

Planning Department
231 NE Fifth Street o McMinnville, OR 97128
(503) 434-7311 Office o (503) 474-4955 Fax
www.ci.mcminnville.or.us

Office Use Only:	
File No.	<u>POA 6-18</u>
Date Received	<u>12-20-18</u>
Fee	<u>885⁰⁰</u>
Receipt No.	<u>18MD253</u>
Received by	<u>RH</u>

Planned Development Amendment Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name KWDS, LLC; Kim McAvoy Phone 503-682-2337

Contact Name Ben Altman, Pioneer Design Group Phone 971-708-6258
(If different than above)

Address 9020 SW Washington Sq. Rd., Suite 170

City, State, Zip Portland, OR 97223

Contact Email baltman@pd-grp.com

Property Owner Information

Property Owner Name Gene A. McMullin, Trustee; McMullin Family Residual Trust Phone _____
(If different than above) Phyllis A. Moyer, Trustee; Phyllis Moyer Living Trust

Contact Name Kristina Lookabill, Principal Broker Bella Casa RE Group Phone 503-515-6152

Address 1002 N Springbrook Rd. Suite C

City, State, Zip Newberg OR 97132

Contact Email Krissy@thebellacasagroup.com

Site Location and Description

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

Property Address _____

Assessor Map No. R4W - 27 - 00701 Total Site Area 4.93 Acres

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Commercial Zoning Designation C-3 PD

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

The surrounding development, north and east, includes medical offices, motel and restaurant. There is also residential development to the west (R-4). All services are available to support development of the property.

See accompanying Compliance Narrative for details.

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

The prior intended senior housing was never developed, so the land remains vacant.

See accompanying Compliance Narrative for details.

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

All necessary utilities are currently available in Norton Lane, adjacent to the property. Street improvements to City Standards have been complete up to the intersection of SE Horton Lane and SE Stratus Avenue, which is aligned with the subject property.

All existing utilities have adequate capacity to serve the proposed multi-family development. The proposed multi-family development will not create significantly greater demand for services than the current allowed senior housing.

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

Senior housing is currently allowed. ITE trip generation for senior apartments is 4.5 to 5.7 trips per day per unit. In comparison, regular multi-family apartments generate 5.44 for mid-rise and 7.32 trips per day for low rise structures.


Professional and Medical offices are also allowed. These uses generat 11.01 and 36.13 trips per day respectively per 1,000 square feet of floor area. It is estimated that the site can support offices ranging from 50,000 to 75,000 square feet.

See accompanying Compliance Narrative for more details.

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

- A site plan (drawn to scale, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.). See Aerial Photo
- A copy of the current planned development overlay ordinance.
- A legal description of the subject site, preferably taken from the deed.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.


Applicant's Signature manager KWDS, LLC

10/9/18
Date

Breg McMullin
Property Owner's Signature

10-11-2018
Date

Phyllis Moyer

10-11-2018

RESPONSE TO INCOMPLETE NOTICE

To: Chuck Darnell, Senior Planner
City of McMinnville

From: Ben Altman, Senior Planner/Project Manager
Pioneer Design Group, Inc.

Project: **Three Mile Lane Planned Development Amendment**
PDG No. 999-217

Date: March 13, 2019

RE: Responses to Incomplete Application – PDA 6-18

Per January 18, 2019 email from Chuck Darnell, “Based on the materials provided, **I am deeming the application incomplete.**”

In order for the application to be deemed complete, the following information must be provided:

- 1) *Evidence that the neighborhood meeting process was completed as required by Section 17.72.095 of the McMinnville Municipal Code (MMC). Specifically, it was determined that the City of McMinnville Planning Department was not included as a recipient of the mailed notice of the neighborhood meeting (per Section 17.72.095(D)(5)), as you mentioned in your email below.*

We did specifically seek legal counsel on this matter, as the neighborhood meeting requirements are a newer provision in our code, which is partly why the completeness review took a bit longer than we normally hope it would. Our legal counsel determined that the intent of the code is that the Planning Department would review the evidence of neighborhood meeting compliance (as required in Section 17.72.095(G)) during the completeness review. During our review, we determined that the provision listed above was not completed properly. Our legal counsel did also advise that, while you could, as the applicant, provide written notice that you would like to move forward with the application without providing the information we are requesting as part of the incomplete notice (per ORS 227.178(2)(c)), the City would have to find that the neighborhood meeting requirements were not satisfied and recommend denial of the application.

We can accept updated evidence of neighborhood meeting compliance, and then review that as part of the current application. Therefore, we would not

need a new application submitted, just the information we are requesting above (updated evidence of neighborhood meeting compliance) as a response to our incomplete notice.

RESPONSE: We scheduled a second Neighborhood Meeting, which was held on February 13, 2019, at 6:30 PM at Chemeketa Community College, Room 101. Notice of the meeting was mailed to the list of property owners, as provided by the City of McMinnville, and also mailed (email & hard copy) to the City Community Development Department. Documentation of the meeting, including notice, meeting notes, etc. has been provided in the application notebook, see Neighborhood Meeting Index Tab.

Therefore this item has been satisfied.

2) *Findings for Comprehensive Plan Policy 71.09 and Policy 71.13.*

These Comprehensive Plan Policies relate to factors to be considered in the determination of areas for high-density residential development. As the original Planned Development ordinance (4709) specifically limited uses and did not allow multiple-family, findings for these policies should be provided to show the appropriateness of the proposed use at this location. While some findings for Policy 71.09 were provided, a more detailed analysis of each individual factor should be provided (e.g. distance from transit, distance from commercial areas, etc.).

Some sources to use in that analysis are provided below:

Transit (local Route 2 runs on Norton Lane to the hospital):

<http://www.yctransitarea.org/wp-content/uploads/2017/07/Routes-2and3-McMinnville-Local.pdf>

Surrounding zoning:

http://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/zoning_2015.pdf

RESPONSE: The Compliance Narrative has been updated to address these Policy provisions in more detail, beginning on page 13, specific findings have been provided for Policy 71.09 factors 1-6 and 71.13 Factors 1-8.

In addition to the items noted above, we did identify one other item during our completeness review that is not necessarily an incomplete item, but something that you may want to consider or address. During our review, the Engineering Department noted that the City's Conveyance System Master Plan used an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre. Therefore, they have noted that they would require any development proposal beyond 59 units (4.93 acres x 12 units per acre) to provide an updated analysis of the sanitary sewer conveyance system model. They may be suggesting this as a condition of

approval, but I wanted to mention it to you now in case you would like to pursue that while working on the other items requested above. To discuss that process in more detail, I will direct you to our City Engineer and Community Development Director, Mike Bisset. He can be reached at 503-434-7312 or by email at mike.bisset@mcminnvilleoregon.gov. If you reach out to Mike by email, please copy me so I am aware of the communications.”

RESPONSE: The applicant agreed to cover the cost of CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development.

However, Mike Bisset, City Engineer, has informed us that the City has engaged CH2M to conduct a System-wide analysis, rather than just to Norton Lane area.

CH2M sewer system capacity findings will be submitted separately.

With these revisions and supplemental findings, we believe the application should now be complete.

Once the application is deemed complete, we will provide additional copies as requested.

Ben Altman

From: Kim McAvoy <kmcavoy@jkmanage.com>
Sent: Tuesday, March 12, 2019 3:51 PM
To: Mike.Bisset@mcminnvilleoregon.gov
Cc: Ben Altman
Subject: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Mike – we have been working with Ben Altman on this project and he requested that I email you to let you know we would like to proceed with the analysis of the sanitary sewer as you had outlined in an earlier email to Ben. Please let me know if there is anything else you need from us.

Sincerely,
Kim A McAvoy
Manager
KWDS, LLC

503-682-2337
PO Box 145
Wilsonville, Oregon 97070

Ben Altman

From: Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>
Sent: Saturday, February 02, 2019 8:39 AM
To: Ben Altman
Cc: Rich Spofford
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ben – Here is the response from the consultant re: running the conveyance system model. Upon your direction that the developer wishes to proceed, and will cover these costs, we will direct Jacobs to perform the model work.

mb

From: Johnson, Mark R./PDX [<mailto:Mark.Johnson6@jacobs.com>]
Sent: Friday, February 1, 2019 2:31 PM
To: Rich Spofford <Rich.Spofford@mcminnvilleoregon.gov>
Cc: Yang, Adrienne/SEA <Adrienne.Yang@jacobs.com>
Subject: RE: Conveyance Model Run....

Rich, here's our initial task list and estimate for the work. I looked at the most recent similar analyses that we've performed and this is consistent with the level of effort and \$ amount needed to perform the work. Let us know if you have any questions.

Mark J.

City of McMinnville--SE Norton Lane Sanitary Collection System Impact Analysis

Task No	Task Description	Hrs	Total
1	Revise sanitary calculations to reflect increased development density	6	\$ 1,300
2	Update the hydraulic model to reflect revised inflow quantity	8	\$ 1,700
3	Verify the collection system as built condition between the connection point from the property on Three Mile Lane to the RSPS	12	\$ 2,600
4	Run the model with the new flows and assess impacts to the downstream system including the Three Mile Lane #1 Pump Station and the RSPS (<i>note that this does not include sizing of local piping from the property to the modeled system on Three Mile Lane</i>)	16	\$ 3,400
-	Produce a Technical Memorandum to summarize findings	16	\$ 3,400
ESTIMATED TOTALS		58	\$ 12,400

From: Ben Altman [mailto:BAltman@pd-grp.com]
Sent: Tuesday, January 29, 2019 2:58 PM
To: Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>
Cc: Rich Spofford <Rich.Spofford@mcminnvilleoregon.gov>
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Ok, hope it doesn't take too long. I would like to get everything re-submitted soon.

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258
PIONEER DESIGN GROUP, INC. CIVIL | LAND USE PLANNING | SURVEY
9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 pd-grp.com

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From: Mike Bisset [mailto:Mike.Bisset@mcminnvilleoregon.gov]
Sent: Tuesday, January 29, 2019 2:57 PM
To: Ben Altman
Cc: Rich Spofford
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Ben – We are still waiting for a response from the consultant. mb

From: Ben Altman [mailto:BAltman@pd-grp.com]
Sent: Monday, January 28, 2019 6:52 AM
To: Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>
Cc: Rich Spofford <Rich.Spofford@mcminnvilleoregon.gov>
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Mike: Do you have a scope from CH2M for the Sanitary Sewer Analysis?

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258
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From: Mike Bisset [mailto:Mike.Bisset@mcminnvilleoregon.gov]
Sent: Tuesday, January 22, 2019 11:02 AM
To: Ben Altman
Cc: Rich Spofford
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

I will have our Engineering Manager work with CH2M to generate a cost/timing estimate for the modelling effort to evaluate the impact of 120 multifamily units on the site. Stay tuned.....mb

From: Ben Altman [<mailto:BAltman@pd-grp.com>]
Sent: Tuesday, January 22, 2019 10:43 AM
To: Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

OK, Thanks.

We do not, yet, have a specific Site Development Plan, but our client anticipates the development will be for 115 units. So, just to be safe, we should use 120, or 61 additional units. There will be a mix of 2, 3 & 4 bedroom units.

I really don't have any better information at this time, as we have not moved to the site planning stage, yet.

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258
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From: Mike Bisset [<mailto:Mike.Bisset@mcminnvilleoregon.gov>]
Sent: Tuesday, January 22, 2019 10:34 AM
To: Ben Altman
Subject: RE: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Good morning Ben – The City's conveyance system model is managed by a consultant (CH2M Hill). If you would like to have the model run for the proposed development, we will need specifics regarding the proposed density of the development.

We will then ask CH2M to provide an estimate of costs and time to run the model. Then, upon the developer's agreement to cover the modelling costs, we will authorize CH2M to proceed with the work.

mb

From: Ben Altman [<mailto:BAltman@pd-grp.com>]
Sent: Monday, January 21, 2019 12:30 PM
To: Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>
Subject: Three Mile Lane PD Amendment - Sanitary Sewer Analysis

Mike: per the Notice of Incomplete Application Chuck Darnell sent, we need to better understand the scope of the analysis needed, per Engineering comments.

"In addition to the items noted above, we did identify one other item during our completeness review that is not necessarily an incomplete item, but something that you may want to consider or address. During our review, the Engineering Department noted that the City's Conveyance System Master Plan used an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per

acre. Therefore, they have noted that they would require any development proposal beyond 59 units (4.93 acres x 12 units per acre) to provide an updated analysis of the sanitary sewer conveyance system model.”

Our client would like an estimate on our work effort, so it would be helpful if you could provide me with an outline of what you believe the scope of our analysis might be.

Thank you for your assistance.

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258

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Ben Altman

From: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>
Sent: Friday, January 18, 2019 9:57 AM
To: Ben Altman
Cc: Sarah Sullivan
Subject: RE: Planned Development Amendment Submittal

Hi Ben,

I am writing to follow up on the Planned Development Amendment application that you submitted to amend the existing Planned Development ordinance that applies to the property at the southern terminus of SE Norton Lane (Tax Lot R4427 00701). I will be working with you on the review of your application, and bringing your application through the formal review process with the Planning Commission and City Council. The application has been filed with the McMinnville Planning Department as Docket Number PDA 6-18.

Based on the materials provided, **I am deeming the application incomplete.**

In order for the application to be deemed complete, the following information must be provided:

- 1) Evidence that the neighborhood meeting process was completed as required by Section 17.72.095 of the McMinnville Municipal Code (MMC). Specifically, it was determined that the City of McMinnville Planning Department was not included as a recipient of the mailed notice of the neighborhood meeting (per Section 17.72.095(D)(5)), as you mentioned in your email below.

We did specifically seek legal counsel on this matter, as the neighborhood meeting requirements are a newer provision in our code, which is partly why the completeness review took a bit longer than we normally hope it would. Our legal counsel determined that the intent of the code is that the Planning Department would review the evidence of neighborhood meeting compliance (as required in Section 17.72.095(G)) during the completeness review. During our review, we determined that the provision listed above was not completed properly. Our legal counsel did also advise that, while you could, as the applicant, provide written notice that you would like to move forward with the application without providing the information we are requesting as part of the incomplete notice (per ORS 227.178(2)(c)), the City would have to find that the neighborhood meeting requirements were not satisfied and recommend denial of the application.

We can accept updated evidence of neighborhood meeting compliance, and then review that as part of the current application. Therefore, we would not need a new application submitted, just the information we are requesting above (updated evidence of neighborhood meeting compliance) as a response to our incomplete notice.

- 2) Findings for Comprehensive Plan Policy 71.09 and Policy 71.13.

These Comprehensive Plan Policies relate to factors to be considered in the determination of areas for high-density residential development. As the original Planned Development ordinance (4709) specifically limited uses and did not allow multiple-family, findings for these policies should be provided to show the appropriateness of the proposed use at this location. While some findings for Policy 71.09 were provided, a more detailed analysis of each individual factor should be provided (e.g. distance from transit, distance from commercial areas, etc.).

Some sources to use in that analysis are provided below:

Transit (local Route 2 runs on Norton Lane to the hospital): <http://www.yctransitarea.org/wp-content/uploads/2017/07/Routes-2and3-McMinnville-Local.pdf>

Surrounding zoning:

http://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/zoning_2015.pdf

In addition to the items noted above, we did identify one other item during our completeness review that is not necessarily an incomplete item, but something that you may want to consider or address. During our review, the Engineering Department noted that the City's Conveyance System Master Plan used an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre. Therefore, they have noted that they would require any development proposal beyond 59 units (4.93 acres x 12 units per acre) to provide an updated analysis of the sanitary sewer conveyance system model. They may be suggesting this as a condition of approval, but I wanted to mention it to you now in case you would like to pursue that while working on the other items requested above. To discuss that process in more detail, I will direct you to our City Engineer and Community Development Director, Mike Bisset. He can be reached at 503-434-7312 or by email at mike.bisset@mcminnvilleoregon.gov. If you reach out to Mike by email, please copy me so I am aware of the communications.

Please let me know if you have any questions on any of the information above.

Thanks,
Chuck

Chuck Darnell
Senior Planner
City of McMinnville
31 NE 5th Street
McMinnville, OR 97128

503-434-7330
chuck.darnell@mcminnvilleoregon.gov

From: Ben Altman [mailto:BAltman@pd-grp.com]
Sent: Wednesday, January 2, 2019 1:18 PM
To: Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>
Cc: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>
Subject: RE: Planned Development Amendment Submittal

Sarah: I checked, but apparently I did not send the notice to the City. I thought I had sent it to Heather, but couldn't confirm that action.

But, as I read the code, that does not invalidate the neighborhood meeting. Is that correct?

Guess I should have had the City prepare the mailing list...

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258
PIONEER DESIGN GROUP, INC. CIVIL | LAND USE PLANNING | SURVEY
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From: Sarah Sullivan [mailto:Sarah.Sullivan@mcminnvilleoregon.gov]
Sent: Wednesday, January 02, 2019 10:44 AM
To: Ben Altman
Cc: Chuck Darnell
Subject: Planned Development Amendment Submittal

Good afternoon Ben,

Our office has started an initial review for completeness of the Planned Development Amendment application your office submitted on December 20, 2018. This application is to amend PD Ordinance 4863, to allow for multi-family development.

In reviewing the Neighborhood meeting compliance requirements, please note that the City is not identified on the list of property owner the neighborhood meeting notices was mailed to. Section 17.72.095(B)(5) of the McMinnville Zoning Ordinance states:

“The City of McMinnville Planning Department shall be included as a recipient of the mailed notice of the neighborhood meeting.”

Section 17.72.095(B)(6) states:

“Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.”

At this time, as we finish reviewing your application for completeness, we ask that you provide evidence that you mailed a copy of the neighborhood meeting notice to our office, even though we did not receive a copy of said notice.

If you have any other questions please let me know.

Thank,

Sarah Sullivan
Planning Analyst
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128
503-434-7311

COMPLIANCE NARRATIVE

LAND USE APPLICATION
CITY OF McMINNVILLE, OREGON

**THREE MILE LANE
PLANNED DEVELOPMENT
AMENDMENT
(Ordinance 4863)**

December 19, 2018
Revised March 13, 2019 for Completeness

APPLICANT:

**KWDS, LLC
PO Box 145
Wilsonville, OR 97070
Contact: Kim McAvoy
Phone: 503-682-2337
Email: kmcavoy@jkmanage.com**

OWNERS:

**Gene. A. McMullin, Trustee, McMullin Family Residual Trust; and
Phyllis A. Moyer, Trustee, Phyllis Moyer Living Trust**

APPLICANT'S REPRESENTATIVE:

**Pioneer Design Group
9020 Washington Square Drive, Suite 170
Portland, OR 97223
Contact: Ben Altman
Ph. Dir. 971-708-6258
Email: baltman@pd-grp.com**



9020 SW Washington Square Rd
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FACT SHEET

Project Name: **Three Mile Lane Planned Development**
Proposed Action: **Planned Development Amendment (Ord. 4863)**
Tax Map: T4S R4W 27
Tax Lots: 701
Site Size: 4.93 Acres
Addresses: None Assigned – SE Norton Lane
Location: South of Stratus Avenue and West of Norton Lane
Zoning: C3 PD, General Commercial Planned Development

APPLICANT:

KWDS, LLC
PO Box 145
Wilsonville, OR 97070
Contact: Kim McAvoy
Phone: 503-682-2337
Email: kmcavoy@jkmanage.com

OWNERS:

Gene. A. McMullin, Trustee, McMullin Family Residual Trust; and
Phyllis A. Moyer, Trustee, Phyllis Moyer Living Trust

APPLICANT'S REPRESENTATIVE:

Pioneer Design Group
9020 Washington Square Drive, Suite 170
Portland, OR 97223
Contact: Ben Altman
Ph. Dir. 971-708-6258
Mail: baltman@pd-grp.com

GENERAL INFORMATION

The subject property consists of a single Tax Lot 701, Map T4S R4W Section 27. The property contains approximately 4.93 acres, and is zoned C-3 PD, General Commercial Planned Development. This property abuts the southern boundary of the city limits and urban growth boundary.

The subject site is one of four commercially zoned properties clustered around the intersection of SE Stratus Avenue and SE Norton Lane.

History of Three Mile Lane PD

The subject site is within the Three Mile Lane Planned Development Overlay area, originally established by Ordinance 4131 in 1981.

By Ordinance 4131, the City of McMinnville established Planned Development requirements for the Three Mile Lane area (Oregon Highway 18 Corridor). The area covered by this requirement extends north and south of Highway 18 from the eastern city limits west to the vicinity of the Three Mile Lane Spur intersection with Highway 18.

In 1994, Ordinance 4131 was amended to add specific development policies (Section 4) and signage regulations for Commercial lands (Section 5) by Ordinance 4572.

In 1999, the City amended the Comprehensive Plan re-designating a 5 acre industrial area south of Stratus Avenue for commercial use. With this Plan amendment, the 5 acre area, which is the Subject Site, was zoned C-3 PD, General Commercial Planned Development by Ordinance 4709.

Ordinance 4709 included 20 Conditions applicable to development within the PD boundary. These conditions remain in effect. However Condition 15 specifically limited uses as follows:

“Condition 15. That the subject site is limited to professional office use or medical office use, or other compatible, small scale commercial uses such as delicatessen, Florist, or day care facility. Uses other than professional office, medical office, senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants, automobile, boat, or truck rentals sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and automobile service stations are prohibited from locating on the subject site.”

The record indicates the City’s general intent in limiting uses in this area was to avoid creation of strip commercial development, by restricting general retail uses.

In 2006, the Three Mile Lane Planned Development (Ord. 4709) was amended, by Ordinance 4863. This amendment added senior condominiums, senior apartments, or assisted living facilities as permitted uses. Under Ordinance 4863 the current allowed uses for the subject property are limited as follows:

“Condition 15. That the subject site is limited to professional office use or medical office use, or senior condominiums, senior apartments, or assisted living facilities, or other compatible, small scale commercial uses such as delicatessen, Florist, or day care facility. Uses other than professional office, medical office, senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants, automobile, boat, or truck rentals sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and automobile service stations are prohibited from locating on the subject site.”

The revised Condition 15 applies specifically to Tax Lot 701. In addition to the use restrictions per amended Condition 15, the specific development policies (Section 4) and signage regulations for Commercial lands (Section 5) established in Ordinance 4572 are applicable to development of the Subject Property, as well as the other 19 Conditions set in Ordinance 4709.

Existing Conditions

The Subject Site is currently undeveloped, and used for farming. The site is generally flat, with a minor slope to the northwest. There are no significant or distinguishing natural features associated with this property.

Access to the property is from Highway 18 via the intersection with Norton Lane. There is a signalized intersection of Norton Lane (SE & NE) with Highway 18. Immediately south of the highway, there is a three-way stop intersection of SE Norton Lane and SE Stratus Avenue. Stratus Avenue loops around the Medical Center and intersects back with SE Norton Lane across from the Subject Site.

Access and Utilities

The property fronts on west side of SE Norton Lane, just south of the Altimus Plaza medical offices. The existing right-of-way for SE Norton Lane is 60 feet down to and through the Stratus Avenue Loop intersection, south of the Medical Center. The existing improvements extend through this intersection. The street is currently improved with curb and gutter and 28 foot paved section.

SE Norton Lane is improved to City standard south to the intersection with the Stratus Avenue loop. The street improvements extend approximately 180 feet along the frontage of the Subject Site. There is an additional 280 feet of site frontage that is currently not improved.

