**

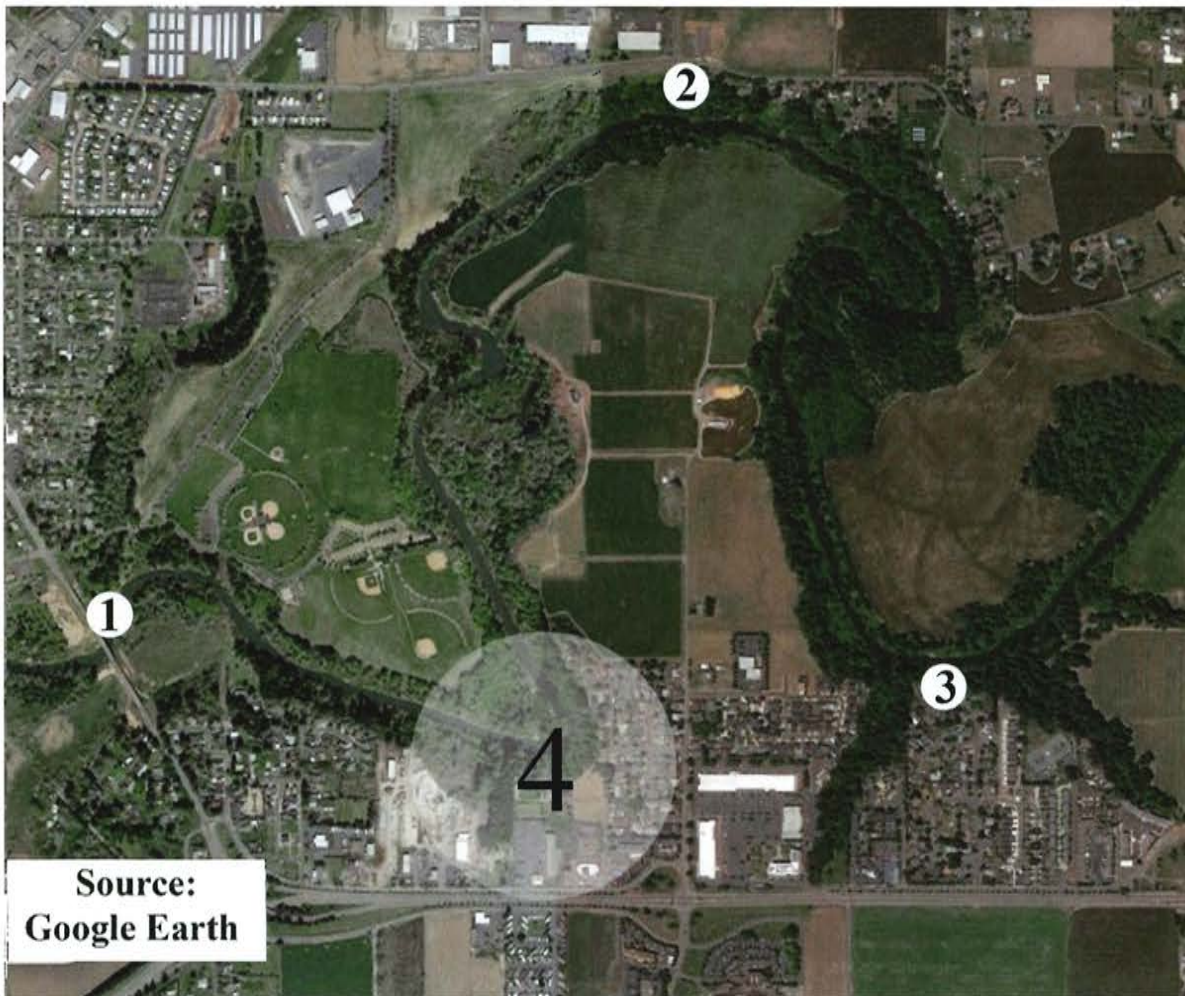
South Yamhill River in McMinnville Oversite of Areas Affected by Mass Wastage

1. Kiwanis Marine Park. Built on top of old an City Dump, it has suffered near constant constant bank erosion, collapse and slump.

2. Riverside Drive. After McMinnville developed the industrial site adjacent to the property, the bank at this residence suffered a near catastrophic collapse.

3. Kingwood Addition. Built on a gentle bend of a cutbank, with a steep bank rising approximatel 80 feet above the river, catastrophic bank collapse required the removal of a residence at that location.