There are existing urban services and utilities within SE Norton Lane. These facilities are all available and were adequately sized to serve development of the subject property, consistent with the allowed commercial uses.

Surrounding Uses

North - The property immediately north of the subject property is the Altimus Plaza medical offices. Further to the north at the Stratus Avenue intersection are the Comfort Inn & Suites and the Diner restaurant. The land west of the motel is vacant land, designated for professional and medical offices, or other compatible uses.

East - The property immediately east of the subject property is developed with medical offices, specifically Willamette Valley Medical Center, including a Heliport. To the south of the medical center is vacant farm land, outside of the city limits and UGB.

The Evergreen Aviation Museum, north of Hwy 18, and Municipal Airport, south of Hwy 18, are located just over a mile to the east.

South - The property immediately south of the subject property is vacant farm land, outside of the city limits and UGB.

West - The property immediately west of the subject property is the Evergreen Estates Mobile Home Park, which is zoned R-4.

PROJECT DESCRIPTION

KWDS, the applicant, has executed a purchase option for the Subject Property, specifically identified as Tax Lot 701, T4S R4W 27. The applicant intends to develop the site with apartments consistent with R-4 density and development standards.

However the current applicable Planned Development provisions (Ord 4863) specifically limit residential use to various types of senior housing. Therefore the Planned Development must be amended in order to accomplish the applicant's objective.

The applicant is requesting an amendment to Ordinance 4863 to add **multi-family apartments** as a permitted use. With the requested amendment Condition 15 (Ord 4709) is proposed to read as follows:

*"Condition 15. That the subject site is limited to professional office use or medical office use, or **multi-family apartment**, senior condominiums, senior apartments, or assisted living facilities, or other compatible, small scale commercial uses such as delicatessen, Florist, or day care facility. Uses other than professional office, medical office, **multi-family apartment**, senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants, automobile, boat, or truck rentals sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and automobile service stations are prohibited from locating on the subject site."*

Consistent with Chapter 17.33.010.3., multi-family development within the Planned Development will be subject to the allowed density and applicable standards of the R-4 District.

COMPLIANCE WITH APPLICABLE DEVELOPMENT CODE CRITERIA

Chapter 17.74

REVIEW CRITERIA

(as adopted by Ord. 4920, January 12, 2010)

Sections:

17.74.010 Purpose

17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria

17.74.030 *Authorization to Grant or Deny a Conditional Use.*
 17.74.040 *Placing Conditions on a Conditional Use Permit.*
 17.74.050 *Compliance with Zone Standards - Exceptions.*
 17.74.060 *Use Conveyed with Property - Termination Condition and Procedures.*
17.74.070 *Planned Development Amendment - Review Criteria*
 17.74.080 *Administrative Variance - Limitations*
 17.74.090 *Administrative Variance - Review Criteria*
 17.74.100 *Variance-Planning Commission Authority*
 17.74.110 *Conditions for Granting Variance.*
 17.74.120 *Variance for Solar Collection Systems.*
 17.74.130 *Use Conveyed with Property - Termination Condition and Procedures.*
 17.74.010 *Purpose. The purpose of this chapter is to provide the approval criteria for the following applications:*

- Comprehensive Plan Map Amendment*
- Conditional Use Permit*
- Planned Development Amendment***
- Variance-Administrative*
- Variance*
- Zone Change (Planned Development)*

RESPONSE: The subject property is within the Three Mile Lane Planned Development, established under Ordinance 4709. Ordinance 4709 was amended by Ordinance 4863, adding allowed uses to the specific limit of uses allowed under Ord 4709. The current limit on allowed uses set by Condition 15, is as follows:

“Condition 15. That the subject site is limited to professional office use or medical office use, or senior condominiums, senior apartments, or assisted living facilities, or other compatible, small scale commercial uses such as delicatessen, Florist, or day care facility. Uses other than professional office, medical office, senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants, automobile, boat, or truck rentals sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and automobile service stations are prohibited from locating on the subject site.”

The applicant is seeking to amend Condition 15 of Ordinance 4709. Amendments to an existing Planned Development are subject to the review criteria set forth in Section 17.74.070.

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

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

RESPONSE: While none of the listed changes are specifically applicable, the Planning Director has determined that the proposed PD amendment, which changes allowed uses, is considered to be a Major amendment and is therefore subject to Section 17.72.120, as addressed herein.

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:

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;

RESPONSE: The applicants desire to develop multi-family apartments. While senior housing remains an appropriate use, the applicant submits that the need for housing alternatives, within the Planned Development, is greater than just the narrow segment currently allowed for senior housing.

While there is a general modest trend of an aging population, the median age for Yamhill County, including McMinnville is 37.5 (2015). This is slightly higher than the state in general. Consequently the applicant submits that there is no greater demand for senior housing over general housing or non-age restricted apartments.

McMinnville's building permit activity over the past couple of years reflects this trend with similar permit activity rates for both single and multi-family residential construction.

Historic Perspective

Based on a review of the historic records associated with the Three Mile Lane Planned Development it appears that the City's intent was initially to limit development to professional and medical offices, or other compatible commercial uses. General commercial and retail were not allowed with the intent to avoid creating strip commercial development in this area.

The current development within this Planned Development is predominantly medical facilities and professional offices, as originally targeted. However a motel and restaurant have also been developed, considered as compatible uses.

The 2006 amendment (Ord 4863) allowed for various types of senior housing as permitted uses. This amendment was based on findings that this type of housing was compatible with the developed properties and other allowed uses under Ordinance 4709, in particular the compatibility or supportive nature of medical services. The decision was also based on consideration that traffic impacts from senior housing would generally be lower than those created by professional or medical offices.

While the prior amendment allowed for senior housing, the decision does not appear to have been made based on any specific findings of need for this particular housing type relative to types of housing. Rather, the decision was based more on consistency with the underlying C-3 zone, and compatibility with the allowed professional and medical office uses.

However, since the amendment, the anticipated senior housing has not come to fruition, at least on the subject site. Consequently the land has remained vacant. While the subject site was not actually developed for the anticipated senior housing, the need for such housing has been met, in part, by other projects developed in the vicinity northeast of the site. These developments include:

1. Fircrest Community, assisted living and retirements apartments; and
2. Parkland Village, assisted living and retirements apartments; and
3. The Virginia Garcia Memorial Health Center has also been developed in close proximity to these senior housing projects. This facility provides various senior medical services.

Continued Need for Housing – General Multi-family

The City's 2001 Housing Needs Analysis projected growth from 2000 to 2020 to increase from 25,153 to 38,720. It is noted that the City has not completed an update of the Needs Analysis, but is working on an update. Consequently the 2001 projections of need are still considered valid.

The 2001 projects identified a need for both single family and multi-family units. City staff confirmed that the projected need remains unfulfilled. For example, staff noted that local businesses, such as the Medical Center, Chemeketa Community College, and others have identified a need for apartments for transitional housing for new employees and students. Generally people moving to McMinnville continue to create a need for more housing. This growth is consistent with the 2001 projects, just delayed due to the economic recessions over the past 18 years.

Based on data from Portland State University's Population Research Center (PRC) the City's population in 2016 was 33,405, below the 2020 projection. The PRC's most current data shows McMinnville's 2017 population at 34,293, but still below the 2020 projection.

The slower than projected growth is primarily attributed to the economic recessions of in the 1990s and the Great Recession 2008-2012. However, in- migration has also affected the County's and City's population, as noted by PSU research.

Since 2012, the end of the "Great Recession," the economy has shown considerable strength. Given the current continuing strong economy, growth is expected to increase over the rates of the previous 10 years, more on track with the projections prior to the recessions. The Center's updated 2035 projection is for McMinnville to grow to a population of 44,122.

Portland State University's Population Research Center (PRC)

"Yamhill County's total population is forecast to grow by a little more than 70,000 persons from 2017 to 2067, which translates into a total countywide population of 177,170 in 2067 (Figure 15). The population is forecast to grow at the highest rate—just below one and a half percent per year—in the near-term (2017-2025). This anticipated population growth in the near-term is based on three core assumptions: (1) Yamhill County's economy will continue to strengthen in the next 10 years; (2) middle-aged persons will continue migrating into the county—bringing their families or having more children; and (3) empty nesters and retirees will continue migrating into the county, thus increasing deaths. The largest component of growth in this initial period is net in-migration. Over 1,300 more births than deaths are forecast for the 2017 to 2025 period. At the same time roughly 13,000 net in-migrants are also forecast, combining with a diminishing natural increase for continued population growth."

Yamhill County's two largest UGBs—McMinnville and Newberg—are forecast to experience a combined population growth of nearly 20,000 from 2017 to 2035 and nearly 37,000 from 2035 to 2067 (Figure 16). McMinnville is expected to increase by 9,829 persons from 2017 to 2035 (1.4% AAGR), growing from a total population of 34,293 in 2017 to 44,122 in 2035."

Portland State University's Population Research Center (PRC) released the preliminary 2016 population estimates for Oregon and its cities and counties on November 15.

According to the preliminary July 1 population estimates, Oregon's population increased from 4,013,845 in 2015 to 4,076,350 in 2016, or by 62,505. This increase represents a 1.6 percent change, slightly higher than in the previous year (1.3 percent). The increase in 2016 is over 11,000 higher than added in 2015, and surpasses the peak pre-recession growth of 58,000 in 2006 and it is closer to growth experienced in the early and mid-1990s.

Population growth consists of two factors: natural increase (the number of births minus the number of deaths) and net migration (movers-in minus movers-out). From 2015 to 2016 net migration accounted for roughly 83 percent of Oregon's population growth.

Generally, net in-migration has either boosted population growth around the state or has prevented population losses. In counties where a natural decrease is occurring (over a third of the counties experience a natural decrease, meaning there are more deaths than births), net inmigration has offset overall population decreases. Net in-migration this past year is estimated to have accelerated in most counties statewide from last year.

Vacancy rates in 1990 were 2.2% for single family and 3.7% for multi-family. The 2020 projections were based on 2.5% for single family and 5.0% for multi-family. PRC indicates the current vacancy rate is 3.32% for multi-family, which is below the earlier projected rate, thereby indicating a need for more multi-family housing.

For McMinnville currently 40.7% of households are renters. Generally, statewide, there is a trend for renter ship moving towards an even split 50/50 with home ownership. The City's building permit activity for multi-family development has followed a similar pattern as single family over the past couple of years, which is consistent with this trend towards a 50/50 split.

17.74.070 Continued

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

RESPONSE: Adding apartments to the list of allowed uses will not be inconsistent with the Comprehensive Plan, including general Goals, Policies and Objectives. This decision will be consistent with the prior amendment, which allowed limited residential uses.

Compliance with the Comprehensive Plan

Commercial Development – Chapter IV

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMinnville's Economy in order to enhance the general well-being of the community and provide employment opportunities for its citizens.

COMMERCIAL DEVELOPMENT

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMinnville as the commercial center of Yamhill County in order to provide employment opportunities, goods, and services for the city and county residents.

General Policies:

21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)

RESPONSE: The comprehensive plan map is already consistent with these Goals and this Policy. The subject site and surrounding properties to the north and east are designated commercial and zoned C-3PD.

The proposed amendment does not change this designation, and the property remains zoned C-3PD. Additional vacant commercial land remains north and east of the subject property, to accommodate additional office or senior housing uses. The amendment only adds multi-family apartments to the list of allowed uses, which already includes senior apartments.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

Locational Policies:

24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)

25.00 Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.

Design Policies:

29.00 New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.

RESPONSE: As noted, the Subject Property is designated commercial, consistent with these policies. The designation does not change with this proposed amendment. In approving the prior amendment (Ordinance 4863) the City has already determined that residential use, in the form of senior housing, would be compatible with the underlying C-3 commercial zoning, which allows multi-family housing. The applicant is simply requesting that the residential use not be restricted to senior housing, by also allowing traditional multi-family apartment.

The provisions of Policy 29.00 remain in effect, and have been implemented by the existing transportation improvements in the immediate area. As demonstrated by the traffic impact report attached with this application, the proposed multi-family use will generate less traffic impacts than the base commercial office uses.

Proposals:

6.00 A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.

RESPONSE: The Three Mile Lane Planned Development is consistent with this proposal. The PD Overlay remains in effect, the amendment simply adds multi-family apartments as an allowed uses, and will maintain consistency with the underlying C-3 zoning.

Housing and Residential Development – Chapter V

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

General Housing Policies:

58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

61.00 The City of McMinnville shall monitor the conversion of lands to residential use to insure that adequate opportunities for development of all housing types are assured. Annual reports on the housing development pattern, housing density and mix shall be prepared for city review.

RESPONSE: The City has implemented these Policies through adoption of the Zoning Code, which includes residential zones accommodating various densities and housing types. Further, the underlying C-3 zone allows multi-family development, consistent with R-4 standards, per Section 17.33.010.3. The proposed amendment simply adds this allowed use, maintaining consistency with the C-3 code.

As addressed herein, the evidence provided demonstrates that there is no greater need for senior housing over other type of housing. In fact, the City's Code does not even distinguish senior housing as a separate use category. Any senior housing built would be approved consistent with the C-3 and R-4 zoning for multi-family housing.

Further, there is residential R-4 land immediately to the west of the subject site, so there is a basis for concluding that R-4 residential is compatible with the professional and medical office commercial designation for the remainder of the Planned Development Area.

The requested change will not alter the current density allocated for the property. The allowed density will remain consistent with the R-4 standards for multi-family housing.

Therefore the requested amendment maintains consistency with the applicable zoning.

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

Policies:

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

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

71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord. 4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)

71.09 Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:

- 1. Areas that are not committed to low density development;*

RESPONSE: The area of the proposed amendment is zoned C-3 Commercial and therefore is not committed to low density development. The existing C-3 zoning is consistent with Goal V2 and the Policies 68, 71.03, and 71.09.

The current Planned Development Overlay is consistent with the criteria for location of medium and high density residential, which is allowed under Policy 71.09 and also specifically allowed in the C-3 zone.

However, Ordinance 4863 imposed a specific limitation restricting residential development to various types of senior housing, per Condition 15. Except for this specific conditioned limitation, the C-3 zone would otherwise allow multi-family development, consistent with R-4 standards, as a permitted use.

The applicant's intent is to develop high density apartments consistent with the R-4 standards, as required by the C-3 zone. So technically, under the C-3 zoning, the density is not being increased, as the R-4 standards will be applied.

2. Areas that have direct access from collector or arterial streets;

RESPONSE: The subject site has direct access from the Highway (E. Salmon River) via SE Norton Lane. Therefore this criterion is met.

3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;

RESPONSE: The subject site is an open generally flat field, with no development restrictions. Therefore this criterion is met.

4. Areas where the existing facilities have the capacity for additional development;

RESPONSE: The commercial area along Norton Lane is served by a full range of urban services including sanitary sewer, water, storm drainage and franchise utilities. All of these services generally have sufficient capacity to serve the proposed development.

However, the City Engineer indicated that the existing sanitary sewer line serving the subject site was designed based on, "*an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre.*"

Consequently, in coordination with the City Engineer, CH2M has conducted an analysis of the sewer system capacity for the immediate area to determine that there is capacity. The system was designed based on medium density residential calculated to serve 59 units (4.93 acres x 12 units per acre).

The applicant has agreed to cover the cost for CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development.

CH2M findings will be submitted separately.

5. Areas within one-quarter mile of existing or planned public transportation; and

RESPONSE: Local Transit Routes 2 runs on the Highway and on SE Norton Lane to the Willamette Valley Medical Center, which is located across the street from the subject site. See the attached Route Map and Schedule, at the end of this Compliance Narrative.

Route 2 provides regularly scheduled weekday service. This route connects to the Transit Center for connection to the Yamhill County Transit route for access to the other parts of town. Therefore this criterion is met.

6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas. (Ord. 4961, January 8, 2013; Ord. 4796, October 14, 2003)

RESPONSE: And, there is residential R-4 land immediately to the west of the subject site, which establishes the buffer of lower density residential per criteria 6.

The requested change will not alter the current density allocated to the property. The density will remain as is consistent with the R-4 standards for multi-family housing.

Therefore all of the criteria in Policy 71.09 are met.

71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development:

1. Areas which are not committed to low or medium density development;

RESPONSE: The subject property is zoned C-3 General Commercial with a PD overlay. The C-3 zone allows high density residential use. Therefore it is not committed to low or medium density development.

2. Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;

RESPONSE: There is no designated low density residential in the surrounding neighborhood. There is R-4 zoning to the west, which provides a buffer between the site and other zoning. Therefore this criterion is met.

3. Areas which have direct access from a major collector or arterial street;

RESPONSE: The subject site has direct access from the Highway (E. Salmon River) via SE Norton Lane. Therefore this criterion is met.

4. Areas which are not subject to development limitations;

RESPONSE: The subject site is an open generally flat field, with no development restrictions. Therefore this criterion is met.

5. Areas where the existing facilities have the capacity for additional development;

RESPONSE: The City Engineer indicates that the existing sanitary sewer line serving the subject site was designed based on, “*an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre.*” Whereas, the applicant is proposing high density multi-family development up to 120 units.

Consequently, in coordination with the City Engineer, CH2M has conducted an analysis of the sewer system capacity for the immediate area to determine that there is capacity. The system was designed based on medium density residential calculated to serve 59 units (4.93 acres x 12 units per acre).

The applicant has agreed to cover the cost of CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development.

CH2M findings will be submitted separately.

6. Areas within a one-half mile wide corridor centered on existing or planned public transit routes;

RESPONSE: Local Transit Route 2 runs on the Highway and on SE Norton Lane to the Willamette Valley Medical Center. The Medical Center is located across the street from the subject site. See the attached Route Map and Schedule, at the end of this Compliance Narrative. Route 2 provides regularly scheduled weekday service. Therefore this criterion is met.

*7. Areas within one-quarter mile from neighborhood and general commercial shopping centers;
and*

RESPONSE: The City’s zoning for Neighborhood Commercial is C-1, while General Commercial is C-2.

The subject property and adjacent property to the north (770 feet) to Stratus Avenue is zoned C-2, General Commercial, with a PD overlay. There is also C-2 zoning on the north side of the highway on both sides of NE Norton Lane.

The closest C-1 zoning is approximately ¼ mile east of the Norton Lane intersection with the Highway.

Therefore this criterion is met.

8. Areas adjacent to either private or public permanent open space. (Ord. 4796, October 14, 2003)

RESPONSE: The closest public open space to the site is Joe Dancer Park, which is located on E. Brooks Street, approximately 1.4 miles to the northwest.

The proposed development will however be designed to provide on-site open space for passive and active recreation for tenants. Therefore this criterion is met.

Therefore all of the criteria in Policy 71.13 are met.

Planned Development Policies:

72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

RESPONSE: The existing Three Mile Lane Planned Development has been established consistent with these Planned Development Policies, per Ordinance 4709. The 20 Conditions included with the ordinance remain in effect, and are applicable to any development of the Subject Site.

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

RESPONSE: The requested amendment will add opportunity for a wider variety of housing types, than is currently allowed. However, this general area is not identified by the City for lower density housing alternatives, just medium and high density residential, consistent with the C-3 zoning.

74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

RESPONSE: There are no particularly distinctive natural, topographic or aesthetic features associated with the Subject Site. The property is relatively flat, and currently abuts farm land to the south, which is outside of the city limits and UGB.

75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.

RESPONSE: No specific development plans are being proposed at this time. However, the applicant is proposing an apartment complex. Their typical development plans provide landscaped open space for passive recreational use, and depending upon the specific target market, other amenities may be provided. Two examples of the applicant's most recent apartment projects have been provided to show how open space and amenities are typically provided.

Specific details regarding site amenities will be provided at the time of development review, assuming this requested PD amendment is approved. Such facilities or amenities are always located for convenient use of the tenants, as reflected in the site plan examples.

The applicant will maintain ownership and management of the facilities, with costs covered by rents. Therefore no HOA, assessment district or escrow funds are necessary to ensure proper maintenance.

77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

RESPONSE: Any development of the subject property will be required to meet these design criteria. So this policy will be equally implemented with or without the proposed amendment. Again, the two site plans provided show how site circulation is typically provided.

78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

RESPONSE: Traffic system improvements have been developed in the immediate neighborhood, including the Highway 18 intersection with Norton Lane, and the SE Norton Lane intersection with SE Stratus Avenue. These improvements provide basic and adequate circulation into, out of, and throughout the immediate neighborhood. These street improvements were made to meet the anticipated development within the Three Mile Lane Planned Development area.

As reflected in Table 1 herein, and the accompanying Traffic Impact Report, the traffic impacts of the proposed multi-family development will be slightly more than those associated with senior housing, but will be considerably lower than traffic generated by allowed professional and medical offices, thereby maintaining consistency with this criterion.

79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy. (Ord. 4796, October 14, 2003)

RESPONSE: The requested amendment to allow multi-family development, only amends Condition 15 of Ord. 4709, and does not alter the allowed density, which will remain consistent with the R-4 standards and the base C-3 zoning.

Transportation – Chapter VI

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

STREETS

Policies:

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

119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.

120.00 *The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.*

121.00 *The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.*

SYSTEM PLAN

132.23.00 *The McMinnville Transportation System Plan shall be updated as necessary to remain consistent with: (a) the city's land use plan; (b) regional and statewide plans; and (c) the applicable local, State, and federal law. (Ord. 4922, February 23, 2010)*

SUPPORTIVE OF GENERAL LAND USE PLAN DESIGNATIONS AND DEVELOPMENT PATTERNS

132.27.00 *The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)*

RESPONSE: The City's transportation Goal and Policies are further refined and implemented through the Transportation System Plan (TSP). The TSP provides the functional classification of streets, including arterial, collector and local designations.

The TSP identifies corridor improvements for the Highway 18 Corridor:

ODOT, the City of McMinnville and Yamhill County have mutually approved the Highway 18 Corridor Refinement Plan, which was completed in 1996. The Plan includes a series of traffic control and frontage roads improvements north and south of Highway 18, to include closing of the existing Norton Lane intersection, construction of a new interchange near the Evergreen Air Museum, and redesign of the current East McMinnville (Three Mile Lane) interchange for full, directional access.

Some frontage road improvements have been completed since the 1996 Plan was adopted. Exhibit 4-10 illustrates the current state of the Plan. It is important to note, however, that the northernmost collector access road depicted in the Highway 18 Corridor Refinement Plan is not shown in the TSP due to the fact that it is located outside of McMinnville's current urban growth boundary. Under Oregon Administrative Rule (OAR 660-012), transportation facilities outside of urban growth boundaries are not permitted as part of a TSP unless a "reasons" exception to the applicable goal(s) has been approved by the City. In this case, McMinnville finds such action premature due to the lack of certainty as to the street corridor's location and design. An amendment to this plan, and a Goal 2 (Land Use) exception, would be part of any future proposal to add this element to the TSP and permit its construction and use for urban purposes.

Some of the corridor improvements have already been completed, including the Norton Lane intersection and Stratus Avenue frontage road. The future interchange discussed is further to the east, at Cumulus Avenue. However, no decision regarding an interchange has yet been made.

The proposed amendment does not substantially alter the demand for transportation and public service improvement to any greater degree than the currently allowed uses.

Primary access to the property is from Salmon River Highway 18, designated as an arterial street. SE Norton Lane intersects with Highway 18 north of the subject property. The property fronts on west side of SE Norton Lane, just south of the intersection with SE Stratus Avenue. Stratus Avenue is classified as a collector.

Public Facilities – Chapter VII

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMinnville Urban Growth Boundary.

SANITARY SEWER SYSTEM

Policies:

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

STORM DRAINAGE

Policies:

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

WATER SYSTEM

Policies:

144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

RESPONSE: The surrounding development along SE Norton Lane has been constructed consistent with the general Public Facilities Goal and these Policies for specific utilities. All required urban services are currently available and adequate to support development of the property consistent with these policies, assuming that CH2M makes positive findings with their sewer system analysis, being paid for by the applicant.

The proposed amendment will not result in development that will create substantially greater demands on the available services than the types of development that is already allowed.

The City has confirmed that the sanitary sewer line has sufficient capacity to accommodate the proposed increase in density from senior housing to apartments. The net difference is 61 units.

17.74.070 Continued

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

RESPONSE: Access to the property is from Salmon River Highway 18 and south on SE Norton Lane. The property fronts on west side of SE Norton Lane, just south of the intersection with the SE Stratus Avenue Loop. The property abuts the city limits and UGB to the south, but any site development, regardless of use, will extend the street improvements to the city limits, or as determined by the City.

The proposed amendment does not substantially alter the demand for transportation and public service improvement to any greater degree than the currently allowed uses.

The existing right-of-way for SE Norton Lane is 60 feet down to SE Stratus Avenue, which is the extent of current improvements. Site development of the subject site will complete improvements across the site frontage.

The full range of urban services is currently available to the property, thereby ensuring timely and efficient provision of services. Utilities will be extended as required to the adjoining property, which to the south is outside of the city limits.

17.74.070 Continued

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

RESPONSE: The applicant intends to proceed with development review and site development as quickly as possible, assuming this PD amendment is approved. Full site development would be expected to be completed by 2020-2021.

17.74.070 continued

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

RESPONSE: The existing streets serving the property are designed and constructed to City standards, with adequate capacity, based on the C-3 zoning. The accompanying Traffic Impact Report, prepared by Lancaster Engineering compares the multi-family traffic impacts to those of the allowed commercial offices and senior housing.

**Table 1
Trip Generation Comparison**

Type Use	Average Weekly Trip Rate	Total Weekly Trips	PM Peak Hours Trips
Senior Apartments *	3.70/unit	463	.26/hr = 33
Multi-Family Apartments **	7.32/unit	842	.56/hr = 64
Medical Office ***	34.8/1,000 sf	4,486	3.46/hr = 446

*Senior units estimated using R-4 standards, at 25/acre = 125 units, with 1-2 bed units, 2-story structures.

**Multi-Family estimated using R-4, at 23/acre = 115 units, with 2, 3 & 4 bed units, and mix of 2 and 3-story structures.

***Office use estimated at 128,900 square feet.

The proposed multi-family residential use will actually generate significantly fewer total trips and peak hour trips than originally anticipate medical office development. The proposed apartment will, however, generate slightly more trips than senior housing, which is currently allowed.

Therefore the requested amendment is not expected to result in any significant increase in new traffic demands, as compared to the current allowed uses.

17.74.070 Continued

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

RESPONSE: The full range of urban services is currently available to the property, thereby ensuring timely and efficient provision of services. Utilities will be extended as required to the adjoining properties. However, land to the south is outside of the city limits and UGB.

Utilities requirements for the proposed residential development will be generally consistent with the demands created by the current allowed senior housing. Therefore this amendment will not substantially alter the demand for urban services.

17.74.070 Continued

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

RESPONSE: The noise, air, and water pollutants caused by the multi-family development allowed by this amendment will not result in any substantial change as compared to the current list of allowed uses, in particular the senior housing, which is substantially similar in potential impacts.

CONCLUSION – Amendment Criteria

Based on the findings presented herein, the applicant has demonstrated compliance with the 7 applicable amendment approval criteria.

Chapter 17.72

APPLICATIONS AND REVIEW PROCESS

(as amended by Ord. 4920, January 12, 2010)

Sections:

17.72.010 Purpose

17.72.020 Application Submittal Requirements

17.72.030 Filing Fees

17.72.040 Application Review for Completeness

17.72.050 Application Decision Time Limit

17.72.060 Limitations on Renewal or Refiling of Application

17.72.070 Concurrent Applications

17.72.020 Application Submittal Requirements. Applications shall be filed on forms provided by the Planning Department and shall be accompanied by the following:

A. A scalable site plan of the property for which action is requested. The site plan shall show existing and proposed features, such as access, lot and street lines with dimensions in feet, distances from property lines, existing and proposed buildings and significant features (slope, vegetation, adjacent development, drainage etc.)

B. An explanation of intent, nature and proposed use of the development, and any pertinent background information.

C. Property description and assessor map parcel numbers(s).

D. A legal description of the property when necessary.

Ordinance 3380 226

E. Signed statement indicating that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.

F. Materials required by other sections of the McMinnville Zoning Ordinance specific to the land use application.

G. Other materials deemed necessary by the Planning Director to illustrate compliance with applicable review criteria, or to explain the details of the requested land use action.

17.72.030 Filing Fees. The City shall charge and collect a filing fee for each such application as established by resolution of the City Council.

A. The applicant(s) shall submit the required filing fee at the time of application submittal;

B. Whether the request is approved or denied, the petitioner shall not be entitled to a refund of the initial fee paid.

RESPONSE: This application for amendment to the Three Mile Lane Planned Development includes the submittal requirements listed in 17.72.020 A-G, together with the required filing fee. However, no specific site development plans are proposed at this time. Compliance with these requirements is confirmed through the City's "Completeness Review" process.

17.72.040 Application Review for Completeness. Upon receipt of a complete application, the Planning Director shall review the application for completeness within 30 (thirty) days of the date that the application is submitted. If, upon review, the application is found to be incomplete, the applicant shall be advised in writing of the information needed to complete the application within 30 (thirty) days of the date of application submittal. The application shall be deemed complete upon receipt of all of the missing information or upon written notice from the applicant that some or all of the missing information will not be provided. Throughout all land use proceedings, the burden of proof shall rest on the applicant.

17.72.050 Application Decision Time Limit. The City shall take final action on all land use requests that are wholly within the authority and control of the City within 120 days from the date the application is deemed complete. However, by agreement with the applicant, this deadline may be extended for any reasonable length of time. The 120 day period does not apply to an amendment of the comprehensive plan or a land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development (DLCDC) as required by ORS 197.610.

RESPONSE: Compliance with the submittal requirements is confirmed through the City's Completeness Review process and determination of Complete Application.

The applicant understands the application review timeline.

Application Review and Decision Process

17.72.080 Legislative or Quasi-Judicial Hearings. The applications listed in this Chapter are either legislative or quasi-judicial in nature and are subject to a public hearing before the Planning Commission or City Council.

A. A requested amendment to the text of the zoning ordinance or comprehensive plan would call for a legislative-type hearing, the purpose of which is to obtain public input primarily on matters of policy. A legislative amendment may be initiated by the City Council, the Planning Commission or by the Citizens’ Advisory Committee. Any other citizen may petition the City Council requesting them to initiate a text amendment.

B. An application that is site specific (such as a zone change or annexation request) would call for a quasi-judicial hearing. The decisions made as a result of such hearings must be based upon testimony submitted and supported by Findings of Fact. An amendment that is site specific may be initiated by the City Council, the Planning Commission, the Citizens’ Advisory Committee or by application of the property owner.

RESPONSE: This amendment request is applicable to a specific site, per Sub-B.

17.72.090 Application Review Summary Table. The following table offers an overview of land use applications and corresponding review body. Additional information regarding the notification and approval criteria for specific land use applications can be found by referring to the procedural reference section in the right-hand column of the table. Information regarding the hearing body and the hearing procedure can be found in this chapter. (Ord. 5047, §2, 2018, Ord. 5034 §2, 2017; Ord. 4984 §1, 2014).

<i>Review Process</i>	<i>Land Use Application</i>	<i>Zoning Ordinance Reference</i>
<i>Applications Public Hearing- Planning Commission</i>	<i>Annexations* **</i>	<i>Ord. No. 4357...</i>
	<i>Planned Development Amendment*</i>	<i>17.74.070</i>

** Following Public Hearing, Planning Commission makes recommendation to City Council*

*** Following City Council recommendation, Annexation requests are subject to voter approval*

**** McMinnville Urban Area Management Commission*

RESPONSE: The requested amendment to the Three Mile Lane Planned Development is subject to review by the Planning Commission, as reflected in the above table.

Chapter 17.33

C-3 GENERAL COMMERCIAL ZONE

Sections:

17.33.010 Permitted uses.

17.33.020 Conditional uses.

17.33.030 Yard requirements.

17.33.040 Building height.

17.33.050 Use limitations.

17.33.010 Permitted uses. In a C-3 zone, the following uses and their accessory uses are permitted:

- 1. All uses and conditional uses permitted in the C-1 and C-2 zones, except those listed in Section 17.33.020;*

2. Condominiums subject to the provisions of the R-4 zone;
3. **Multiple-family dwelling subject to the provisions of the R-4 zone;**

RESPONSE: The property is zoned C-3PD. The underlying C-3 zone allows multi-family development, per 17.33.010.3., consistent with R-4 standards.

There is residential R-4 land immediately to the west of the subject site, so there is a basis for concluding that R-4 residential is compatible with the medical commercial designation for the remainder of the Planned Area.

The requested change will not alter the current density allocated to the property. It will remain as is consistent with the R-4 standards, as set forth below.

Chapter 17.21

R-4 MULTIPLE-FAMILY RESIDENTIAL ZONE

Sections:

17.21.010 Permitted uses.

17.21.020 Conditional uses.

17.21.030 Lot size.

17.21.040 Yard requirements.

17.21.050 Building height.

17.21.060 Density requirements.

17.21.010 Permitted uses. In an R-4 zone, the following uses and their accessory uses are permitted:

A. Single-family dwelling;

B. Two-family dwelling;

C. Multiple-family dwelling;

E. Condominium;

17.21.030 Lot size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

A. A front yard shall not be less than fifteen feet;

B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;

C. A rear yard shall not be less than twenty feet;

D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;

E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020(M) are utilized. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[17.21.070 Signs. Moved to Chapter 17.62 (Signs), by Ord. 4900 November 5, 2008.]

RESPONSE: The base C-3 zone allows for multi-family apartments as a permitted use, subject to the R-4 zoning standards and density, per Chapter 17.21.

Under Ordinance 4863, senior housing, including apartments and condominiums are an allowed use. However, the City's code does not specifically define senior housing, differentiated from multi-family apartments, other than assisted living, per Chapter 17.06.015.

No specific site development plan is proposed at this time. Any housing development of the Subject Property will be subject to the R-4 zoning provisions, including density, and will be subject to Site Plan review for compliance with these standards.

Chapter 17.06

DEFINITIONS

(as adopted by Ord. 4952, March 13, 2012)

Sections:

17.06.010 Generally.

17.06.015 General Definitions.

17.06.020 Special Definitions.

17.06.010 Generally. For the purposes of this title, the following terms shall be defined as set forth in this chapter, which is divided into two sections. The first section contains "general definitions" (17.06.015), which are those universal to all areas of zoning and development. The second section contains "special definitions" (17.06.020) and includes definitions that are specific to unique areas of development or land use activities. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.015 General Definitions

Apartment House – See "Dwelling, Multifamily."

Assisted Living – A living arrangement where the elderly or other persons are provided assistance with daily activities such as dressing, grooming and bathing.

Condominium – Ownership of a single unit in a multi-unit structure that includes common areas and facilities; includes residential, commercial, and industrial condominiums and regulated, in part, by Oregon State Law (ORS Chapter 100). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Dwelling, Multi-Family – A building containing three or more dwelling units. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Dwelling Unit – A residence containing one or more rooms designed for occupancy by one family and having not more than one cooking facility. This includes both buildings constructed on-site and off-site, such as manufactured homes. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Family – For the purpose of this Zoning Ordinance, “family” refers to: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or other duly-authorized custodial relationship, living together as one housekeeping unit using one kitchen, and providing means of lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen. (Ord. 4988 §1, 2015; Ord. 4479A §1, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

A general definition of senior housing is as follows (factfinder2.census.gov):

Senior housing definition

Senior Housing Definition. Senior housing is housing that is suitable for the needs of an aging population. It ranges from independent living to 24-hour care. In senior housing there is an emphasis on safety, accessibility, adaptability, and longevity that many conventional housing options may lack.

Relative to the proposed amendment, there are a few general factors that affect site development and potential impacts when comparing senior housing to general multi-family housing, as follows:

- Senior housing typically provides smaller 1 and 2 bedroom units, while multi-family facilities may include 3 or more bedroom units in the mix.
- Seniors (retired or assisted living) tend to have fewer cars, relying upon public transit or family to making necessary trips. Those seniors that do still drive tend to make fewer trips than younger tenants, particularly families with children and/or two working adults.

Consequently senior housing typically has a lower demand for off-street parking, and tends to generate lower trip volumes, both daily and during peak hours, as reflected in Table 1 above.

- The lower parking demand for senior housing, combined with smaller units, tends to yield a slightly higher density than general multi-family apartments.

While multi-family development will result in slightly higher trip generation, than senior housing, it is important to recognize that the office commercial uses allowed under the C-3PD zoning generally have higher trip generation than either form of housing.

FINAL CONCLUSION: Based on the findings presented herein, the applicant has demonstrated compliance with all of the applicable Planned Development amendment criteria.

Based on a review of the records associated with this Planned Development it appears that the City’s intent was initially to limit development to medical uses, or other compatible uses for the purpose of avoiding strip commercial. Then based on a site specific request an amendment was

approved to allow for various types of senior housing. However, the senior housing proposal has not come to fruition. Consequently the land has remained vacant for a considerable length of time.

The request to allow multi-family apartments maintains consistency with the underlying C-3 zone, per Section 17.21.010.C.

Impacts from the proposed multi-family housing will be similar to or less than other currently allowed uses under Condition 15 or Ordinance 4709.

Therefore the applicants respectfully request approval of the amendment.

APPENDICES

1. Staff Report, etc. for adoption of Ordinance 4863, amending Ordinance 4907.
2. Population Research Center, Portland State University; Coordinate Population Forecast Yamhill County 2016 through 2017.
3. Definition of Senior Housing, factfinder2.census.gov.
4. City of McMinnville, Planning for Growth Presentation, 03-13-18.
5. Trip Generation Review: Multifamily Housing Land Use, Lancaster Engineering, 12-18-18.
6. CH2M Sewer System Analysis, Authorized by applicant and to be submitted separately.



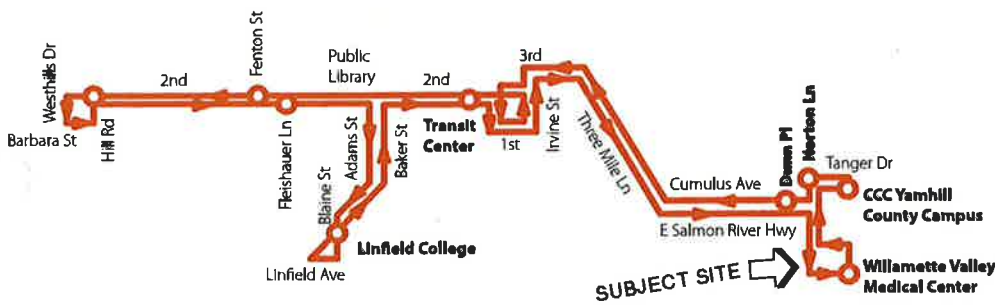
Yamhill County Transit Area

Routes 2&3

McMinnville

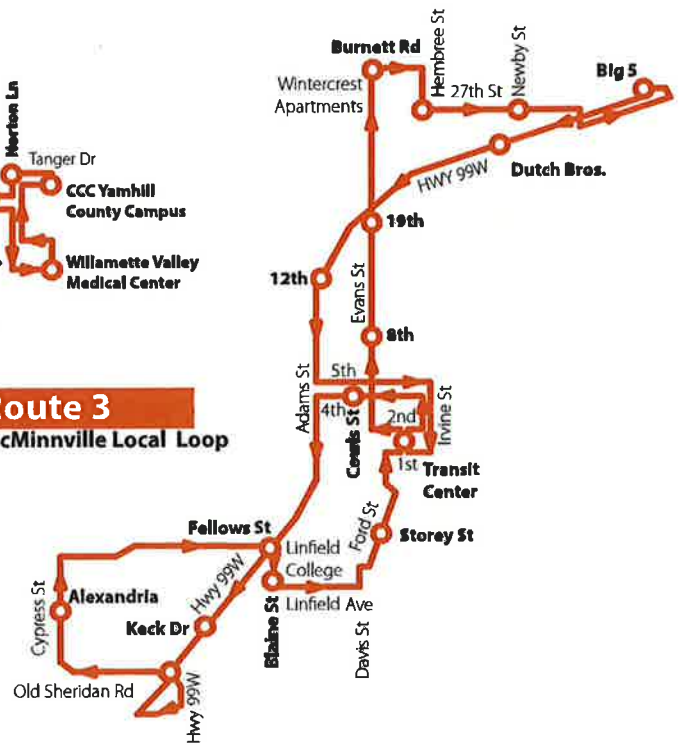
Route 2

McMinnville East-West Express



Route 3

McMinnville Local Loop



Routes 2 & 3 **McMinnville**

Route 2 McMinnville East-West Express										
McMinnville Transit Center	SE Norton Ln (Willamette Valley Medical)	NE Tanger Dr (CCC)	NE Tanger Dr & NE Norton Ln (DHS)	Cumulus & Dunn Pl	McMinnville Transit Center	W 2nd & Fenton	W 2nd & Hill Rd	W 2nd & Fleishauer	Founder Way & SW Blaine St (Linfield College)	McMinnville Transit Center
7:00	7:05	7:15	7:17	7:20	7:30	7:35	7:40	7:45	7:50	7:55
8:00	8:05	8:15	8:17	8:20	8:30	8:35	8:40	8:45	8:50	8:55
9:00	9:05	9:15	9:17	9:20	9:30	9:35	9:40	9:45	9:50	9:55
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3:00	3:05	3:15	3:17	3:20	3:30	3:35	3:40	3:45	3:50	3:55
4:00	4:05	4:15	4:17	4:20	4:30	4:35	4:40	4:45	4:50	4:55
5:00	5:05	5:15	5:17	5:20	5:30	5:35	5:40	5:45	5:50	5:55

Weekday Service Only

PM times in **bold**

Yamhill County Transit Area (YCTA) operates eleven routes; including (4) local fixed routes in McMinnville and Newberg and (7) commuter, express Mon-Fri to Salem, Grand Ronde, Hillsboro, and Tigard. Saturday routes to Grand Ronde and Tigard. Customers can connect to TriMet at Hillsboro MAX station and Tigard Transit Center and to Cherriots at Glen Creek Transit Center and the Coastal Connector at Spirit Mountain. YCTA also offers paratransit service in Newberg and McMinnville and general public dial-a-ride on a limited basis.

Bus Stops - Flag Stops

Flag Stops are allowed on the McMinnville and Newberg local fixed routes. Customers may flag down a YCTA bus along these routes. Please check the website and google maps for the preferred safe flag stop locations. NO flag stops on Commuter Routes. Please check the website and google maps for the preferred safe bus stop locations. YCTA is working on installing bus stop signs and shelters along commuter routes.

Route 3 McMinnville Local Loop																	
McMinnville Transit Center	NE Evans & NE 8th St	NE Evans & NE 10th St	NE Evans & NE 12th St	Hemlock St & 27th St	NE 27th St & NE Newby St	Hwy 99W @ BIC'S Store	Hwy 99W @ Dutch business	Hwy 99W & 12th St	McMinnville Transit Center	4th & Cowie @CMI	Hwy 99W @ Fellows St	Hwy 99W & Keck Dr (B-Hard)	Beathland & Hwy 18	SW Cypress & SW Alcantara	Founder Way & SW Blaine St	Food St & Storey	McMinnville Transit Center
8:00	8:01	8:03	8:06	8:07	8:08	8:14	8:16	8:21	8:30	8:32	8:34	8:36	8:40	8:45	8:49	8:52	8:55
9:00	9:01	9:03	9:06	9:07	9:08	9:14	9:16	9:21	9:30	9:32	9:34	9:36	9:40	9:45	9:49	9:52	9:55
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5:00	5:01	5:03	5:06	5:07	5:08	5:14	5:16	5:21	5:30	5:32	5:34	5:36	5:40	5:45	5:49	5:52	5:55

Weekday Service Only

PM times in **bold**

Fare Information

Local & Commuter Routes
 Single one-way fare \$1.25
 Single day pass \$2.50
 Unlimited monthly pass \$35.00
 10 day pass book \$18.00

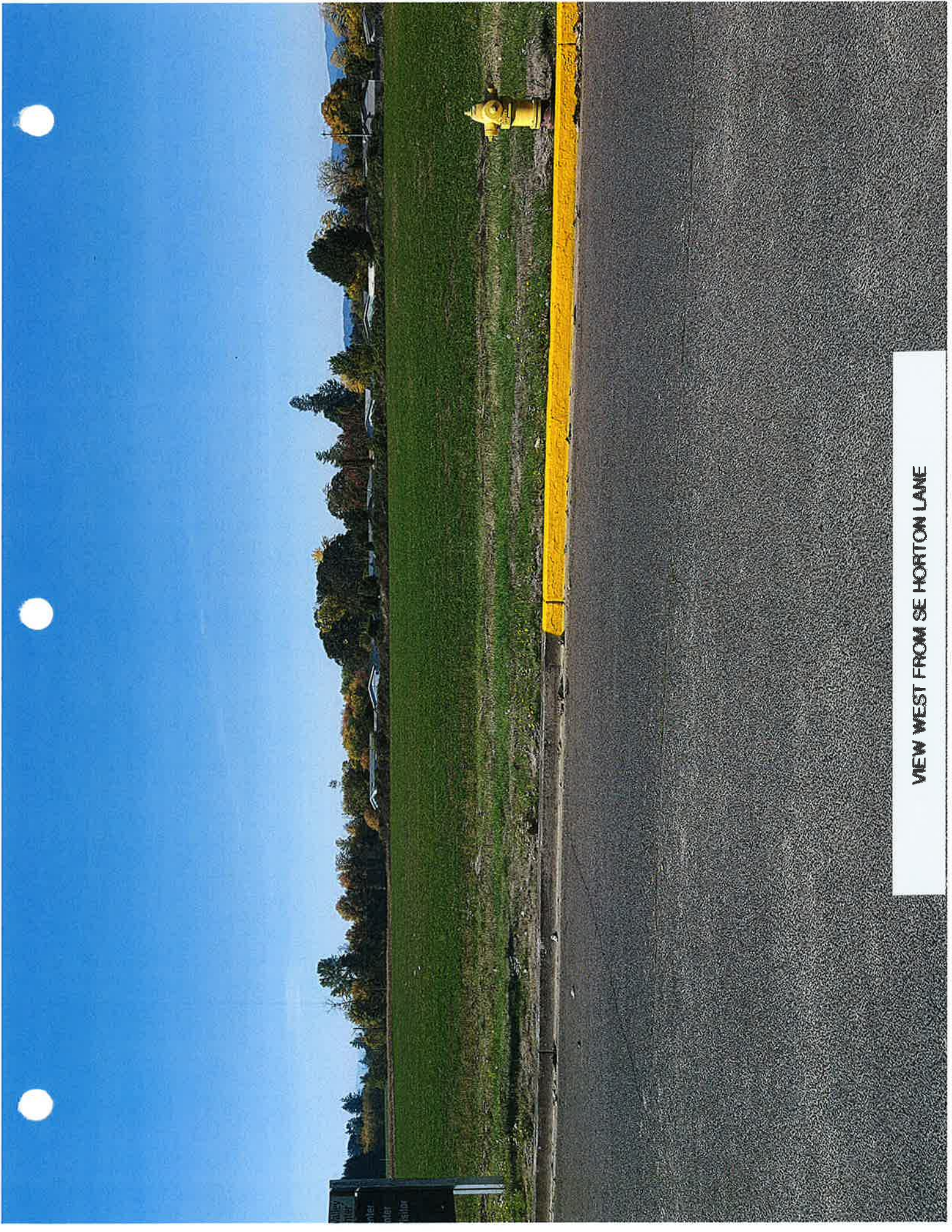
General Public Dial-A-Ride
 Single one-way fare \$1.75
 Unlimited monthly pass \$40.00
 Paratransit Single one-way fare \$2.50
 Children under 6 ride free