4. Area of Proposed Addition.





Site #1
Kiwanis Marine Park

The Kiwanis Marine Park, located less than half a mile upstream from the proposed Dunn Place Development, offers stark evidence of the danger of development on an **abandoned dump site**. Located on the city dump that preceeded the dump on Dunn Place, on a gentle bank of the Yamhill River that lacks the steep bank and acute river bend of the proposed development, the Park nonetheless almost immediately suffered flood erosion, mass wastage that has rendered the boat ramp unusable and washed out the access road.



Site 2, Riverside Drive

Located on the outside (cutbank) of a gentle bend of the South Yamhill River less than a mile downstream from the proposed Dunn Place Development, and immediately adjacent the McMinnville industrial development site, shows the potential for catastrophic bank collapse. The bank collapsed after the heavy footprint of the industrial development occurred without regard to how such actions might affect neighboring properties. This could be the result of a “that’s not our problem” mindset.

Tom Schauer

From: Joe Strunk <jstrunk@ppllp.net>
Sent: Wednesday, January 3, 2024 2:12 PM
To: Tom Schauer
Subject: RE: PDA 1-23
Attachments: 4.jpg; 5.docx; 6.jpg; 7.jpg

This message originated outside of the City of McMinnville.

As mentioned in my previous email, here are more photos with statements for the record.

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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From: Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Sent: Wednesday, December 27, 2023 10:21 PM
To: Joe Strunk <jstrunk@ppllp.net>
Cc: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Bill Kabeiseman <billkab@batemanseidel.com>; David Ligtenberg <David.Ligtenberg@mcminnvilleoregon.gov>
Subject: RE: PDA 1-23

Hi Joe,
I am out of the office, returning Tuesday, January 2. I will be checking voicemail and email periodically. If you need immediate assistance, please call the main Planning line at 503-434-7311.

All of the materials for Dockets PDA 1-23, S 1-23, and TML 5-23 received to date are posted on this page:

4. The vicinity of the proposed Dunn Place Development

Although each of the sites has potential for mass wasting in the form of bank erosion, bank slump or collapse brought on by natural or man-made development; this site has a combination of all of the hazards, making it unique. Of the twenty-six odd miles of the Yamhill River system I have frequented over fifty years, this bend of the river has shown by far the most frequent change due to river movement and mass wastage. **Please refer to the attached LIDAR images and photographs of each of the points below.**

1. The proposed development sits at the very apex of an extremely sharp bend of the river, making it much more at risk to mass wasting than a straight river course, something that is not taken account of in the geo-tech reports. (See 1)
2. Water (and erosional processes) follow the course of least resistance. Evidence of a year round seep, spring, or drainage is apparent in the form of bullrushes and wet ground all the