Passes Available at the following McMinnville locations
 Any YCTA driver (exact change only)
 Board of Commissioners Office 434 NE Evans Street (check or exact change)
 Transit Center (First Transit office) 800 NE 2nd Street (cash or check only)

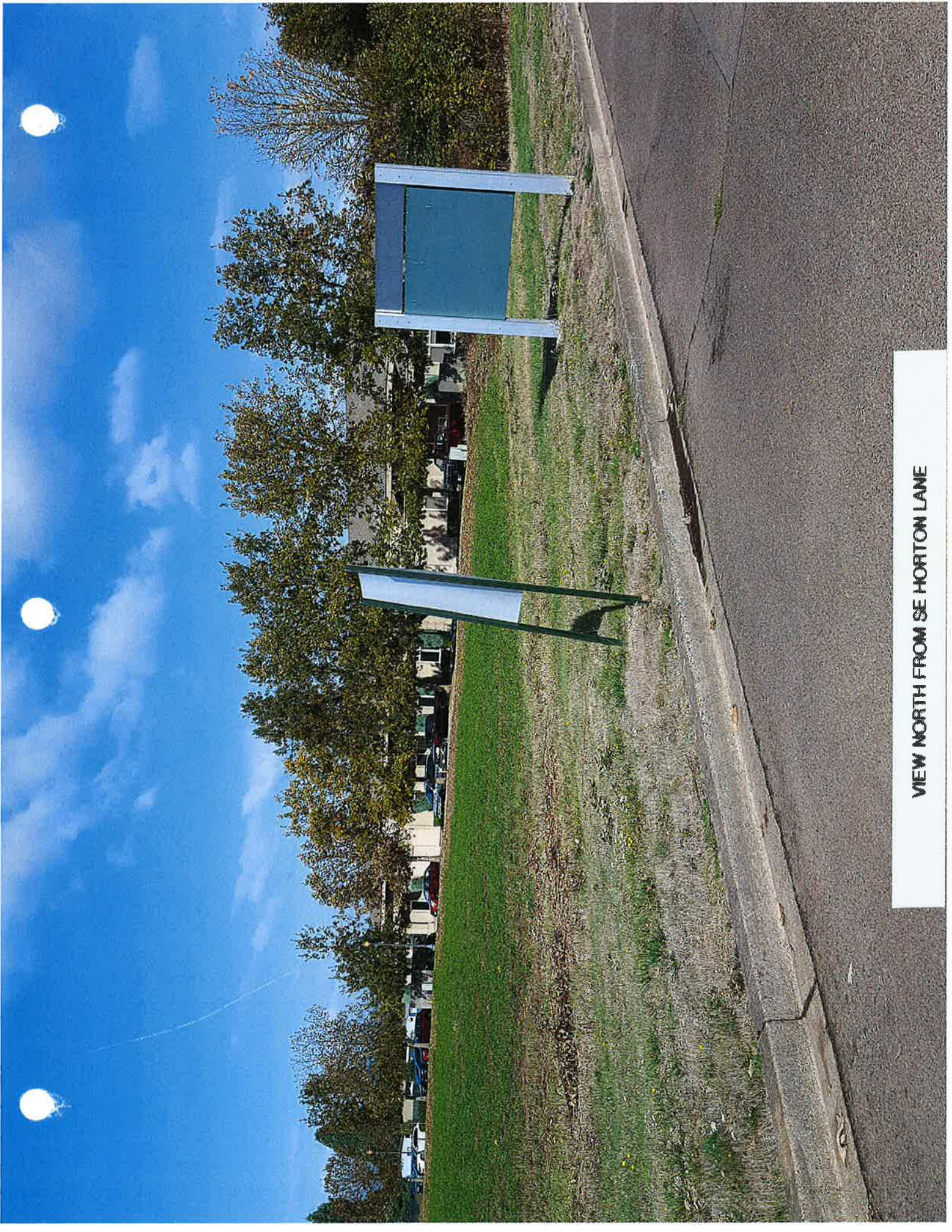


YCTA
 Route and Schedule Information
 First Transit
 800 NE 2nd Street
 McMinnville, OR 97128
 503-474-4900 | 503-538-7433 (Newberg)
www.yctransitarea.org
 Oregon Relay Service 1-800-735-2900

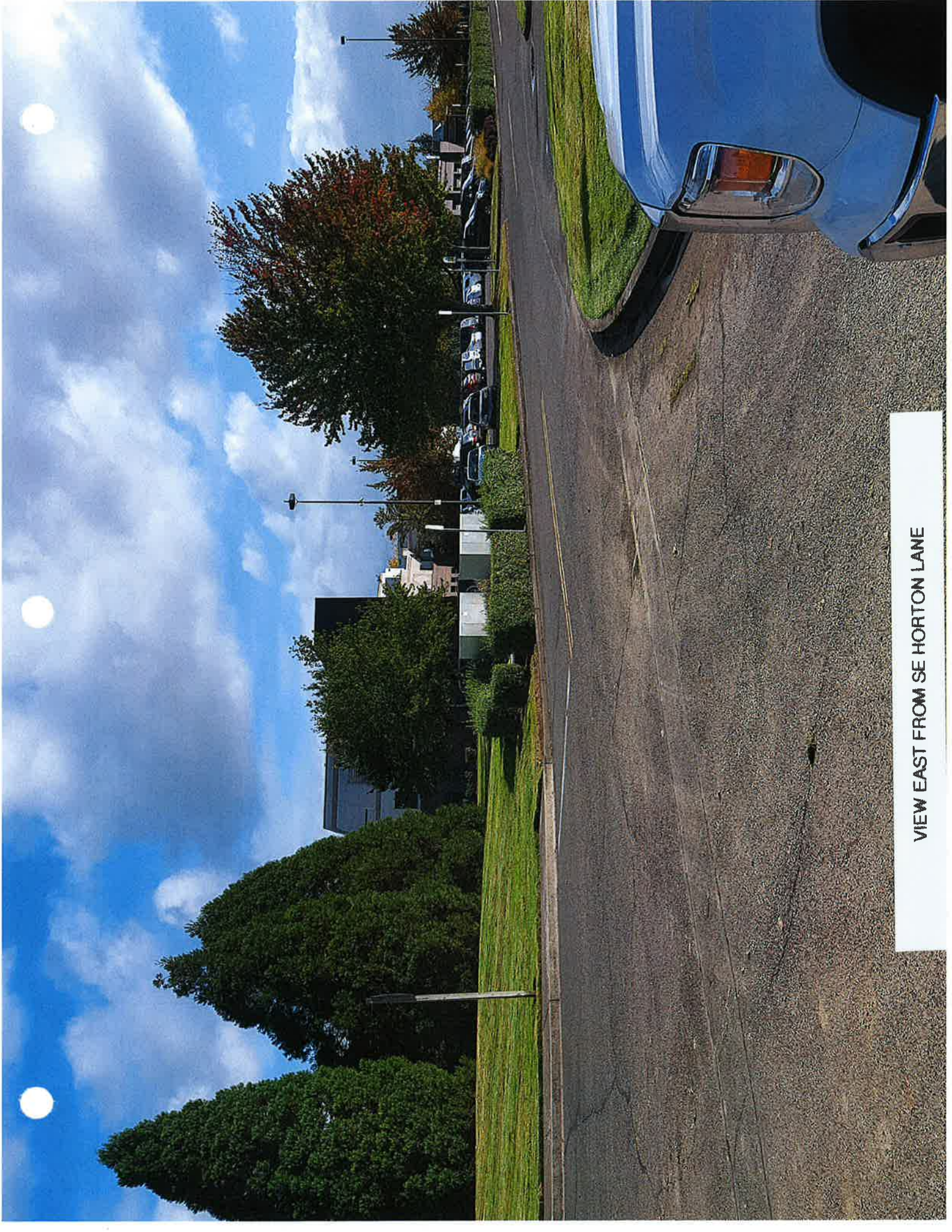
SITE PHOTOS



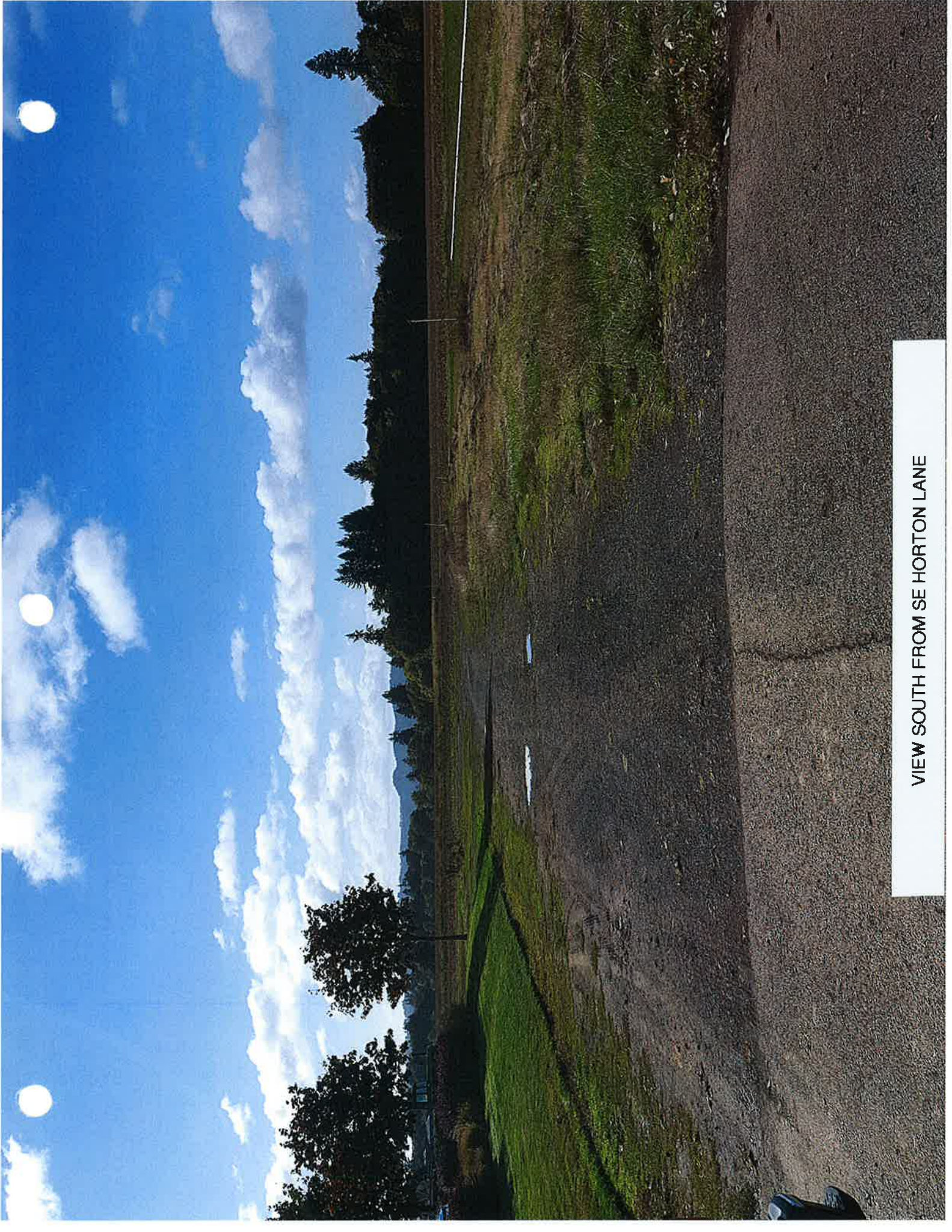
VIEW WEST FROM SE HORTON LANE



VIEW NORTH FROM SE HORTON LANE



VIEW EAST FROM SE HORTON LANE



VIEW SOUTH FROM SE HORTON LANE

NEIGHBORHOOD MEETING DOCUMENTS

NEIGHBORHOOD MEETING NOTES
THREE MILE LANE PLANNED DEVELOPMENT AMENDMENT
February 13, 2019
6:00 PM
CHEMEKATA COMMUNITY COLLEGE, ROOM 101
288 NE NORTON LANE

Ben Altman arrived at the college at 5:40 PM and stayed until 6:25 PM. No one showed up for the meeting.

Ben Altman

From: Ben Altman
Sent: Wednesday, January 23, 2019 12:49 PM
To: 'Chuck Darnell'
Cc: Sarah Sullivan
Subject: RE: Planned Development Amendment Submittal
Attachments: neighborhood meeting invite.docx

Chuck: I mailed the notices out today, including the City, and re-posted the property. I just wanted to make sure, so I'm sending a copy of the notice.

Thanks.

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258
PIONEER DESIGN GROUP, INC. CIVIL | LAND USE PLANNING | SURVEY
9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 pd-grp.com

Disclaimer:

This e-mail may contain proprietary, confidential, and/or privileged information. If you are not the intended recipient (or have received this e-mail in error), please notify the sender immediately by email or telephone (503-643-8286) and delete this message along with any attachments without copying or disclosing the contents. Any unauthorized copying, disclosure or distribution of the material in this e-mail is strictly forbidden. Pioneer Design Group, Inc. (PDG) shall not be liable for any changes made to the electronic data transferred. Distribution of electronic data to others is prohibited without the express written consent of PDG.

From: Chuck Darnell [mailto:Charles.Darnell@mcminnvilleoregon.gov]
Sent: Friday, January 18, 2019 9:57 AM
To: Ben Altman
Cc: Sarah Sullivan
Subject: RE: Planned Development Amendment Submittal

Hi Ben,

I am writing to follow up on the Planned Development Amendment application that you submitted to amend the existing Planned Development ordinance that applies to the property at the southern terminus of SE Norton Lane (Tax Lot R4427 00701). I will be working with you on the review of your application, and bringing your application through the formal review process with the Planning Commission and City Council. The application has been filed with the McMinnville Planning Department as Docket Number PDA 6-18.

Based on the materials provided, **I am deeming the application incomplete.**

In order for the application to be deemed complete, the following information must be provided:

- 1) Evidence that the neighborhood meeting process was completed as required by Section 17.72.095 of the McMinnville Municipal Code (MMC). Specifically, it was determined that the City of McMinnville Planning Department was not included as a recipient of the mailed notice of the neighborhood meeting (per Section 17.72.095(D)(5)), as you mentioned in your email below.

We did specifically seek legal counsel on this matter, as the neighborhood meeting requirements are a newer provision in our code, which is partly why the completeness review took a bit longer than we normally hope it would. Our legal counsel determined that the intent of the code is that the Planning Department would review the evidence of neighborhood meeting compliance (as required in Section 17.72.095(G)) during the

MEETING NOTICE

PROPOSAL: AMEND PDORP 4863

TO ALLOW APARTMENTS

MEETING DATE: FEB 13, 2019 TIME: 6:00PM

ADDRESS: 288 NE NORTON LANE

CHEMEKETA COMM. COLLEGE ^{Bldg 1} Room 101

PROJECT CONTACT: BEN ALTMAN

PHONE NUMBER: 971-708-6258



CIVIL LAND USE PLANNING SURVEY
P 503.643.8286 F 844.715.4743 www.pd-grp.com
9020 SW Washington Square Rd Suite 170
Portland, Oregon 97223

January 23, 2019, Revised 1-24-19

**RE: NOTICE of NEIGHBORHOOD REVIEW MEETING – PROPOSED
AMENDMENT TO THREE MILE LANE PLANNED DEVELOPMENT,
ORDINANCE 4863.**

Dear Resident OR Property Owner:

Pioneer Design Group, Inc. is representing the developer of properties located at the south end of SE Horton Lane, just south of Altimus Plaza Medical Offices, more specifically, Tax Lot 701 of Tax Map T4S R4W 27, as shown by the attached map. The Developer is proposing an amendment to the current land use restrictions, under Ordinance 4863, to allow for multi-family Apartments, rather than just senior housing. This land is zoned C-3PD.

Prior to applying to the City of McMinnville we would like to take the opportunity to discuss the proposal in more detail with you.

The purpose of this neighborhood meeting is to provide an informal forum for the applicant and surrounding property owners/residents to review the proposal and to identify issues so that such issues may be considered before the formal application is turned in to the City. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions which may be relevant to meeting development standards consistent with City of McMinnville’s Community Development Code and Comprehensive Plan.

Pursuant to Section 17.72.095 of the McMinnville Development Code, you are invited to attend a Neighborhood meeting on:

**Wednesday, February 13, 2019
at 6:00 pm
Chemeketa Community College – Bldg. 1 Room 101
288 NE Norton Lane, McMinnville, OR 97128**

Please note this meeting will be an informational meeting to discuss the change in allowed use, but not specific development plans are proposed at this time. Depending upon the type of land use action required, you may receive a future official notice from the City for you to either participate with written comments and/or an opportunity to attend a public hearing.

I look forward to more specifically discussing the proposal with you. Please feel free to call me at 971-708-6258 or email baltman@pd-grp.com if you have questions.

Sincerely,

**Ben Altman
Senior Planner/Project Manager**

Attached:
Current Tax Map

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 27 T4S R4W W.M.
YAMHILL COUNTY

4 4 27

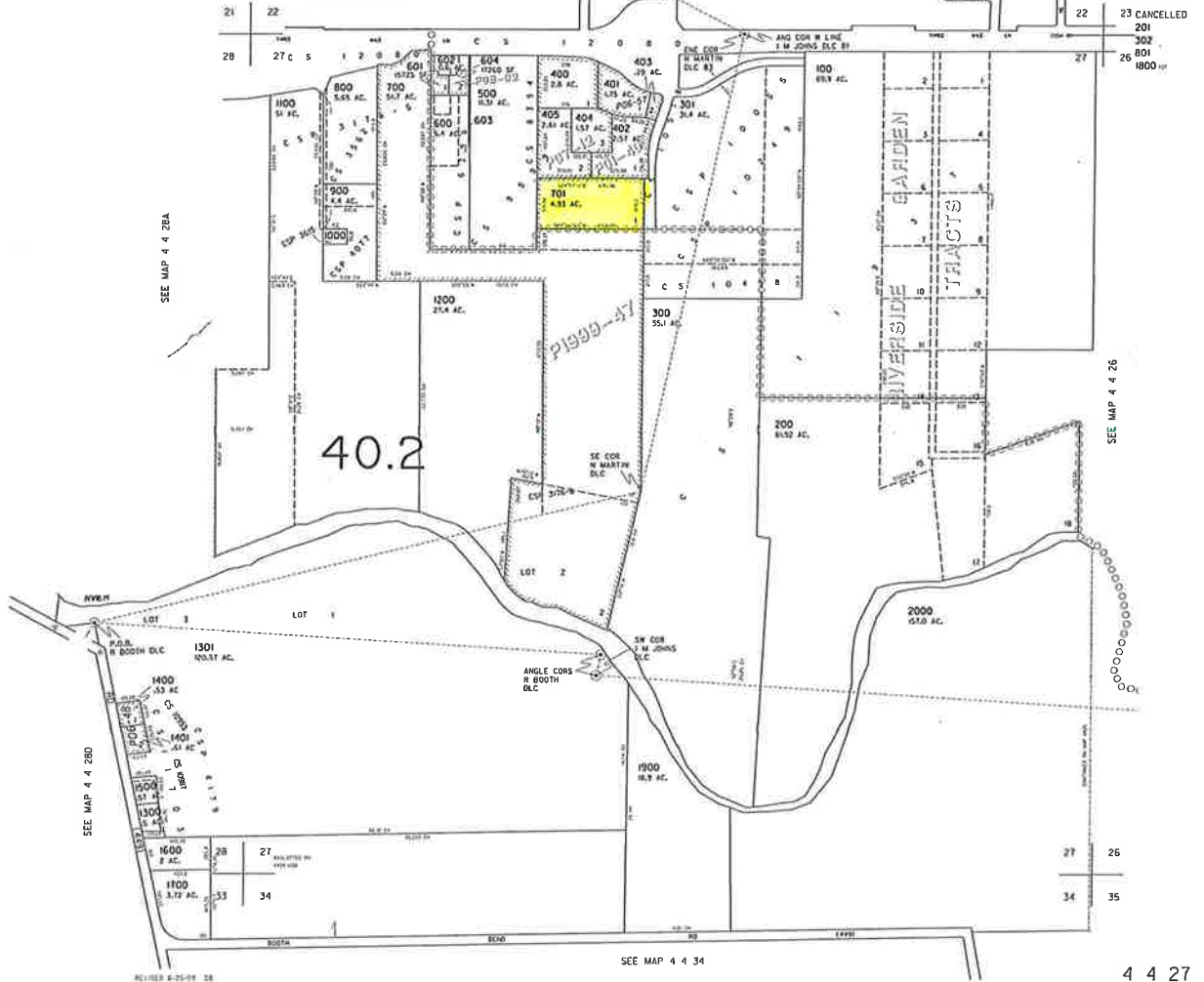
SEE MAP 4 4 22

SEE MAP 4 4 2200

1" = 400'

SEE MAP 4 4 22CC

SEE MAP 4 4 22CD



4 4 27

Mpt Of McMinnville-Capella LLC
1000 Urban Center Dr Suite 501
Birmingham, AL 35242

Roberti Investment Co LLC
10333 Main St Apt 263
Bellevue, WA 98004

Burch Feero Inc
237 NE Ford St Ste 1
McMinnville, OR 97128

Burch Feero Inc
237 NE Ford St Ste 1
McMinnville, OR 97128

Evergreen Mobile Home Park LLC
836 SW Curry St #1300
Portland, OR 97239

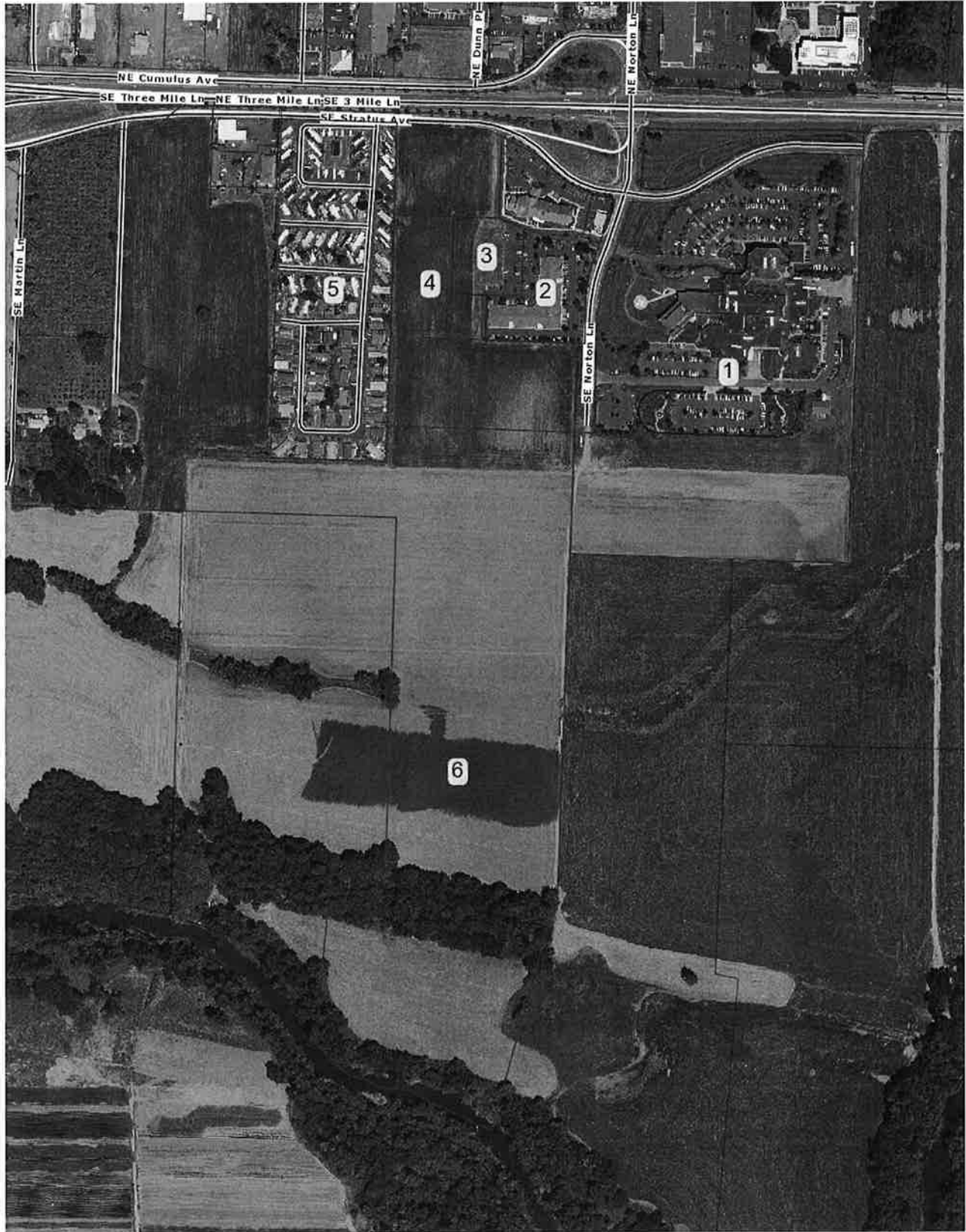
Phyllis For Moyer
6738 E Hubbell
Scottsdale, AZ 85257



Heather Richards
Planning Director
(503) 474-5107 – FAX (503) 474-4955
Email: heather.richards@mcminvilleoregon.gov
231 NE Fifth Street – McMinnville, Oregon 97128

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4427 00301	2700 SE STRATUS AVE	MPT OF MCMINNIVILLE-CAPELLA LLC		1000 URBAN CENTER DR SUITE 501	BIRMINGHAM AL	35242
2	R4427 00404	n/a	BURCH FEERO	BURCH FEERO INC	237 NE FORD ST STE 1	MCMINNIVILLE OR	97128
3	R4427 00402	375 SE NORTON LN	ROBERTI INVESTMENT COMPANY LLC	ROBERTI INVESTMENT COMPANY LLC	10333 MAIN ST STE 263	BELLEVUE WA	98004
4	R4427 00500	2400 SE STRATUS AVE	EVERGREEN MOBILE HOME PARK LLC	EVERGREEN MOBILE HOME PARK LLC	836 SW CURRY ST #1300	PORTLAND OR	97239
5	R4427 00405	n/a	BURCH FEERO	BURCH FEERO INC	237 NE FORD ST STE 1	MCMINNIVILLE OR	97128
6	R4427 00701		MOYER PHYLLIS	MCMULLIN FAMILY RESIDUAL TRUST	6738 E HUBBELL	SCOTTSDALE AZ	85257
7	R4427 00700	2270 SE THREE MILE LN	MOYER PHYLLIS	MCMULLIN FAMILY RESIDUAL TRUST	6738 E HUBBELL	SCOTTSDALE AZ	85257

Walking Farm Identification Map



Farm Search Criteria

Averages

Parcel Id (APN)	R442700301,R442700402,R442700404,R442700405,R442700500,R442700700	Sale Price	\$57,417,500.00
		Loan Amt	\$2,300,000.00
		Sq Ft	2,388 SqFt
		Assessed Total Value	\$10,285,938.17
		Price/SqFt:	

1

Parcel #	R442700301	Tax Account	492901
Site Address #	2700 SE Three Mile Ln McMinnville OR 97128	Acres	31.40 Acres
Year Built		Assessed Total Value	\$55,303,652.00
Rec. Date	9/2/2015	Sale Price	\$110,000,000.00
Bedrooms		Bathrooms	
Total Rooms		Sq Ft	
Owner	Mpt Of McMinnville-Capella LLC		

2

Parcel #	R442700402	Tax Account	521536
Site Address #	375 SE Norton Ln McMinnville OR 97128	Acres	2.57 Acres
Year Built		Assessed Total Value	\$4,269,223.00
Rec. Date	2/22/2018	Sale Price	\$4,835,000.00
Bedrooms		Bathrooms	
Total Rooms		Sq Ft	
Owner	Roberti Investment Co LLC		

3

Parcel #	R442700404	Tax Account	537598
Site Address #	McMinnville OR 97128	Acres	1.57 Acres
Year Built		Assessed Total Value	\$1,280.00
Rec. Date	3/7/2007	Sale Price	
Bedrooms		Bathrooms	
Total Rooms		Sq Ft	
Owner	Burch Feero Inc		

4

Parcel #	R442700405	Tax Account	537601
Site Address #	McMinnville OR 97128	Acres	2.61 Acres
Year Built		Assessed Total Value	\$2,127.00
Rec. Date	3/7/2007	Sale Price	
Bedrooms		Bathrooms	
Total Rooms		Sq Ft	
Owner	Burch Feero Inc		

5

Parcel #	R442700500	Tax Account	172477
Site Address #	2400 SE Stratus Ave Unit 38 McMinnville OR 97128	Acres	11.31 Acres
Year Built		Assessed Total Value	\$2,023,987.00
Rec. Date	9/8/2005	Sale Price	
Bedrooms		Bathrooms	
Total Rooms		Sq Ft	
Owner	Evergreen Mobile Home Park LLC		

# 6			
Parcel #	R442700700	Tax Account	644752
Site Address #	2270 SE Three Mile Ln OR 97128	Acres	51.70 Acres
Year Built	1965	Assessed Total Value	\$115,360.00
Rec. Date	8/11/2004	Sale Price	
Bedrooms	4	Bathrooms	1.00
Total Rooms		Sq Ft	2,388 SqFt
Owner	Phyllis For Moyer		

ParcelId	OwnerNan	OwnerNml	OwnerNml	OwnerNm:	OwnerNm:	OwnerAdd	OwnerCity	OwnerStat
R4427003C	Mpt Of McMinnville-C	Mpt Of McMinnville-Capella LLC				1000 Urban	Birmingham	AL
R4427004C	Roberti Investment Co	Roberti Investment Co LLC				10333 Main	Bellevue	WA
R4427004C	Burch Feero Inc	Burch Feero Inc				237 NE For	McMinnville	OR
R4427004C	Burch Feero Inc	Burch Feero Inc				237 NE For	McMinnville	OR
R4427005C	Evergreen Mobile Home	Evergreen Mobile Home Park LLC				836 SW Cu	Portland	OR
R4427007C	Phyllis For	Phyllis For Moyer		Moyer		6738 E Huk	Scottsdale	AZ

OwnerZIP	SiteAddr	SiteCity	SiteState	SiteZIP
35242	2700 SE Th	McMinnvill	OR	97128
98004	375 SE Nor	McMinnvill	OR	97128
97128		McMinnvill	OR	97128
97128		McMinnvill	OR	97128
97239	2400 SE Str	McMinnvill	OR	97128
85257	2270 SE Three Mile Ln		OR	97128

**NEIGHBORHOOD MEETING NOTES
THREE MILE LANE PLANNED DEVELOPMENT AMENDMENT
NOVEMBER 7, 2018
6:00 PM
CHEMEKATA COMMUNITY COLLEGE, ROOM 101
288 NE HORTON LANE**

Only one person showed up for the meeting.

Ben Altman introduced himself and explained the proposed PD amendment, and the applicant's intent to develop an apartment complex.

Questions & Answers:

1. Will these be apartments or condos?

Response: They will be apartments. The applicants retain ownership of all of their units, and provide on-site manager and regularly scheduled maintenance

2. How many units?

Response: We have not prepared a site plan, yet, but would estimate 110 to 115 units.

3. Will there be a swimming pool or other amenities?

Response: I'm not sure about a pool, but there will be recreational amenities provided.

4. What is the timing for construction?

Response: Our first step is to secure the PD amendment, to allow for the apartments. This process will likely take 3-4 months. Assuming we get the amendment, we will then move to site design, and apply for Design Review. That site design, design review process will likely take about 6-9 months, before construction could start.

There were no further questions. So the meeting was adjourned.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

PROJECT: THREEMILE LAKE PD AMENDMENT MEETING DATE: 11-7-18

PUBLIC RECORDS LAW DISCLOSURE: This sign-in sheet is a public record of CITY OF McMINNVILLE and it is subject to public disclosure under Oregon Public Records Law.

PLEASE PRINT LEGIBLY!

PRINTED NAME	FULL MAILING ADDRESS & E-MAIL ADDRESS	CITY, STATE	ZIP CODE	PHONE #
<u>Peter Hofstetter</u>	<u>2700 SE Stanton Ave. Peter.Hofstetter@my.mmc.com</u>	<u>Mac OR</u>	<u>97228</u>	<u>503-435-6320</u>

(Attachment I)



CIVIL LAND USE PLANNING SURVEY
P 503.643.8286 F 844.715.4749 www.pd-grp.com
9020 SW Washington Square Rd Suite 170
Portland, Oregon 97223

October 18, 2018

**RE: NOTICE of NEIGHBORHOOD REVIEW MEETING – PROPOSED
AMENDMENT TO THREE MILE LANE PLANNED DEVELOPMENT,
ORDINANCE 4863.**

Dear Resident OR Property Owner:

Pioneer Design Group, Inc. is representing the developer of properties located at the south end of SE Horton Lane, just south of Altimus Plaza Medical Offices, more specifically, Tax Lot 701 of Tax Map T4S R4W 27, as shown by the attached map. The Developer is proposing an amendment to the current land use restrictions, under Ordinance 4863, to allow for multi-family Apartments, rather than just senior housing. This land is zoned C-3PD.

Prior to applying to the City of McMinnville we would like to take the opportunity to discuss the proposal in more detail with you.

The purpose of this neighborhood meeting is to provide an informal forum for the applicant and surrounding property owners/residents to review the proposal and to identify issues so that such issues may be considered before the formal application is turned in to the City. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions which may be relevant to meeting development standards consistent with City of McMinnville's Community Development Code and Comprehensive Plan.

Pursuant to Section 17.72.095 of the McMinnville Development Code, you are invited to attend a Neighborhood meeting on:

**Wednesday, November 7, 2017
at 6:00 pm
Chemeketa Community College – Room # will be posted at front door
288 NE Horton Lane, McMinnville, OR 97128**

Please note this meeting will be an informational meeting to discuss the change in allowed use, but not specific development plans are proposed at this time. Depending upon the type of land use action required, you may receive a future official notice from the City for you to either participate with written comments and/or an opportunity to attend a public hearing.

I look forward to more specifically discussing the proposal with you. Please feel free to call me at 971-708-6258 or email baltman@pd-grp.com if you have questions.

Sincerely,

Ben Altman
Senior Planner/Project Manager

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

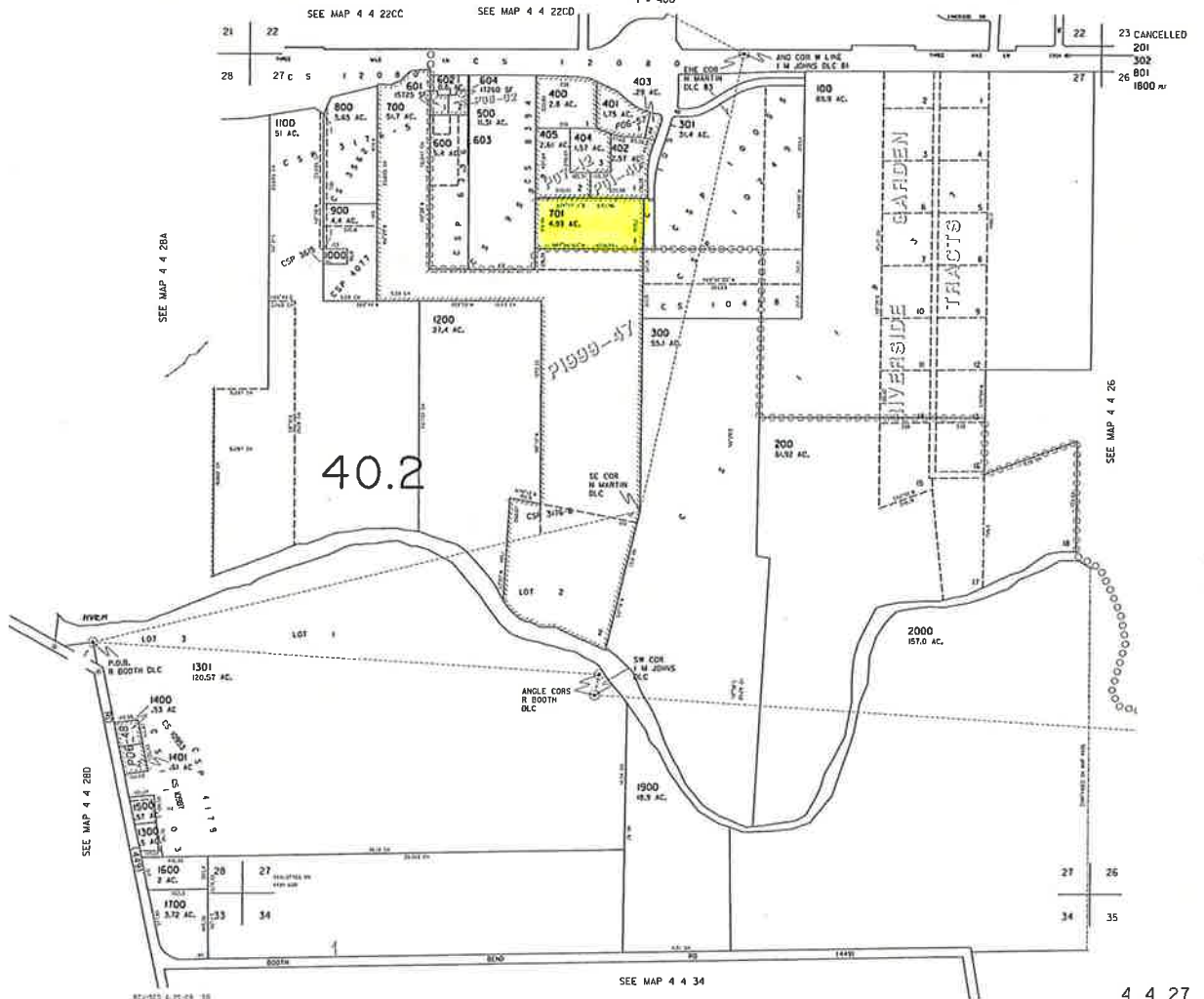
SECTION 27 T4S R4W W.M.
YAMHILL COUNTY

4 4 27

SEE MAP 4 4 22

SEE MAP 4 4 2200

1" = 400'



4 4 27

MEETING NOTICE

PROPOSAL: AMEND ORD 4863

TO ALLOW APARTMENTS

MEETING DATE: NOV. 7, 2018 TIME: 6:00PM

ADDRESS: 288 NE HORTON LANE

CHEMEKETA COMM. COLLEGE

PROJECT CONTACT: BEN ALTMAN

PHONE NUMBER: 971-708-6258

Untitled Map

Three Mile Lane Planned Development
KWDS PD Amendment



Legend

- Housing Authority of Yamhill County
- Mc Minnville Community Media
- McDonald's
- McMinnville Cinema 10
- Medical Center
- NE Norton Ln & NE Three Mile Ln
- Park
- V2 Family & Cosmetic Dentistry
- Valley Medical Center Helipoint



2000 ft

Mpt Of McMinnville-Capella LLC
1000 Urban Center Dr Suite 501
Birmingham, AL 35242

Roberti Investment Co LLC
10333 Main St Apt 263
Bellevue, WA 98004

Burch Feero Inc
237 NE Ford St Ste 1
McMinnville, OR 97128

Burch Feero Inc
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McMinnville, OR 97128

Evergreen Mobile Home Park LLC
836 SW Curry St #1300
Portland, OR 97239

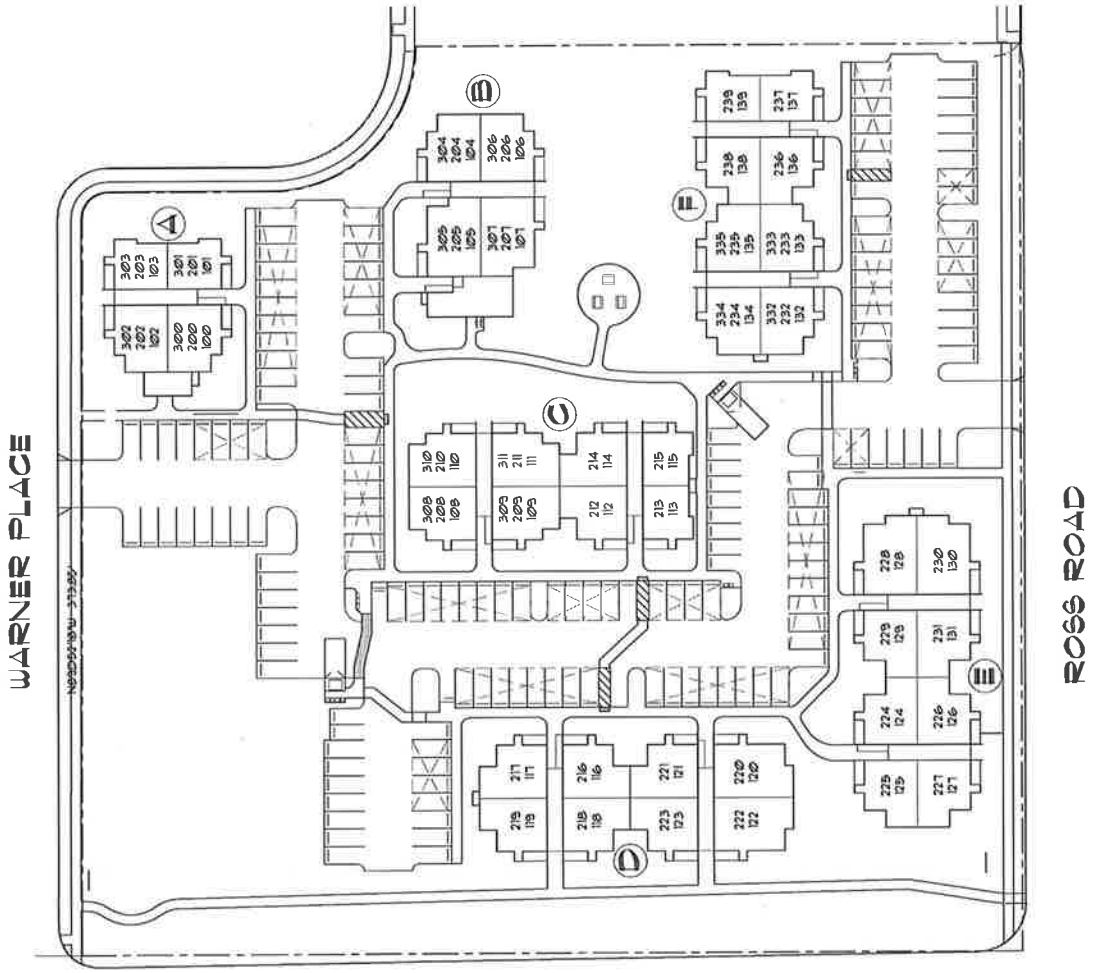
Phyllis For Moyer
6738 E Hubbell
Scottsdale, AZ 85257

EXAMPLE SITE PLANS

site plan
Boulder Pointe

UNIT SUMMARY

11 'A' UNITS	• 1093	SQ. FT.	3	BEDROOM	2	BATH
3 'B' UNITS	• 1091	SQ. FT.	3	BEDROOM	2	BATH
49 'C' UNITS	• 832	SQ. FT.	3	BEDROOM	2	BATH
1 'CA' UNITS	• 844	SQ. FT.	2	BEDROOM	1	BATH
13 'D' UNITS	• 691	SQ. FT.	1	BEDROOM	1	BATH
1 'DA' UNITS	• 691	SQ. FT.	1	BEDROOM	1	BATH
9% TOTAL DUELLING UNITS						
164 PARKING SPACES - 144 REQUIRED						





REVISION

CHEHALEY PONTE
KUDS


 Harper, Hart Peterson, Ruppel, Inc.
 ARCHITECTS & PLANNERS
 7101 Highway 100, Suite 100, Dallas, TX 75241
 Phone: 972.443.1111 Fax: 972.443.1112
 www.harperhartpetersonruppel.com

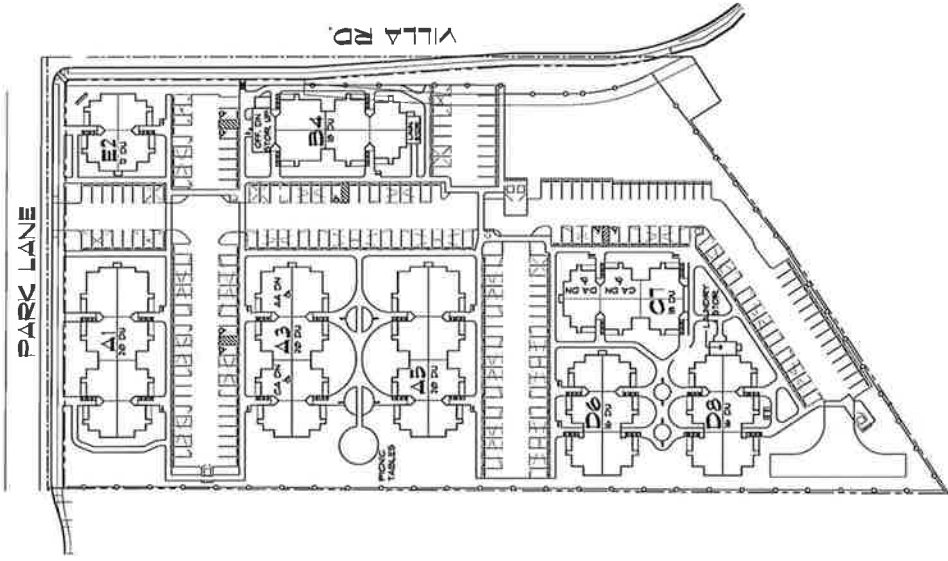


Site Plan

1" = 50'-0"

UNIT SUMMARY

- 24 UNIT TYPE A • 100' X 50' FT. 3 BEDROOM 2 BATH
- 36 UNIT TYPE B • 97' X 50' FT. 2 BEDROOM 2 BATH
- 26 UNIT TYPE C • 94' X 50' FT. 1 BEDROOM 1 BATH
- 26 UNIT TYPE D • 94' X 50' FT. 1 BEDROOM 1 BATH
- 800 TOTAL DWELLING UNITS



RESPONSE TO SANITARY SEWER ANALYSIS

To: Chuck Darnell, Senior Planner
City of McMinnville

From: Ben Altman, Senior Planner/Project Manager
Pioneer Design Group, Inc.