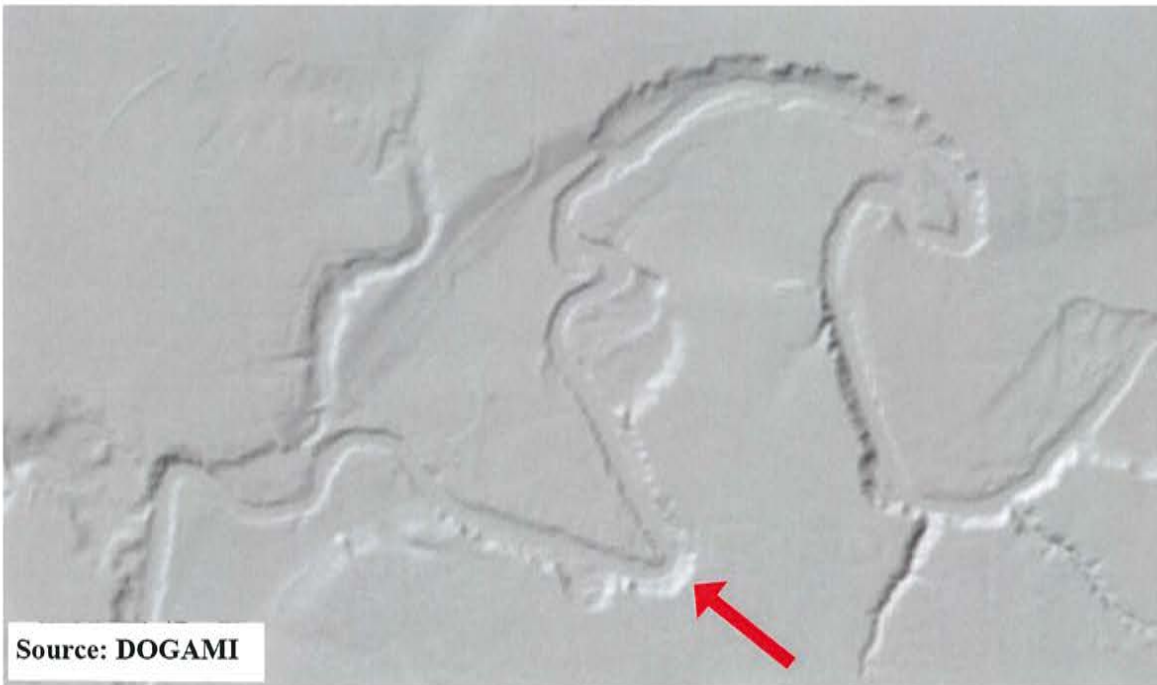
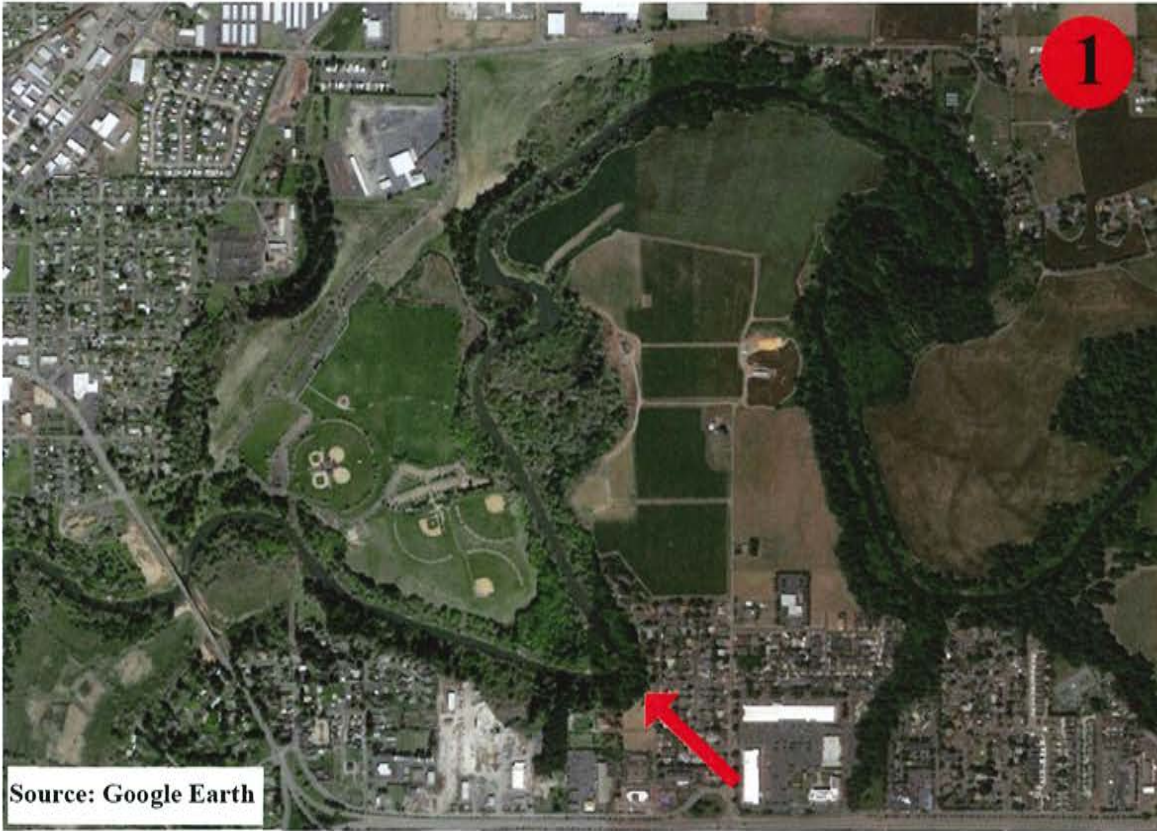
way to the top of the bank, well above the levels indicated in the Geotech reports. (See 2)

3. A mass wasting event at the industrial site is progressing slowly, and a similar event at the proposed location would encompass the whole of the development and parts of neighboring properties and Dunn Place itself. (See 3)
4. Continuous bank slumps scar the river bank of the Cal-Portland cement site as well as adjacent downstream properties, including Chalmers Court, 165, 235, 265 and 301 NE Dunn Place. This is clear evidence of ongoing bank erosion which the Geotech reports do not recognize. The old city dump, repeatedly brought to the attention of the City of McMinnville Engineering and Planning Departments and each time promptly forgotten, underlays Chalmers Court, 301, 265 and probably intrusive onto 235 Dunn Place. Without first determining the extent of the dump, the planned addition could have devastating effects. (See 4.1, 4.2, 4.3, 4.4, 4.5, 4.6)



Site 3, The Kingwood Addition

Located less than a mile downstream from the proposed Dunn Place Development, the Kingwood Addition offers compelling evidence supporting the 100 foot setback suggested by Geologist William Orr, PhD; as opposed to the original 80 foot setback which was “pencil whipped” later to 60 foot setback to enable a developer to place an even more densely packed footprint. This retaining wall seeks to salvage a building lot where the original residence had to be removed due to bank erosion. It is undoubtedly “geotech approved”, but I wouldn’t live there, would you?





Bull rushes, a wet footed plant, grow all the way to the top of the 80 foot bank in an erosional gulley at the very point of the bend of the river.



Tom Schauer

From: Joe Strunk <jstrunk@ppllp.net>
Sent: Wednesday, January 3, 2024 2:14 PM
To: Tom Schauer
Subject: RE: PDA 1-23
Attachments: 8.jpg; 9.jpg; 10.jpg; 11.jpg

This message originated outside of the City of McMinnville.

As mentioned in my previous email, here are more photos with statements for the record.

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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Subject: RE: PDA 1-23

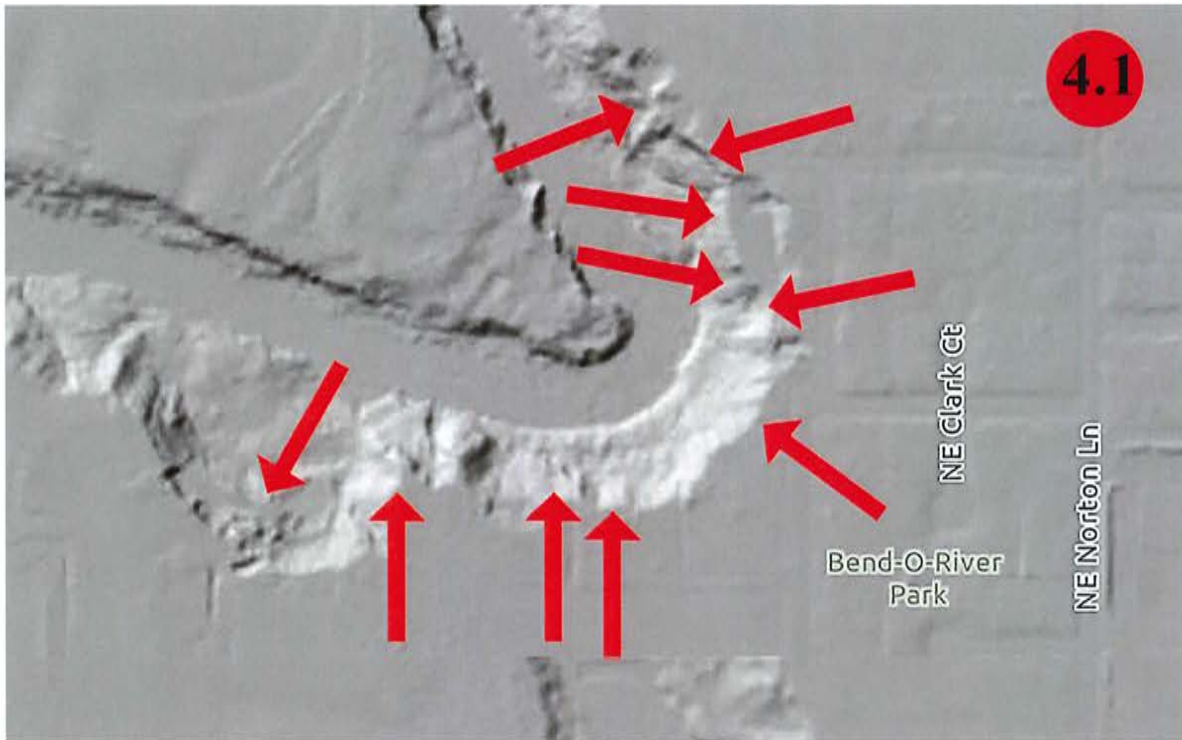
Hi Joe,
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All of the materials for Dockets PDA 1-23, S 1-23, and TML 5-23 received to date are posted on this page:



A mass wasting block just upstream from the proposed development (highlighted below) borders a concrete plant.