Project: **Three Mile Lane Planned Development Amendment**
PDG No. 999-217

Date: March 13, 2019

RE: Responses to Incomplete Application – PDA 6-18
CH2M Sanitary Sewer Study

In Response to Item

In addition to the items noted above, we did identify one other item during our completeness review that is not necessarily an incomplete item, but something that you may want to consider or address. During our review, the Engineering Department noted that the City's Conveyance System Master Plan used an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre. Therefore, they have noted that they would require any development proposal beyond 59 units (4.93 acres x 12 units per acre) to provide an updated analysis of the sanitary sewer conveyance system model. They may be suggesting this as a condition of approval, but I wanted to mention it to you now in case you would like to pursue that while working on the other items requested above. To discuss that process in more detail, I will direct you to our City Engineer and Community Development Director, Mike Bisset. He can be reached at 503-434-7312 or by email at mike.bisset@mcminnvilleoregon.gov. If you reach out to Mike by email, please copy me so I am aware of the communications."

RESPONSE: The applicant agreed to cover the cost of CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development.

However, Mike Bisset, City Engineer, has informed us that the City has engaged CH2M to conduct a System-wide analysis, rather than just to Norton Lane area.

CH2M sewer system capacity findings will be submitted separately.

TRAFFIC STUDY

Technical Memorandum

To: Kim McAvoy
KWDS, LLC

From: Daniel Stumpf, EI
William Farley, PE

Date: December 18, 2018

Subject: Norton Lane Planned Development Overlay Amendment
Trip Generation & Transportation Planning Rule Analysis



REVISIONS: 12/31/2019



**LANCASTER
ENGINEERING**

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

Introduction

This memorandum reports the findings of a trip generation analysis conducted for an amendment to the Planned Development (PD) overlay on a property located west of SE Norton Lane and south of SE Stratus Avenue in McMinnville, Oregon. The study reviews the morning peak hour, evening peak hour, and average daily trip generation potentials of the site under both the existing overlay and the proposed amended overlay and addresses the Transportation Planning Rule (TPR) to ensure that the transportation system is capable of supporting any changes in traffic intensity resulting from the proposed amendment.

Location & Project Description

The project site, zoned as *General Commercial Zone (C-3)*, is located west of SE Norton Lane and south of SE Stratus Avenue in McMinnville, Oregon. The site includes a single tax lot, lot 701, which encompasses an approximate total of 4.93 acres. The site is currently vacant; however, upon amending the PD overlay, is planned for development as a 110 to 115-unit apartment facility.

The PD overlay on the site restricts development to professional and medical offices as well as a variety of senior housing, inclusive of condominiums, apartments, and assisted living facilities. The proposed amendment to the overlay will allow for the development of residential apartments.

The original overlay permitted the construction of office commercial uses, or other compatible uses, which was then expanded upon to include the allowable development of senior housing. The intent for imposing the overlay was to restrict the development of strip commercial uses, as was historically constructed within the area.

Figure 1 presents an aerial image of the nearby vicinity with the project site outlined in yellow.

Le



Figure 1: Aerial Photo of Site Vicinity (Image from Google Earth)

Trip Generation

The subject site is currently restricted to development of either professional/medical office or senior housing by a zoning overlay. An amendment to the PD overlay is proposed to include development of general apartment uses. To determine the impacts of the proposed PD amendment, trip generation between existing and proposed conditions were compared.

To estimate the number of trips that could be generated by the site, a variety of land uses provided within the *Trip Generation Manual*¹ were referenced and compared to one another. Table 1 presents trip generation rates for applicable land uses that are available within the trip generation manual.

¹ Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10th Edition, 2017.



Table 1: Land Use Trip Generation Comparison

	ITE Code		Variable	Morning Peak Hour Rate	Evening Peak Hour Rate	Weekday Rate
Proposed Conditions	Multifamily Housing (Low-Rise or 1 to 2 Floors)	220	trips/dwelling unit	0.46	0.56	7.32
	Multifamily Housing (Mid-Rise or 3 to 10 Floors)	221	trips/dwelling unit	0.36	0.44	5.44
	Multifamily Housing (High-Rise or 10+ Floors)	222	trips/dwelling unit	0.31	0.36	4.45
Existing Conditions	Senior Adult Housing - Detached	251	trips/dwelling unit	0.24	0.30	4.27
	Senior Adult Housing - Attached	252	trips/dwelling unit	0.20	0.26	3.70
	Congregate Care Facility	253	trips/dwelling unit	0.07	0.18	2.02
	Assisted Living	254	trips/bed	0.19	0.26	2.60
	Continuing Care Retirement Community	255	trips/unit	0.14	0.16	2.40
	General Office Building	710	trips/1,000 sq.ft.	1.16	1.15	9.74
	Medical-Dental Office Building	720	trip/1,000 sq.ft.	2.78	3.46	34.80

BOLDED text indicates highest trip generating land use of each variable type (note trips/bed and trips/unit were treated as trips/dwelling unit).

Based on Table 1, the highest reported trip generating land use on a per dwelling unit basis was land use code 220, *Multifamily Housing (Low-Rise)*, while the highest trip generating land use on a per 1,000 square foot basis was land use code 720, *Medical-Dental Office Building*. Since land use code 220 projects higher trip generation than any other residential land use, regardless of looking at existing or proposed conditions, land use code 220 may be considered the highest trip generating land use under the proposed conditions. However, since it's unknown whether land use code 720 under existing conditions could generate more or less trips than land use code 220, additional analyses comparing the two is necessary.

December 18, 2018
Page 4 of 6

Existing Conditions

To determine trip generation under existing conditions, utilizing data from land use code 720, a reasonable site developable area needs to be determined. The following assumptions were considered:

- It is assumed that a reasonable maximum total building footprint would cover approximately 30 percent of developable area. The remaining developable area is considered as space necessary to accommodate parking, street right-of-way improvements, public space, etc.
- Per City of McMinnville's Title 17 Zoning Code for a *Planned Development Overlay*, the maximum building height shall not exceed 35 feet. Upon assessing the building heights of other surrounding land uses, it is assumed that a reasonably sized medical office building may include two floors.

Given the site encompasses approximately 4.93 acres, after applying the aforementioned assumptions the site could include the development of a 128,900 square foot medical office building.

Proposed Conditions

To determine trip generation under proposed conditions, it is assumed that the proposed development following the amendment to the PD overlay may be considered the reasonable "worst-case" development scenario. Therefore, for the purposes of this analysis a 115-unit apartment facility was considered.

Analysis Summary

The trip generation calculations show that under existing conditions, the subject site could reasonably be developed to generate up to 280 morning peak hour trips, 438 evening peak hour trips, and 4,864 average weekday trips. Following the amendment to the PD overlay, the site could be developed with apartment uses that generate up to 53 morning peak hour trips, 64 evening peak hour trips, and 842 average weekday trips. Accordingly, if developed with residential apartments instead of medical offices, the net change in trip generation potential of the site after the proposed PD amendment is projected to be 227 less trips during the morning peak hour, 374 less trips during the evening peak hour, and 4,022 less average weekday trips.

The trip generation estimates are summarized in Table 1, Detailed trip generation calculations are included as an attachment to this memorandum.



Table 2: Trip Generation Summary – Proposed Zone Change

	ITE Code	Size	Morning Peak Hour			Evening Peak Hour			Weekday
			Enter	Exit	Total	Enter	Exit	Total	Total
Existing Conditions									
Medical Office Building	720	128,900 sq.ft.	218	62	280	123	315	438	4,864
Proposed Conditions									
Multifamily Housing	220	115 units	12	41	53	40	24	64	842
Net Change in Trip Generation			-206	-21	-227	-83	-291	-374	-4,022

Based on the above analysis, following the amendment to the PD overlay, the development of a general 115-unit apartment facility will not generate more trips than the 128,900 square foot medical office building that can be constructed under existing conditions. It should be noted that a medical office could still potentially be developed within the site following approval of the PD overlay amendment, whereby the net change in site trip generation potential is zero.

Transportation Planning Rule

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable elements of the TPR are each quoted in italics below, with responses following.

660-012-0060

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted*



December 18, 2018
Page 6 of 6

TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

In the case of this analysis, subsections (a) and (b) are not triggered since the proposed PD overlay amendment will not impact or alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards.

With regard to subsection (c), the proposed PD overlay amendment is not projected to increase the morning peak hour, evening peak hour, or average daily trip generation potential of the site. Accordingly, the proposed PD amendment will have no significant impact on the operation of area streets and intersections since it cannot result in an increase in the peak hour or daily trip generation potential of the site. Therefore, subsection (c) will not be triggered.

Conclusions

The proposed amendment to the Planned Development overlay will not degrade the performance of any existing or planned transportation facility. Accordingly, the TPR is satisfied and no mitigation is necessary or recommended in conjunction with the proposed zone change.

If you have any questions regarding this technical memorandum, please don't hesitate to contact us.

Le

TRIP GENERATION CALCULATIONS Existing Conditions

Land Use: Medical-Dental Office Building
Land Use Code: 720
Setting/Location General Urban/Suburban
Variable: 1,000 Sq Ft Gross Floor Area
Variable Quantity: 128.9

AM PEAK HOUR

Trip Equation: $\ln(T) = 0.89\ln(X) + 1.31$

	Enter	Exit	Total
Directional Distribution	78%	22%	
Trip Ends	218	62	280

PM PEAK HOUR

Trip Equation: $T = 3.39(X) + 2.02$

	Enter	Exit	Total
Directional Distribution	28%	72%	
Trip Ends	123	315	438

WEEKDAY

Trip Equation: $T = 38.42(X) - 87.62$

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	2,432	2,432	4,864

SATURDAY

Trip Rate: 8.57

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	552	552	1,104

Source: TRIP GENERATION, Tenth Edition

TRIP GENERATION CALCULATIONS Proposed Conditions

Land Use: Multifamily Housing (Low-Rise)

Land Use Code: 220

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Variable Value: 115

AM PEAK HOUR

Trip Rate: 0.46

	Enter	Exit	Total
Directional Distribution	23%	77%	
Trip Ends	12	41	53

PM PEAK HOUR

Trip Rate: 0.56

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	40	24	64

WEEKDAY

Trip Rate: 7.32

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	421	421	842

SATURDAY

Trip Rate: 8.14

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	468	468	936

APPLICABLE ORDINANCES

ORDINANCE NO. 4863

An Ordinance approving an amendment to Planned Development Ordinance No. 4709, to expand the range of uses permitted on the site to include senior apartments, senior condominiums, and assisted living facilities.

RECITALS

The Planning Commission received an application (ZC 13-06) from Kirk Bales, dated August 17, 2006, seeking approval to amend Planned Development Ordinance No. 4709, to expand the range of uses permitted on the site to include senior apartments, senior condominiums, and assisted living facilities. The subject property is located south of Stratus Avenue and west of Norton Lane, and is more specifically described as Tax Lot 701, Section 27, T. 4 S., R. 4 W., W.M. (See Exhibit "A".)

A public hearing was held on September 21, 2006, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on September 14, 2006, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

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

The Planning Commission approved said amendment and recommended said change to the Council; and

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Kirk Bales.

Section 2. That Condition No. 15 of McMinnville Planned Development Ordinance No. 4709 be amended, as follows (text to be removed is shown with ~~strikeout~~, text to be added is underlined):

15. That the subject site is limited to professional office use or medical office use, or senior condominiums, senior apartments, or assisted living facilities, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use, ~~or medical office use~~, or senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck


rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the subject site.

Passed by the Council this 24th day of October 2006, by the following votes:

Ayes: Hansen, Hill, Menke, Olson, Yoder

Nays: _____

Approved this 24th day of October, 2006.



MAYOR

Attest:



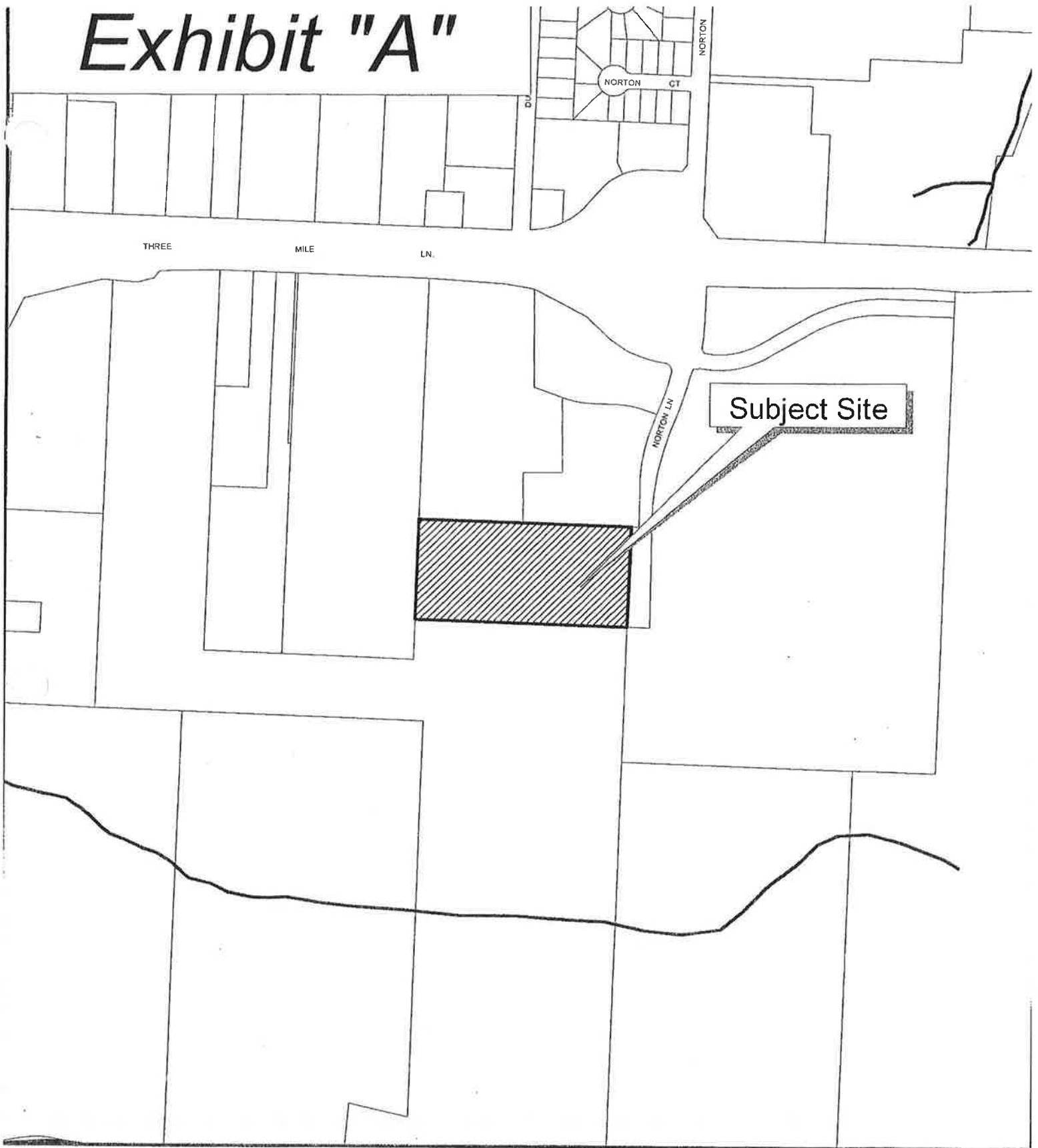
CITY RECORDER

Approved as to form:

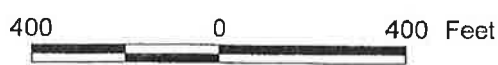


CITY ATTORNEY

Exhibit "A"



Geographic Information System



City of McMinnville
Planning Department
230 NE Second St
McMinnville, OR 97128
(503) 434-7312

ORDINANCE NO. 4709

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing Industrial designation to a Commercial designation and a zone change from a County EF-40 (Exclusive Farm Use – 40-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone on a parcel of land approximately five acres in size located south of Three Mile Lane, and immediately west of Norton Lane and the Willamette Valley Medical Center.

RECITALS

The Planning Commission received an application (CPA 6-99 / ZC 11-99) from Gene and Dorothy McMullin and Phyllis Moyer dated July 2, 1999, requesting a comprehensive plan map amendment from an existing Industrial designation to a Commercial designation and a zone change from a County EF-40 (Exclusive Farm Use – 40-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone on approximately five acres of land. The subject site is located south of Three Mile Lane, and immediately west of Norton Lane and the Willamette Valley Medical Center and is further described as a portion of Tax Lot 700, Section 27, T.4 S., R. 4 W., W.M.

A public hearing was held August 19, 1999, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on August 14, 1999, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

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

The Planning Commission approved said comprehensive plan map amendment and zone change and has recommended said changes to the Council, now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Gene and Dorothy McMullin and Phyllis Moyer.

Section 2. That the Comprehensive Plan Map shall be amended from an Industrial designation to a Commercial designation for the property described in Exhibit "A" which is attached hereto and incorporated herein by this reference.

Section 3. That the property described in Exhibit "A" is hereby rezoned from a County EF-40 (Exclusive Farm use – 40-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone subject to the following conditions:

1. That the zone change request shall not take effect until and unless CPA 6-99 is approved by the City Council.
2. That development and use of the site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended. Further, that a detailed Master Plan for the subject site shall be submitted to the McMinnville Planning Commission for review and approval, pursuant to the procedures of McMinnville Zoning Ordinance 17.51, Planned Development Overlay, prior to any development occurring on the site. The plan shall include, at a minimum, proposed land uses and their location(s), building locations, proposed circulation patterns, proposed open spaces, grading and drainage information, location and size of public utilities and services, off-street parking areas, direct pedestrian access, and other information deemed necessary to convey the details of the proposed development plans to the Planning Commission.
3. That detailed plans for the proposed commercial development showing site layout, proposed circulation pattern, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Three Mile Lane Design Review Committee prior to the issuance of any building permits for said development. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, and provide an architectural style appropriate to a "gateway" or entrance to the City of McMinnville. In addition, approval or denial of the exterior building design shall be based on a finding that, to the extent possible, the building design incorporates design and architectural features that would serve to break up the building's horizontal plane and provide visual interest. This may include, but is not limited to, the use of vertical columns, gables, variety of compatible and complimentary building materials, providing openings in the building facade, and landscaping at the building perimeter. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval.

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

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

4. That final development plans include landscape plans to be submitted to and approved by the McMinnville Landscape Review Committee and Three Mile Lane Design Review Committee. A minimum of 14 percent of the site must be landscaped. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines adjacent to the residentially zoned land to the west. Landscaping emphasis shall exist along the site's eastern edge, adjacent to Norton Lane, including required street trees, with particular emphasis at the site's eastern driveway intersection(s) at Norton Lane. In addition, landscape islands are required to be located throughout proposed off-street parking areas.

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

5. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of the City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to the issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private rather than public, and private maintenance agreements must be approved by the City for them.
6. That final development plans for the subject site include a detailed sanitary sewage collection plan which incorporates the requirements of the City's Collection System Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to the issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. In addition, existing structures located within the subject site are required to connect to the sanitary sewer system as soon as service is available.
7. That the developer secure from the Department of Environmental Quality (DEQ) applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permit shall be submitted to the City Engineer.
8. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and

grading permit for lot fill and grading from the City Building Division. All fill placed in the areas where construction is expected shall be engineered and shall meet with the approval of the City Building Division and the City Engineering Department.

9. That the developer extend water and power services to the subject site in accordance with McMinnville Water and Light requirements, including any necessary contracts and/or easements. Said water service is to include required fire hydrants, which are necessary to be in working order prior to the issuance of building construction permits.
10. That utilities shall be extended to the property boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
11. That no building shall exceed the height of 35 feet.
12. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
13. That signs located on the site shall be subject to the requirements of McMinnville Ordinance No. 4572 (B).
14. That all business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading.
15. That the subject site is limited to professional office use or medical office use, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use or medical office use may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the subject site.
16. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.
17. That the approved Master Plan as approved by the Planning Commission shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer will be responsible for requesting permission of the Planning Commission for any major change of the details of the final development plans. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

18. That improvements to the Norton Lane frontage, to the southernmost entry drive, or as may otherwise be required by the City of McMinnville, shall be done at the developer's expense and be finalized prior to release of any occupancy permits. Plans for the improvement of Norton Lane shall be submitted to the City Engineer for review and approval prior to its construction.
19. That the developer/owner of the subject site must grant to the Willamette Valley Medical Center and the City of McMinnville the right to cause all airspace above the surface of the subject site such as noise, vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the Medical Center property and the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may now or in the future raise against the Willamette Valley Medical Center and the City of McMinnville due to such circumstances noted above.
20. That prior to the development of the site, the applicant shall sign a waiver of remonstrance against the future improvement of Norton Lane. The waiver shall be prepared by the City.

Passed by the Council this 28th day of September 1999, by the following votes:

Ayes: Aleman, Kirchner, Payne, Rabe, Windle


Nays: _____

Approved this 28th day of September 1999.



COUNCIL PRESIDENT

Attest:



RECORDER PRO TEM

ORDINANCE NO. 4572

An Ordinance amending Ordinance 4131 (Three Mile Lane Planned Development Overlay) by supplanting the terms and provisions of Sections 4 and 5 and by adding new sections, and amending ordinance 4506 (Commercial Lands) by repealing subsections 10(h) and 10(i).

RECITALS:

The City of McMinnville has found that certain terms and provisions of the Three Mile Lane Planned Development Overlay have become dated since the 1981 passage of the ordinance and are in need of replacement. The City Council believes it is also in the best interest of the citizens of McMinnville and of the community as a whole to regulate commercial signage along the Three Mile Lane corridor as it leads into McMinnville.

At the direction of the City Council, staff developed amendments to the Three Mile Lane Planned Development Overlay which included regulations governing the use of commercial signage. The McMinnville Planning Commission held a work session on September 8, 1994 and a public hearing on October 13, 1994 on the proposed amendments, after which they recommended that the amendments be approved; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. The terms and provisions of Section 4 of Ordinance 4131 are hereby supplanted with the following terms and provisions:

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.
- B. A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.
- C. Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:
 1. The minimization of entrances onto Three Mile Lane;
 2. The development of on-site circulation systems, connecting to adjoining properties, including public frontage roads;
 3. The provisions of acceleration-deceleration lanes and left-turn refuges when and where necessary and practicable.