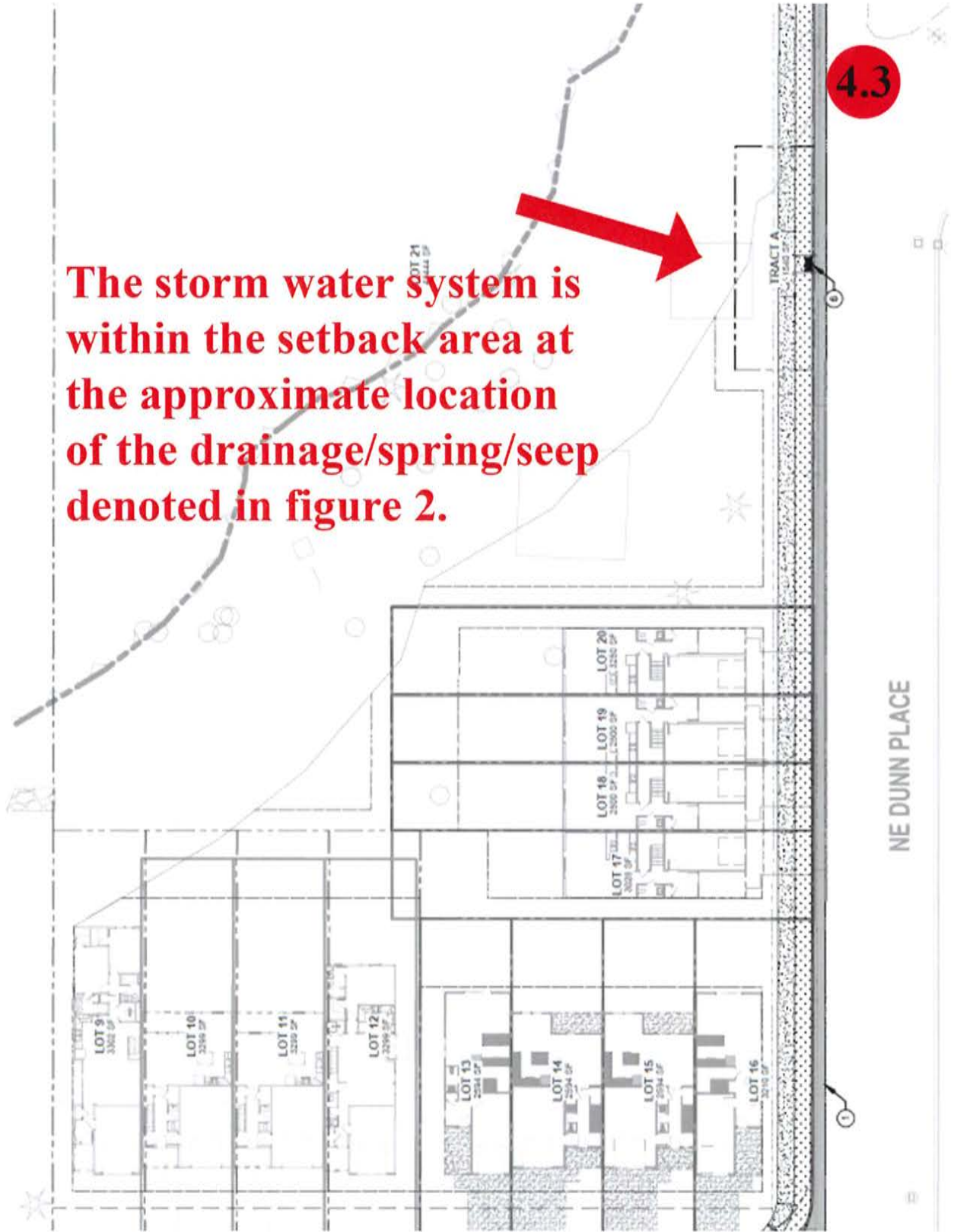
Red arrows indicate bank collapses, slumps and failures that have happened just in my lifetime. Blue shading shows area of greatly increased bank scour occurring because of the acute river bend.





This is the effect of a flood event and heavy rainfall occur at the same time on a very acute bend of the river. None of the data submitted by the developer consider the cumulative effect of these factors: that is not the purpose of a geotech report, but rather of a geologist with knowledge and experiance in the forces of mass wasting.

The storm water system is within the setback area at the approximate location of the drainage/spring/seep denoted in figure 2.



Tom Schauer

From: Joe Strunk <jstrunk@ppllp.net>
Sent: Wednesday, January 3, 2024 2:16 PM
To: Tom Schauer
Subject: RE: PDA 1-23
Attachments: 12.jpg; 13.jpg; 14.jpg; 15.jpg

This message originated outside of the City of McMinnville.

As mentioned in my previous email, here are more photos with statements for the record. You should have received three other emails from me in the last five minutes. Thank you.

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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From: Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Sent: Wednesday, December 27, 2023 10:21 PM
To: Joe Strunk <jstrunk@ppllp.net>
Cc: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Bill Kabeiseman <billkab@batemanseidel.com>; David Ligtenberg <David.Ligtenberg@mcminnvilleoregon.gov>
Subject: RE: PDA 1-23

Hi Joe,
I am out of the office, returning Tuesday, January 2. I will be checking voicemail and email periodically. If you need immediate assistance, please call the main Planning line at 503-434-7311.



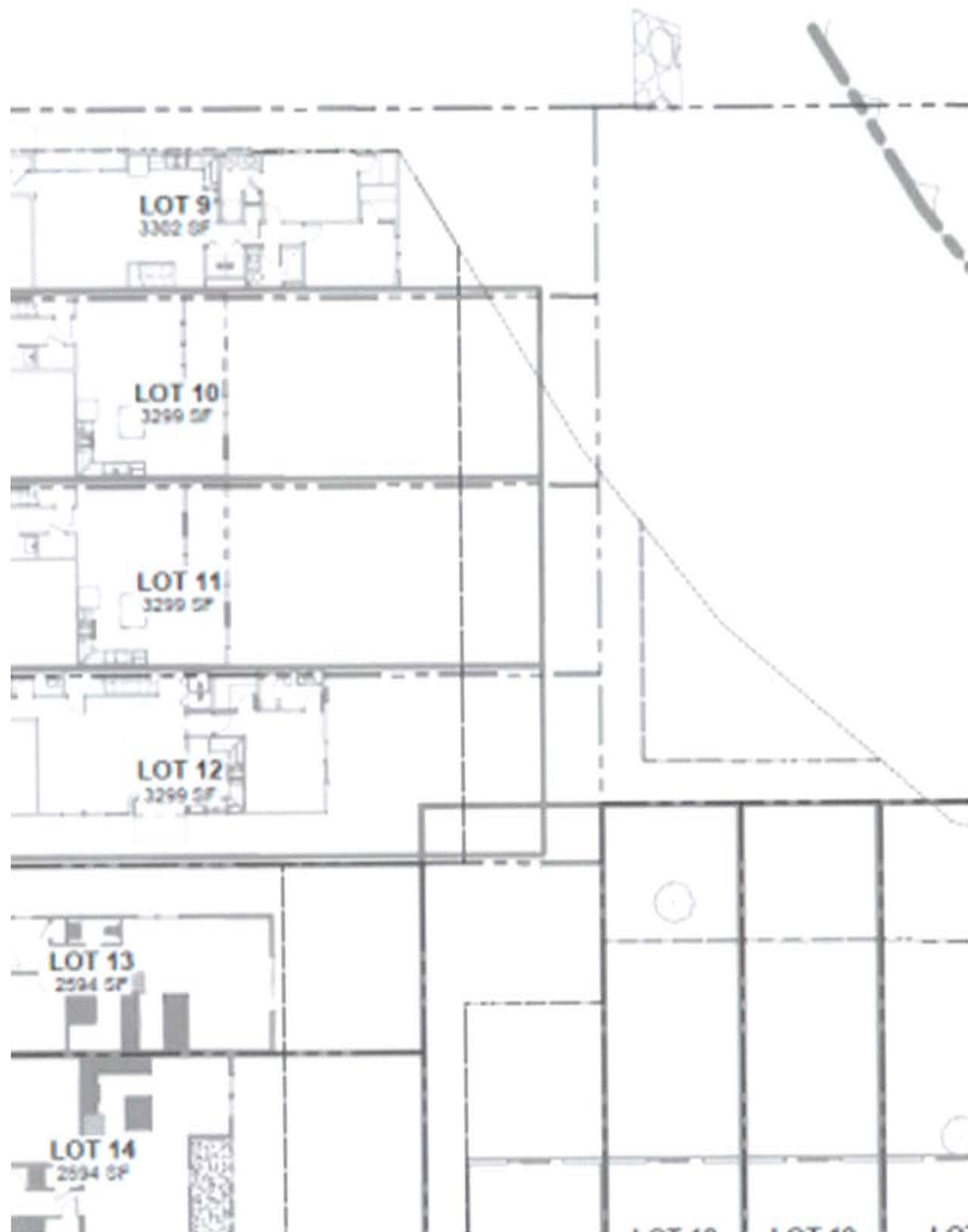
301 Dunn Place, location of continuous bank erosion, is where overflow will enter the river. The trees have slid nearly 100 feet down the bank.