4. The provision of bikeways along frontage roads or on-site circulation systems. Bikeway connections accessing Three Mile Lane shall be provided so that the frontage road or on-site circulation system can serve as an alternative route for cyclists traveling along Three Mile Lane.
- D. Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.
- E. Mixed housing-type residential developments shall be allowed and encouraged in those areas designated as residential.
- F. Temporary signage shall be allowed as per Section 17.62.060(B)(3) of the McMinnville Zoning Ordinance (No. 3380). (Ord. 4988 §1, 2015)

Section 2. The terms and provisions of Section 5 of Ordinance 4131 are hereby supplanted with the following terms and provisions:

Section 5. Signs. The following regulations apply to those properties designated as either industrial or commercial on the McMinnville Comprehensive Plan Map and which are located within the area described in Exhibit "A." All signage must be approved by the Three Mile Lane Design Review Committee and may not exceed the maximums established in this section. The Three Mile Lane Design Review Committee may take into account color selection; sign material; relationship to site and building design; size, form, mass, height, and scale of sign; the sign's location and proximity to existing signs on adjacent parcels; and other sign design elements appropriate to ensuring that the proposed sign is compatible with the objectives of this ordinance. The Three Mile Lane Design Review Committee may require a proposed sign to be redesigned as necessary to make it consistent with the objectives of this ordinance including, but not limited to, restricting the size and height of the sign, its location, form, color, and material.

The Three Mile Lane Planned Development Overlay area is hereby divided into three "sign zones" which are depicted on Exhibit "B" which is attached hereto and is by this reference herein incorporated. Signage shall be regulated within the various sign zones as follows:

- A. Zone 1. The following regulations apply to commercially or industrially designated properties which fall within zone 1:
 1. That only one free-standing sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit "B", subject to the following:
 - a) The maximum height of any free-standing sign shall be 15 feet.

- b) The maximum square footage per sign face is 24 square feet and there shall be a maximum of two sign faces per free-standing sign.
 - c) A free-standing sign is allowed only on properties with frontage on the Highway 18 frontage road.
2. In lieu of a free-standing sign as listed in subsection 1 above, one monument-type sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit "B", subject to the following:
- a) Maximum square footage per sign face shall be 50 square feet, and there shall be a maximum of two sign faces per monument sign.
 - b) Maximum sign height shall be six feet, and the top of the sign shall not be more than eight feet above the center line grade of the Three Mile Lane frontage road.
 - c) Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic sign cabinets are allowed.
3. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face, subject to the following:
- a) Total area of building signage may not exceed eight percent of the total area of the face of the building which is most closely parallel to Highway 18 or the frontage road and may not exceed four percent on the other sides.
 - b) The area of building signs shall be measured as the area around or enclosing each sign cabinet, or where sign cabinets are not used, the area shall be that within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message.
4. If a parcel is divided after the date of the adoption of this ordinance, the sign allowances established in subsections 1. and 2 above will apply only to the original parcel or what remains of it and newly created parcels are limited to the sign allowances established in subsection 3 above except as provided in subsection (A) (5) below.
5. The Three Mile Lane Design Review Committee may allow the sharing

of a single free-standing sign by an original parcel or what remains of it and parcels divided after the date of the adoption of this ordinance. The total sign size shall not exceed that allowed for the original parcel.

6. Portable signs and signs with flashing or moving parts are prohibited.

B. Zone 2. The following regulations apply to commercially and industrially designated properties which fall within zone 2:

1. That only one free-standing sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit "B", subject to the following:

a) The maximum height of any free-standing sign shall be 30 feet, except as provided in subsection (B) (1) (c) below.

b) The maximum square footage per sign face is 64 square feet, and there shall be a maximum of two sign faces per free-standing sign, except as provided in subsection (B) (1) (c) below.

c) If two or more properties share a single free-standing sign, said sign shall be a maximum of 35 feet in height, and each property sharing the sign shall be entitled to up to 64 square feet of sign face per side on a maximum of two sides. The shared free-standing sign would exhaust the allowance for free-standing signs listed in subsection (B) (1) (a) above for all parcels represented.

d) A free-standing sign is allowed only on properties with frontage on the Highway 18 frontage road.

2. In lieu of a free-standing sign as listed in subsection 1 above, one monument-type sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit "B", subject to the following:

a) Maximum square footage per sign face shall be 50 square feet, and there shall be a maximum of two sign faces per monument sign.

b) Maximum sign height shall be six feet, and the top of the sign shall not be more than eight feet above the center line grade of the Three Mile Lane frontage road.

c) Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic sign cabinets are allowed.

3. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face, subject to the following:
 - a) Total area of building signage may not exceed eight percent of the total area of the face of the building which is most closely parallel to Highway 18 or the frontage road and may not exceed four percent on the other sides.
 - b) The area of building signs shall be measured as the area around or enclosing each sign cabinet, or where sign cabinets are not used, the area shall be that within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message.
 4. If a parcel is divided after the date of the adoption of this ordinance, the sign allowances established in subsections 1 and 2 above will apply only to the original parcel or what remains of it and newly created parcels are limited to the sign allowances established in subsection 3 above except as provided in subsection (B) (5) below.
 5. The Three Mile Lane Design Review Committee may allow the sharing of a single free-standing sign by an original parcel or what remains of it and parcels divided after the date of the adoption of this ordinance. The total sign size shall not exceed that allowed for the original parcel.
 6. Portable signs and signs with flashing or moving parts are prohibited.
- C. Zone 3. The following regulations apply to commercially and industrially designated properties which fall within zone 3:
1. That free-standing signs are prohibited.
 2. That one monument-type sign shall be allowed per parcel, except that a second monument sign shall be allowed if the parcel has more than 600 feet of frontage on Highway 18 or on the Highway 18 frontage road, subject to the following:
 - a) Maximum square footage per sign face shall be 80 square feet and there shall be a maximum of two sign faces per monument sign.
 - b) Maximum sign height shall be eight feet, and the top of the sign shall not be more than ten feet above the center line grade of Highway 18 or the Highway 18 frontage road, whichever is applicable.

- c) Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back—lit letters, providing that no plastic sign cabinets are allowed.
3. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face, subject to the following:
- a) Total area of building signage may not exceed eight percent of the total area of the face of the building which is most closely parallel to Highway 18 or the frontage road and may not exceed four percent on the other sides.
 - b) The area of building signs shall be measured as the area around or enclosing each sign cabinet, or where sign cabinets are not used, the area shall be that within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message.
 - c) Signage for the third building in the Tanger Factory Outlet Mall shall be consistent in terms of sizes and percent of coverage with that on buildings one and two.
4. Portable signs and signs with flashing or moving parts are prohibited.

Section 3. That the following section is hereby added to Ordinance 4131:

Section 6. Procedures for Review:

- A. No development or signage may take place within the Three Mile Lane Planned Development Overlay without such development or signage gaining the approval of the Three Mile Lane Design Review Committee.
- B. Zone changes submitted for approval shall be processed under the requirements and standards of Chapter 17.51 of McMinnville Ordinance 3380 (Zoning Ordinance)

Section 4. Subsections 10(h) and 10(i) of Ordinance 4506 are hereby repealed in their entirety.

Section 5. That this ordinance shall be subject to the terms and conditions of Ordinance 3823 entitled "Initiative and Referendum" for a period of thirty days.

This Ordinance passed by the City Council this 22nd day of November 1994

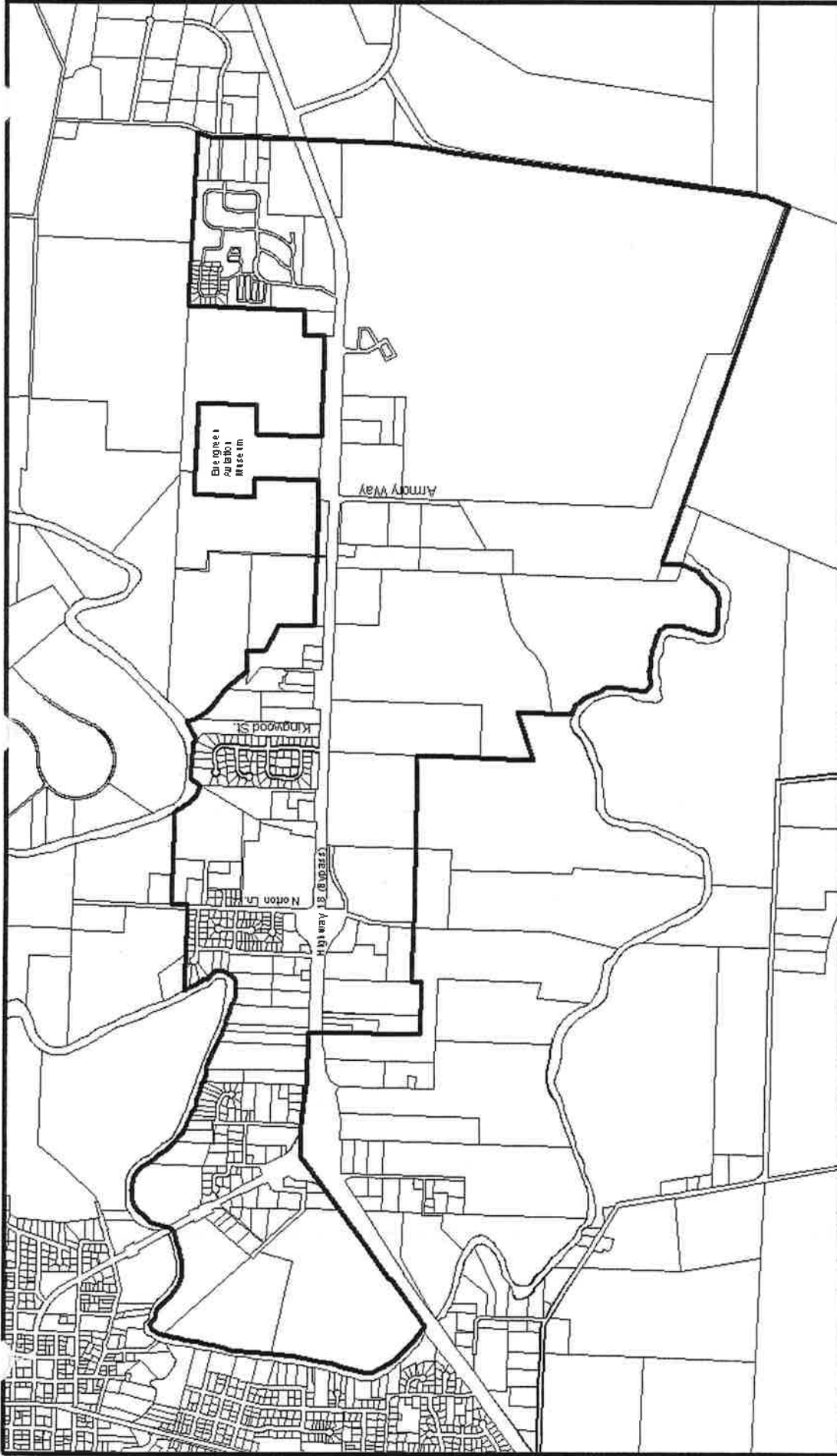


EXHIBIT A
Three Mile Lane Amendment
Planned Development Overlay
Ordinance No. 4572

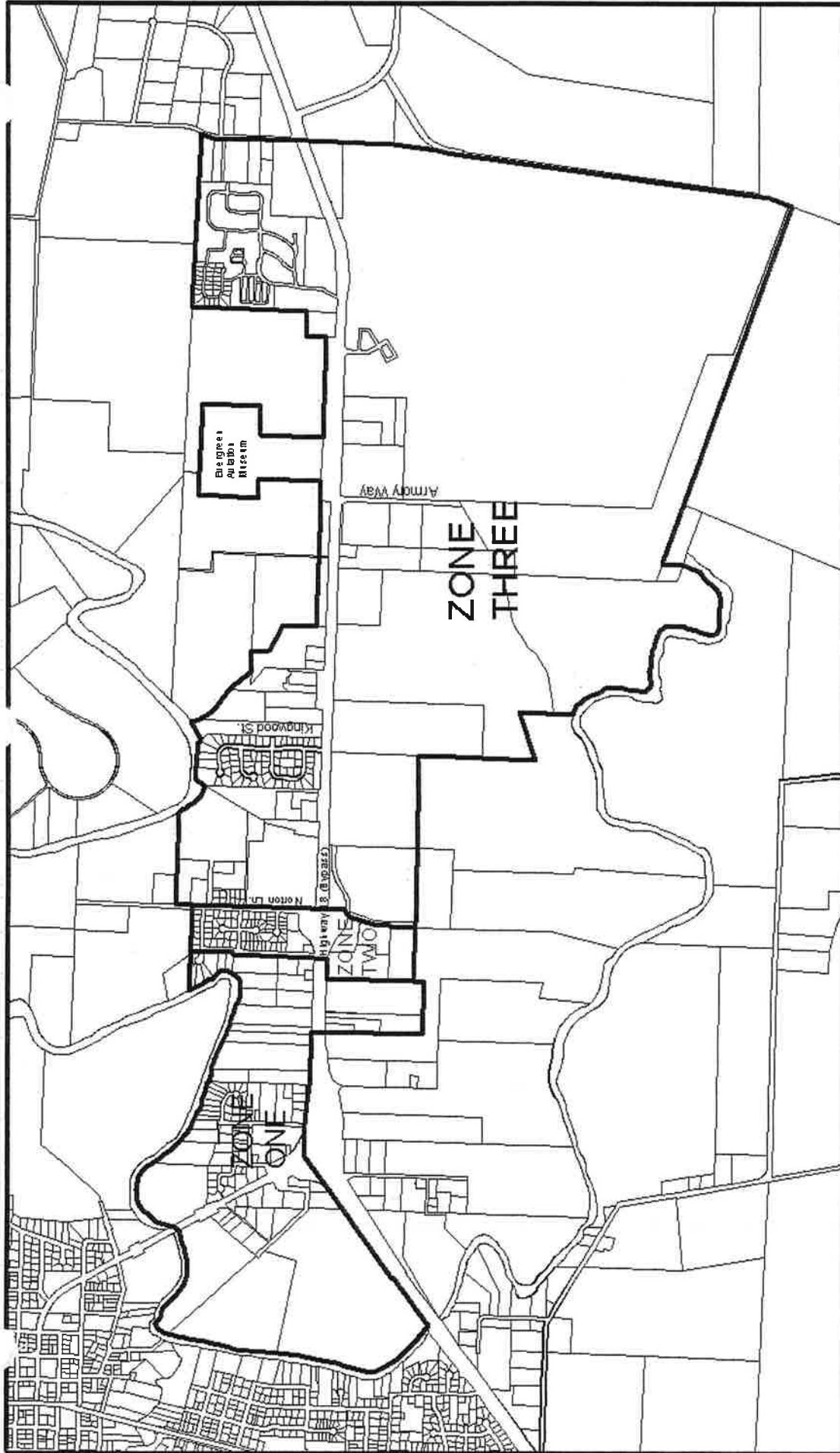
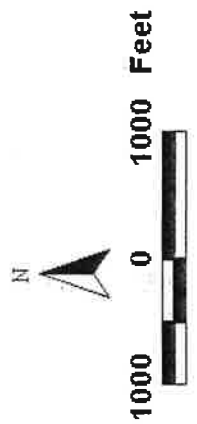


EXHIBIT B
Three Mile Lane Amendment
Planned Development Overlay
Ordinance No. 4572



ORDINANCE NO. 4131

THREE MILE LANE

An ordinance enacting conditions for development in an area hereinafter described, and commonly known as Three Mile Lane; now, therefore,

THE CITY OF McMinnville ORDAINS AS FOLLOWS:

Section 1. Statement of Purpose. The City of McMinnville finds that the development of lands on the north and south sides of Three Mile Lane (Oregon Highway 18) is acceptable if provisions are made to integrate the dual functions of the highway as a by-pass around the City and a land service arterial for adjacent properties. The City also finds that development along Three Mile Lane is desirable if it is of good quality and design, if the living and working environments developed are compatible with each other, and if the living environment includes open spaces, parks, and features buffering of residential uses from the highway. The City recognized, during the comprehensive planning process, that to insure that these concerns are met, proper designations on the McMinnville Comprehensive Plan and Zoning Maps must be made, and, further, that a planned development overlay must be placed over the area establishing specific conditions for development.

Section 2. Planned Development Overlay. The planned development overlay which is created and implemented by this ordinance shall be placed over areas to the north and south of Highway 18 from the eastern City limits west to the vicinity of the Three Mile Lane Spur intersection with Highway 18. The affected area is further described by map in Exhibit "A". Areas within, and without, the City limits shall carry this designation. The policies and procedures set by this ordinance shall be applied to all land use decisions under the jurisdiction of the City of McMinnville. The overlay shall not impinge the legal jurisdiction of Yamhill County for areas outside the city limits.

Section 3. Notation on Zoning and Comprehensive Plan Maps. The perimeters of the areas affected by this ordinance shall be noted on the official McMinnville Comprehensive Plan Map of 1980 and the official McMinnville Zoning Map of 1980.

Section 4. Policies. The following policies shall apply to the entire 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.
- (b) A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.
- (c) Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:

1. The minimization of entrances onto Three Mile Lane,
 2. The development of on-site circulation systems, connecting to adjoining properties,
 3. The provision of acceleration-deceleration lanes and left turn refuges when and where necessary and practicable.
- (d) Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.
- (e) Residentially designated areas covered by this ordinance shall be developed at R-1 zoning classification densities. Mixed housing-type residential developments shall be allowed and encouraged.
- (f) Residential developments shall provide parkland under the provisions of Section 35 of Ordinance No. 3702, unless safe and convenient pedestrian access is provided to an existing park. If no land is required, money in lieu of land shall be required.

The following policies shall apply to specified properties north and south of Three Mile Lane, described on the map in Exhibit "B". The written descriptions, uses, and written policies included below are to apply to the interpretation of the map and be of at least equal weight and importance.

Municipal Airport (Area 1)

The airport shall be designated as industrial on the McMinnville Comprehensive Plan Map of 1980 to accommodate aviation related facilities in keeping with the Airport Master Plan, as amended. Facilities identified in the plan for upgrading and expanding the aviation aspects of the airport shall be exempted from review by the provisions of the planned development overlay. Any private or public aviation related industrial development that may in the future be contemplated shall be subject to the provisions of this ordinance. The adoption of an airport zoning ordinance in the future may be appropriate, and additional requirements of such a zone shall be applied in conjunction with the requirements of this ordinance.

West of Municipal Airport (Area 2)

This area shall be designated as industrial on the McMinnville Comprehensive Plan Map of 1980. The City shall encourage the location of aviation related industries or industries requiring extensive use of airport services, in this area. Zone changes to M-L (Limited Light Industrial), to M-1 (Light Industrial) and AH (Agricultural Holding) shall be allowed. Zone changes to M-2 (General Industrial) may be allowed upon findings that the intended use of the property shall be an aviation related industry, or an industry which requires extensive use of the airport services for its operation.

West of Municipal Airport to Mobile Home Park (Area 3)

This area shall be designated as industrial on the McMinnville Comprehensive Plan Map of 1980. The City shall allow zone changes to M-L (Limited Light Industrial) and AH (Agricultural Holding) designations.

East of Pacific Avenue - Industrial Area (Area 4)

This area shall be designated industrial on the McMinnville Comprehensive Plan Map of 1980 to accommodate the existing industrial uses. Expansion of those uses may take place if compatibility with surrounding properties is insured.

Airport Rendevous (Area 5)

This area shall be designated as shown on the McMinnville Comprehensive Plan Map, 1980. The areas designated Agricultural Holding (AH) on the map shall remain so designated until completion of the update of the Airport Master Plan. The adoption of an airport zoning ordinance, recommended land uses, and development controls identified noise contours may be appropriate upon completion of the Airport Master Plan; any additional requirements enacted by the city shall be applied in conjunction with the requirements of this ordinance. Redesignation of the properties may be allowed after completion of the Airport Master Plan update and adoption of appropriate Master Plan recommendations, provided that the requirements of this ordinance are met, and upon determination that the proposed use is compatible with surrounding properties.

Remainder of Planned Development Area

The remainder of the properties within the area covered by this ordinance shall be developed according to the designations on the McMinnville Comprehensive Plan Map. Site plan review as required in Chapter 17.51 of Ordinance 3380 shall include conditions to insure compatibility of allowed developments with proposed uses in surrounding areas.

Section 5. Procedures for Review.

- (a) Annexation to the City of lands within the area covered by this ordinance shall meet the requirements of the annexation ordinance.
- (b) Comprehensive Plan Map amendments shall be processed under procedures set out in Ordinance 4127.
- (c) Zone changes and land divisions submitted for approval shall be processed under the requirements and standards of Chapter 17.51 of Ordinance 3380 (Zoning Ordinance). If standards and requirements of Chapter 17.51 differ with those established elsewhere by the city, the more restrictive standards and requirements shall be adhered to.
- (d) Land division requests shall also be processed under the requirements of Ordinance 3702 (Land Division Ordinance).

(e) Amendments to this ordinance shall be processed under procedures set out in Chapter 17.51 of Ordinance 3380 (Zoning Ordinance).

Section 6. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty days.

Passed by Council this 7 day of April, 1981 by the following votes:

Ayes: Gormley, Gale, Macy, Allen, Wilson and Springer

Nays: _____

Approved this 7 day of April, 1981.