Chalmers Court: This was once a nice lot, neighbors kept it mowed and children played ball on it. Now it slopes precipitously to the river.







This is where storm water runoff ends up when the system exceeds capacity. The documentation submitted by the developer states 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).”* The lined facility itself is depicted as being at least partially inside of the setback area. When this system is overcapacity with the City requiring a zero impact on its storm drain, the water ends up on the street, and onto the bank at 265, 276, and 301 Dunn Place as well as Chalmers Court: the properties most at risk from innundation of this type. But as the developer told us at the public meeting in 2022: **“Erosion on your property is not our problem!”**

McMinnville Planning Commission

January 4, 2023

From George Siegfried

Madam Chair, Members of the Committee, thank you for letting me testify tonight.

My name is Dr. George Siegfried and I own the Dunn Chiropractic and Wellness Clinic at 301 NE Dunn Place. It is a practice founded in 1922. The clinic sits along the bend of the river, downstream from the proposed development.

My clinic is on the riverbank, at a setback of about 180 feet from the bank of the river. The clinic has been in this location since 1954.

In a recent newspaper article, one of the developers made the statement, and I'm paraphrasing, "it's not my fault those people built along the river". Clearly, they aren't considering the dangerous and unstable bank and the potential impact to the neighboring properties. They should be listening to our concerns and having their geotechnical engineers study the bank and the surrounding properties to determine if they can handle the intense development they are proposing.

I would like to address several issues that I think are critical here.

My position is that this proposal in the end is not safe for this neighborhood and our riverbank. Please let me explain why. But first, I see this proposal as a request to enter an ecosystem as well. I don't just see it as the development of a tax lot.

To begin with, as I have testified before, I am not an engineer. I am a chiropractic and naturopathic physician, and I have been an acute observer of this river and its effect on this neighborhood for 40 years, in a development that has been on this riverbank since the early 1950's.

Here are some things for you to consider.

I realize that meeting the recommendations of the city for any proposal is essential.

I also realize that meeting the city criteria may not meet the criteria for the overall neighborhood, riverbank, the Yamhill River, and the storm drain that has been in place for over 70 years.

Plus, the storm drain grate, on occasion, depending on the amount of water gushing through it, will vibrate ever so gently. You can feel it standing on top of it. I'm told by a patient who is an engineer that this has some significance regarding the stability of the ground below.

I should also mention that recently there has been some pooling of water on the street next to the storm drain after heavy rain, which to me indicates the system gets slightly overloaded depending on the amount of water it has to handle.

Some History

Since 1984, I have watched this river and this riverbank—Mother Nature—do her thing.

The riverbank has been steadily slipping since I moved here in 1984; a few feet at a time at first.

But after the 5.6 earthquake of 1993, there was even more consistent “slipping” of the bank. It has actually dropped a good 30-40 feet. The trees holding up the bank have also dropped. In fact, for 2 years it appeared they died. Fortunately, they came back. They used to be at ground level. The 10-foot wall that I had built in an attempt to hold the bank has simply sunk down into the bank.

My driveway in front of the building has had to be moved back a good 8 feet, and the driveway yearly needing to have several inches of gravel added to it.

Recently, we had a very big slide at the end of the driveway where the storm drain goes out over the bank. The big weeping willow tree had died, which was a major bank stabilizer at its location. I had the city come out to evaluate the drain situation and they said it was fine, for now.

The two tax lots just to the north of my property have literally sunk after the earthquake. It was a large section that my kids used to walk over to cut the grass to now not even being able to walk on the property anymore. Various potential buyers of these 2 tax lots after having done their due diligence never did purchase them.

I am truly fortunate that the setback of my building is such that it should be secure for quite some time. Hopefully permanently.

On 3 different occasions, due to my concerns, I had 3 different engineers come out to survey the neighborhood, the riverbank, and the river.

All 3 of them said that no engineering, pilings, and other methods could guarantee the stability to the riverbank along this part of the river. The clearest, simplest, “unscientific explanation” given by one of the engineers was to simply **look at the bank, the trees on the bank, and the overall pattern of the river.**

In Summary

If this proposal is allowed, us folks in the neighborhood are essentially left with the situation that this river is going to do its thing, and on its own time will continue to affect the riverbank. Of course, no one knows to what extent, but history and observation shows that it is indeed unstable.

Should you allow this proposal to go forward, then obviously we will simply have to standby, live and hope that everything will be ok.

On the other hand, should the proposal, having met all the city planning criteria, affect the riverbank, and the potential storm drain failure along my clinics’ driveway, than all of us in the neighborhood will have to deal with the outcome of a very very unfavorable plumbing situation, at the city and taxpayers cost to rebuild it. Plus the cost to my patients welfare as the driveway would be impassable during construction.

Finally

Can the developers guarantee this storm drain can support their proposal long term? For example, if a flood occurs?

Can these people guarantee the safety of the storm drain and surrounding earth?

Can they guarantee their holding tank will be able to operate the way they plan in terms of meeting the structural capacity of the storm drain and surrounding earth it sits in, and ultimately any effect on the riverbank?

Not to mention the driveway to the clinic and the patients we take care of?

If this proposal goes south in its effect on our neighborhood, will the developers be around to help?

What about the increased traffic situation?

What about the safety of the kids in this proposal?

Will this \$8 million development improve this neighborhood as much as it will improve their portfolio?

Will they still be the owners of the proposed units?

If there is a failure of the storm drain, and damage to my clinics' driveway and my ability to care for patients, or significant failure of the riverbank, the cost goes to us taxpayers.

I thank you for your time and service to our community.



George Siegfried, D.C.
Chiropractic Physician
301 NE Dunn Place
McMinnville, OR 97128

Tom Schauer

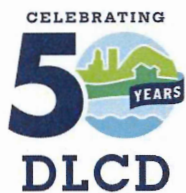
From: AHRENS Melissa * DLCD <Melissa.Ahrens@dlcd.oregon.gov>
Sent: Thursday, January 4, 2024 10:48 AM
To: Tom Schauer
Cc: STUCKMAYER Ethan * DLCD; BROWN Jevra * DSL; PUNTON Amanda * DLCD; HOWARD Gordon * DLCD
Subject: RE: Bank full stage and 2-year flood

This message originated outside of the City of McMinnville.

Hi Tom,

Apologies I missed your call earlier this morning- I had three calls come in all at once regarding this same matter. While we can't necessarily provide a comprehensive 'legal interpretation of OAR 660-046-0010' at this time, we have reviewed the City's application materials that you provided and agree with the City's determination that, for this specific project, the 100 ft. setback, required by OAR 660-046-0010(3)(a)(A)(iii), could be taken from the two-year recurrence interval flood elevation. In other words, in this circumstance it seems logical (from the materials we have reviewed) that the 2-year flood elevation would be considered the top of bank/bankfull stage location. However, we would recommend that the 2-year flood boundary be documented in order to verify the exact setback location. It seems like that requirement could potentially be incorporated into the condition of approval you already mentioned the City would be recommending; however, we will leave that up to the City's discretion. Hopefully, this feedback will be sufficient for purposes of your hearing tonight, however, please feel free to reach out if we can be of any further assistance. Thank you!

Melissa



Melissa Ahrens
Mid-Willamette Valley Regional Representative
Pronouns: she/her/hers
Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Cell: 503-779-9821 | Main: 503-373-0050
melissa.ahrens@dlcd.oregon.gov | www.oregon.gov/LCD

From: Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Sent: Tuesday, January 2, 2024 2:51 PM
To: AHRENS Melissa * DLCD <Melissa.Ahrens@dlcd.oregon.gov>; PUNTON Amanda * DLCD <Amanda.PUNTON@dlcd.oregon.gov>
Cc: STUCKMAYER Ethan * DLCD <Ethan.STUCKMAYER@dlcd.oregon.gov>; BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>
Subject: RE: Bank full stage and 2-year flood

You don't often get email from tom.schauer@mcminnvilleoregon.gov. [Learn why this is important](#)

Hi Melissa,