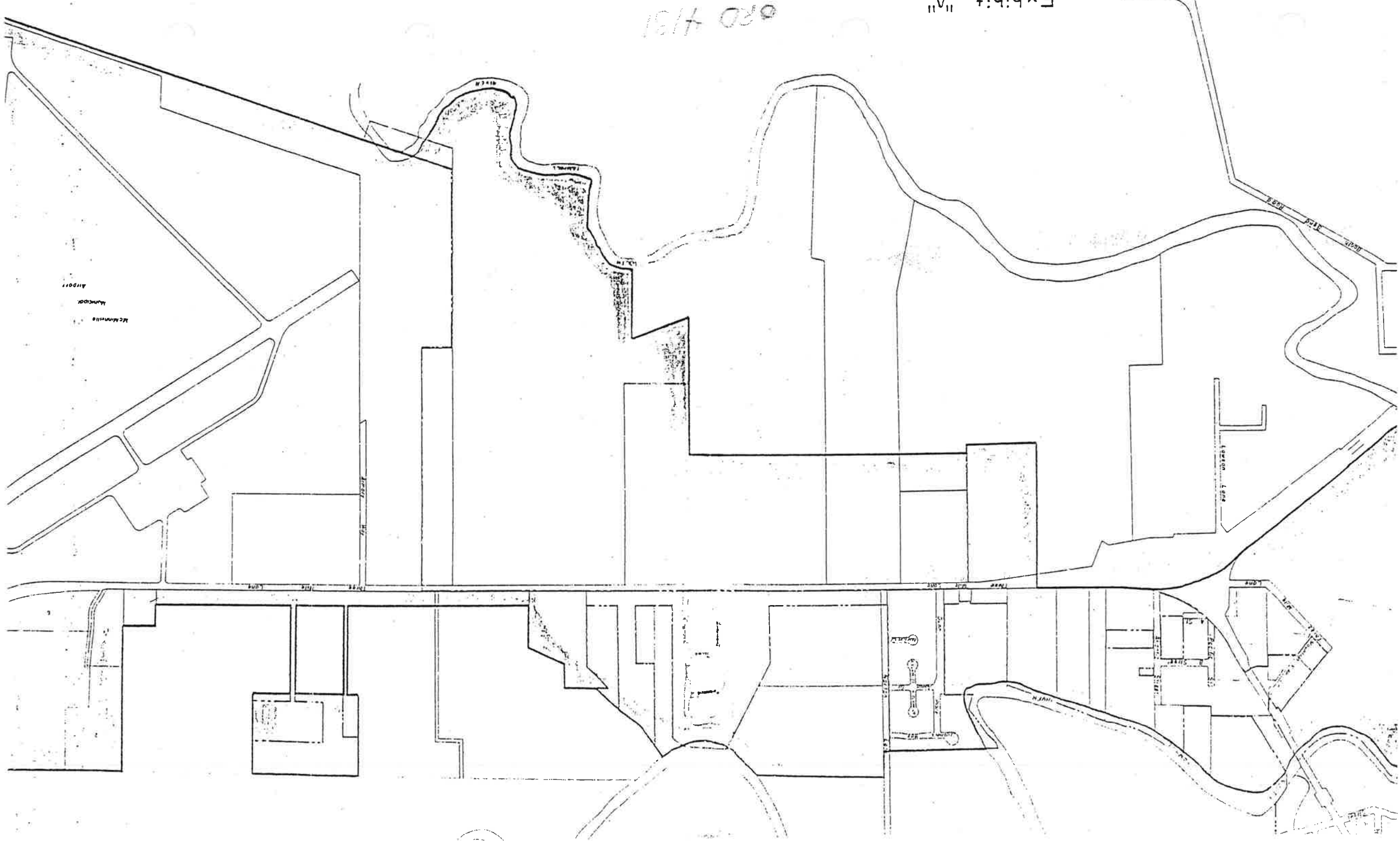

MAYOR

Attest:


RECORDER

RD 4131

11/11/11



McMinnville Airport

RD 4131

RD 4132

RD 4133

RD 4134

RD 4135

RD 4136

RD 4137

RD 4138

RD 4139

RD 4140

RD 4141

RD 4142

RD 4143

RD 4144

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RD 4197

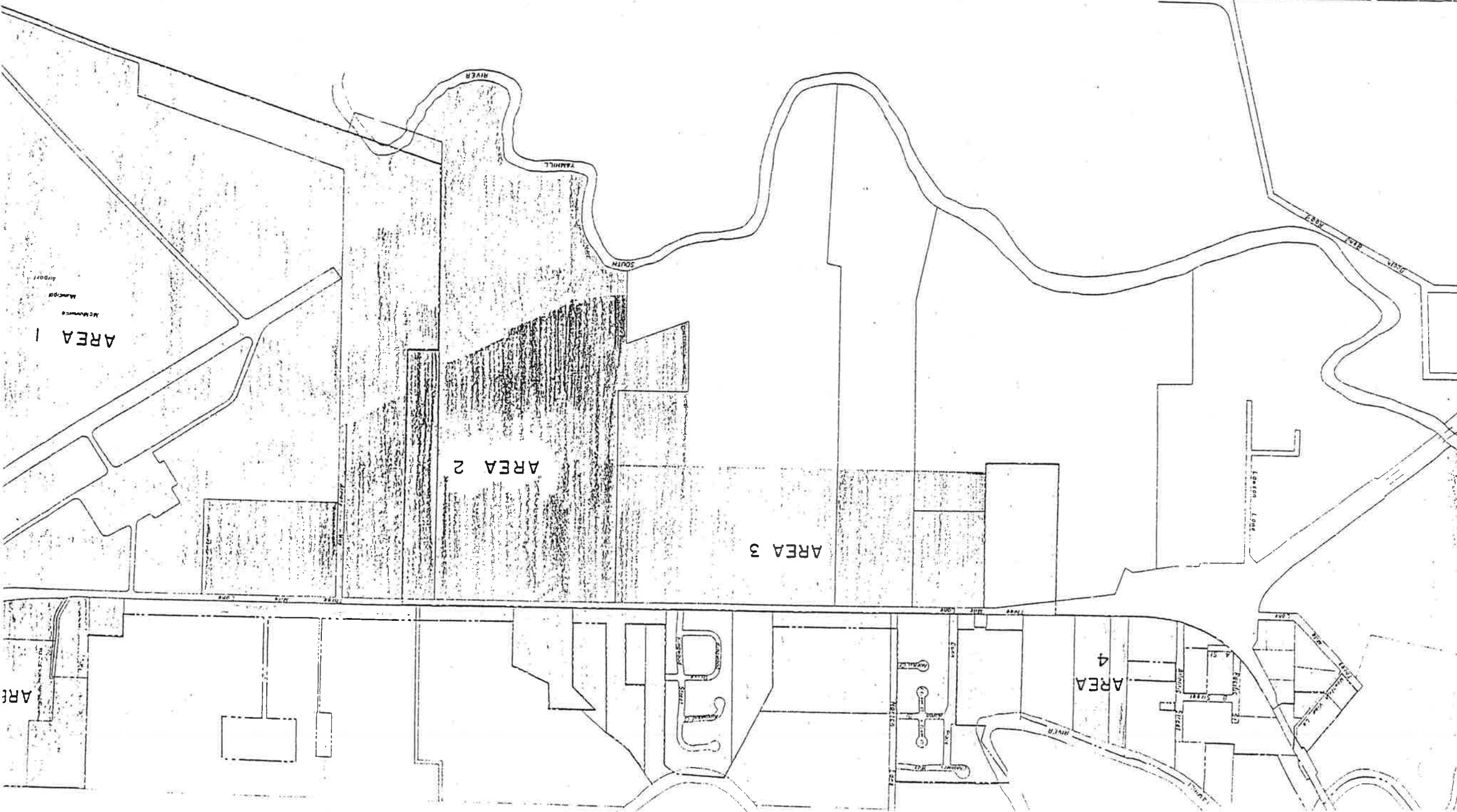
RD 4198

RD 4199

RD 4200

ORD 4131

PLAT "D"



AREA 1

AREA 2

AREA 3

AREA 4

ARE

McMurrice
Municipal
Airport

RIVER

YAMHILL

SOUTH

LAN

LAN

Landon Lane

WALTON

WALTON

WALTON

WALTON

WALTON

WALTON

WALTON

WALTON

WALTON

WALTON

WALTON

WALTON

WALTON

WALTON

LEGAL DESCRIPTION & TITLE REPORT

TAX LOT 701 - 4 4 27, YAMHILL COUNTY, OREGON
LEGAL DESCRIPTION

A PART OF THE NEHEMIAH MARTIN DONATION LAND CLAIM, CLAIM NO. 83 IN SECTION 27, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT AN IRON PIPE 906.8 FEET SOUTH FROM THE CENTER OF SECONDARY STATE HIGHWAY, SAID POINT IN CENTER OF HIGHWAY GIVEN IN DEED RECORDED IN VOLUME 116, PAGE 337 AS BEING 215. 8 FEET WEST FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27; THENCE SOUTH 320.2 FEET; THENCE WEST, PARALLEL TO THE CENTER OF STATE HIGHWAY 669.0 FEET; THENCE NORTH 00°19' WEST, 319.97 FEET; THENCE EAST 671.5 FEET TO THE POINT OF BEGINNING.

NOT TO SCALE



TAX LOT 500

N00°19'W 319.98'

TAX LOT 405

EAST 671.5'

TAX LOT 402

TAX LOT 701

4.93 ACRES

WEST 669.0'

TAX LOT 700

SOUTH 320.2'

PDG JOB NO.:
999-217

DATE:
11/19/18

SCALE:
NTS

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION



PIONEER DESIGN GROUP, INC.

9020 SW WASHINGTON SQUARE RD
SUITE 170
PORTLAND, OREGON 97223
p 503.643.8286
www.pd-grp.com

TAX LOT 701 - TAX MAP 4 4 27
YAMHILL COUNTY, OREGON

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

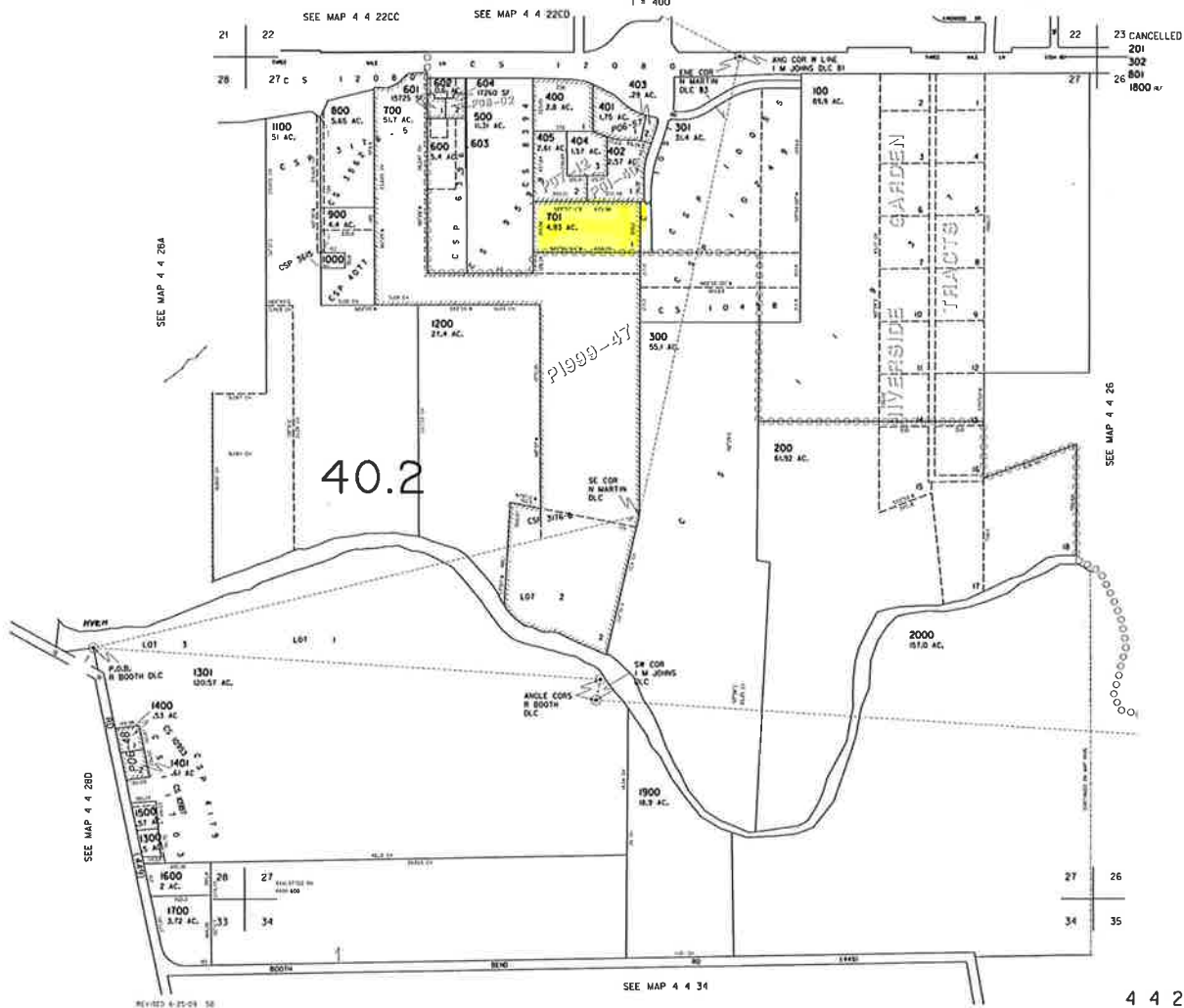
SECTION 27 T4S R4W W.M.
YAMHILL COUNTY

4 4 27

SEE MAP 4 4 22

SEE MAP 4 4 2200

1" = 400'



4 4 27

Untitled Map

Three Mile Lane Planned Development
KWDS PD Amendment

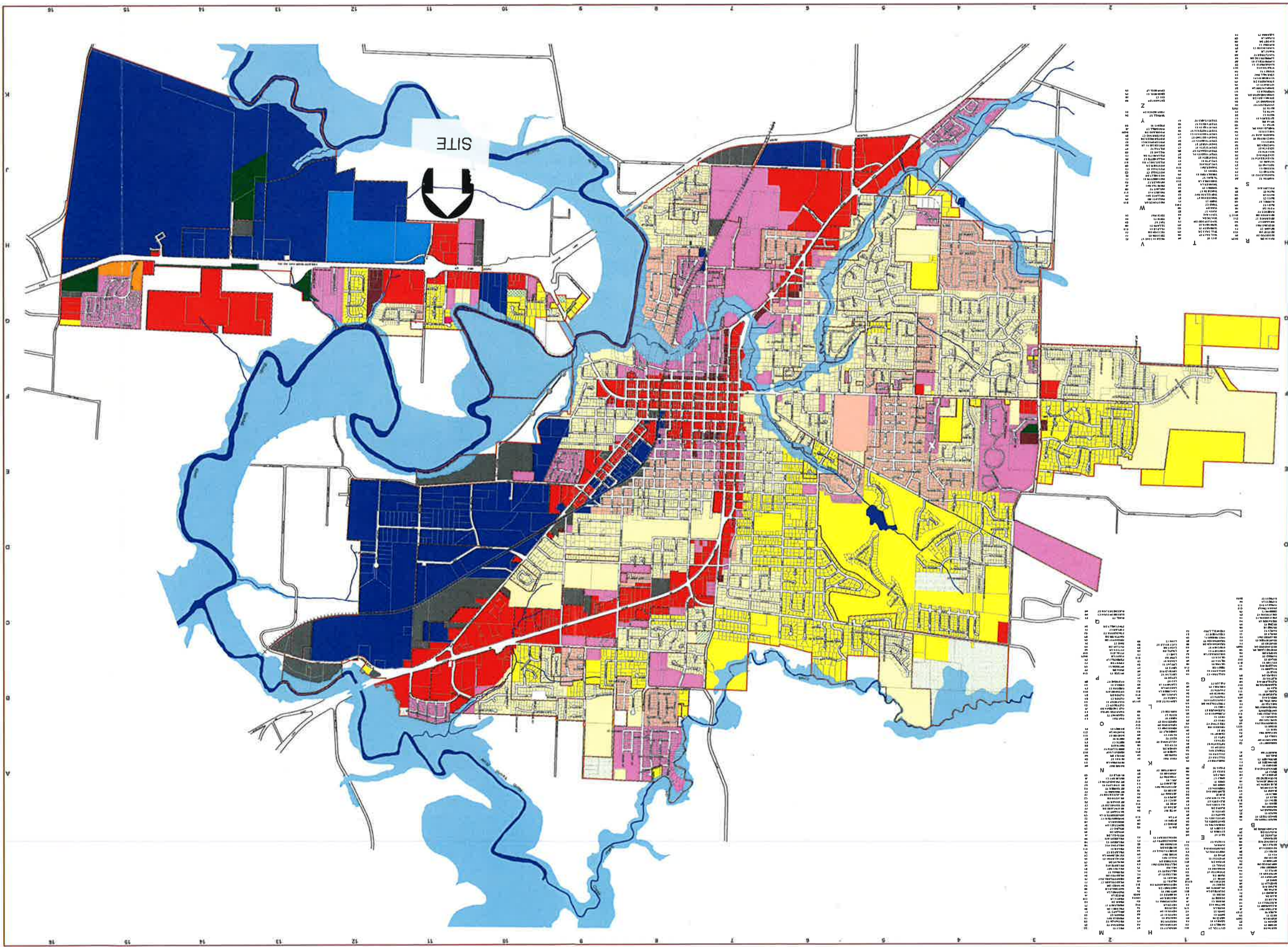


Legend

- Housing Authority of Yamhill County
- Mc Minnville Community Media
- McDonald's
- McMinville Cinema 10
- Medical Center
- NE Norton Ln & NE Three Mile Ln
- Park
- V2 Family & Cosmetic Dentistry
- Valley Medical Center Heliport

SITE

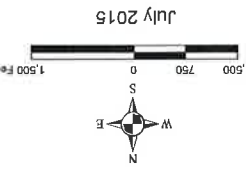
City of McMinnville Zoning



City of McMinnville
 231 NE Fifth St
 McMinnville, OR 97128
 (503) 434-7311

Planning Department
 McMinnville Planning Department
 at (503) 434-7311.
 This map is for pre-planning
 purposes only. For more detailed
 information, please call the
 McMinnville Planning Department

Note:



July 2015

- Legend**
- City Limits
 - City Zoning
 - R-1
 - R-2
 - R-3
 - R-4
 - O-R
 - C-1
 - C-2
 - C-3
 - M-L
 - M-1
 - M-Z
 - A-H
 - F-P
 - PD
 - County Zoning
 - LDR9000
 - VLD-R-1
 - AF-20
 - EF-80

Zone	Description
PD	Professional District
F-P	Future Planned
A-H	Arts and Historic District
M-Z	Medium Density Residential
M-1	Medium Density Residential Single-Family
M-L	Medium Density Residential Low-Density
C-3	Community Center
C-2	Community Center
C-1	Community Center
O-R	Office-Residential
R-4	Residential Single-Family
R-3	Residential Single-Family
R-2	Residential Single-Family
R-1	Residential Single-Family
LDR9000	Local Development Regulation
VLD-R-1	Vertical Development Regulation
AF-20	Accessory Dwelling Unit
EF-80	Employment



First American

First American Title Insurance Company

825 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

*FYI -
Return to
KAM*

Order No.: 1031-3127495
September 17, 2018

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

JANET WINDER, Escrow Officer/Closer
Phone: (503)472-4627 - Fax: (866)800-7294 - Email: jwinder@firstam.com
First American Title Insurance Company
775 NE Evans Street, McMinnville, OR 97128

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Larry Ball, Title Officer
Phone: (503)376-7363 - Fax: (866)800-7294 - Email: lball@firstam.com

Preliminary Title Report

County Tax Roll Situs Address: 0 Norton Lane, McMinnville, OR 97128

2006 ALTA Owners Standard Coverage	Liability \$ 1,675,000.00	Premium \$ 3,113.00
2006 ALTA Owners Extended Coverage	Liability \$	Premium \$
2006 ALTA Lenders Standard Coverage	Liability \$	Premium \$
2006 ALTA Lenders Extended Coverage	Liability \$	Premium \$
Endorsement 9.10, 22		Premium \$
Govt Service Charge		Cost \$ 20.00
Other		Cost \$

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

Parcel 1 of Partition Plat 99-47, recorded November 02, 1999 as Instrument No. 199921786, Deed and Mortgage Records, Yamhill County, Oregon.

and as of September 11, 2018 at 8:00 a.m., title to the fee simple estate is vested in:

Gene A. McMullin, as Trustee of the McMullin Family Residual Trust under a Trust Agreement dated May 8, 1996, as to an undivided one-half interest, Phyllis A. Moyer, Trustee of the Phyllis A. Moyer Living Trust dated September 10, 1992, as to an undivided one-half interest, as tenants in common

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
 - B. Affidavit regarding possession
 - C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
 7. Taxes for the fiscal year 2018-2019 a lien due, but not yet payable.
 8. City liens, if any, of the City of McMinnville.

Note: There are no liens as of September 13, 2018. All outstanding utility and user fees are not liens and therefore are excluded from coverage.
 9. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
 10. Easement, including terms and provisions contained therein:
Recording Information: August 25, 1998 as Instrument No. 199816670, Deed
and Mortgage Records
In Favor of: Burch Feero, Inc., an Oregon corporation
For: Drainageway

11. Easement, including terms and provisions contained therein:
 Recording Information: June 11, 2002 as Instrument No. 200211460, Deed and Mortgage Records
 In Favor of: The City of McMinnville, a municipal corporation
 For: Aviation
12. Easement as shown on the recorded plat/partition
 For: Utilities
 Affects: East 10 feet
13. In order to insure a transaction involving the herein named trusts, we will need to be provided Certifications of Trust pursuant to ORS 130.800 through ORS 130.910.
14. Unrecorded leases or periodic tenancies, if any.

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: This Preliminary Title Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

NOTE: Taxes for the year 2017-2018 PAID IN FULL

Tax Amount:	\$12,227.16
Map No.:	R4427 00701
Property ID:	515923
Tax Code No.:	40.0

Situs Address as disclosed on Yamhill County Tax Roll:

0 Norton Lane, McMinnville, OR 97128

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!**

RECORDING INFORMATION	
Filing Address:	Yamhill County 535 NE Fifth Street McMinnville, OR 97128
Recording Fees:	\$ 81.00 for the first page \$ 5.00 for each additional page

cc: KWDS LLC
 cc: Moyer Living Trust
 cc: Kristina Lookabill, Bella Casa Real Estate Group

207 NE 19th Street, Suite 100, McMinnville , OR
cc: Scott McAvoy, The Hasson Company



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

TI 149 Rev. 7-22-08



First American Title

Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet.

In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

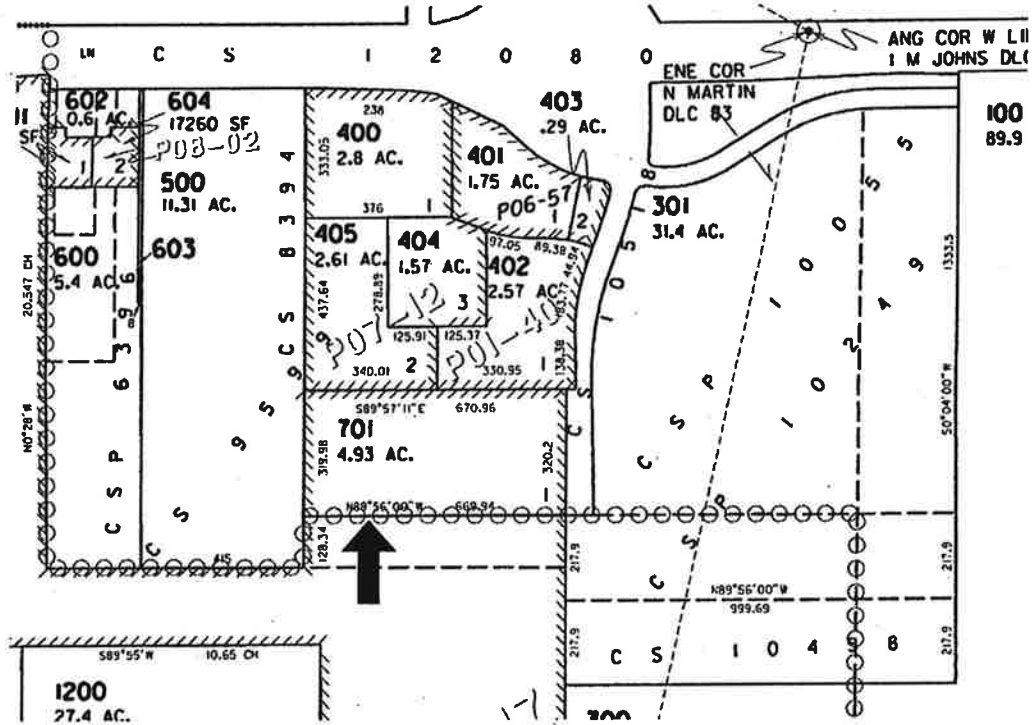
Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.



First American



This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey.





Sheet
Type
No.
Project

No.
Date
Revision

Designed by
Date
Drawn by
Date
Reviewed by
Date
Project No.
Horiz. Scale:
Vert. Scale:

AERIAL EXHIBIT
YAMHILL COUNTY, OREGON

REF.

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