

City Of  
McMinnville  
Planning Department  
231 NE Fifth Street o McMinnville, OR 97128  
(503) 434-7311 Office o (503) 474-4955 Fax  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

<b>Office Use Only:</b>	
File No.	<u>2C 3-19</u>
Date Received	<u>5-7-19</u>
Fee	<u>3759.<sup>00</sup></u>
Receipt No.	_____
Received by	<u>[Signature]</u>

## Comprehensive Plan Map Amendment/ Zone Change Application

### Applicant Information

Applicant is:  Property Owner    Contract Buyer    Option Holder    Agent    Other \_\_\_\_\_

Applicant Name Leonard Johnson Phone (503) 434-0364

Contact Name Ron Pomeroy, Navigation Land Use Consulting, LLC Phone (503) 687-3012  
*(If different than above)*

Address P.O.Box 1514

City, State, Zip McMinnville, OR 97128

Contact Email ron@navigationlanduse.com

### Property Owner Information

Property Owner Name \_\_\_\_\_ Phone \_\_\_\_\_  
*(If different than above)*

Contact Name Leonard Johnson Phone (503) 434-0364

Address 3375 NW Westside Road

City, State, Zip McMinnville, OR 97128

Contact Email dragsaw2@gmail.com

### Site Location and Description

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

Property Address \_\_\_\_\_

Assessor Map No. R44 09 - DC - 01100 Total Site Area 2.93 acres

Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Comprehensive Plan Designation Residential Zoning Designation R-1

This request is for a:

**Comprehensive Plan Amendment**

**Zone Change**

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property. \_\_\_\_\_

\_\_\_\_\_ This zone change application requests approval to change the zoning designation of this site from R-1 to R-3. This zone change application is a companion to a subdivision application requesting approval of a tentative subdivision plan for the development of a 17-lot single-family residential subdivision on this site.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2). \_\_\_\_\_

\_\_\_\_\_ See attached narrative, findings and exhibits

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay. \_\_\_\_\_

\_\_\_\_\_ See attached narrative, findings and exhibits

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation. \_\_\_\_\_

A Planned Development is not being requested

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

See attached narrative, findings and exhibits

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request. \_\_\_\_\_

See attached narrative, findings and exhibits

7. 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.

See attached narrative, findings and exhibits

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

See attached narrative, findings and exhibits

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

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to **an electronic copy** with the submittal.
- A legal description of the parcel(s), 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

5/7/19  
Date

Same  
Property Owner's Signature

5/7/19  
Date



Planning Department
231 NE Fifth Street o McMinnville, OR 97128
(503) 434-7311 Office o (503) 474-4955 Fax
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Office Use Only:
File No. S2-19
Date Received 5-7-19
Fee 5081.50
Receipt No.
Received by [signature]

Tentative Subdivision Application

Applicant Information

Applicant is: [X] Property Owner [ ] Contract Buyer [ ] Option Holder [ ] Agent [ ] Other

Applicant Name Leonard Johnson Phone (503) 434-0364
Contact Name Ron Pomeroy, Navigation Land Use Consulting, LLC Phone (503) 687-3012
Address P.O.Box 1514
City, State, Zip McMinnville, OR 97128
Contact Email ron@navigationlanduse.com

Property Owner Information

Property Owner Name Phone
Contact Name Leonard Johnson Phone (503) 434-0364
Address 3375 NW Westside Road
City, State, Zip McMinnville, OR 97128
Contact Email dragsaw2@gmail.com

Site Location and Description

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

Property Address
Assessor Map No. R44 09 - DC - 01100 Total Site Area 2.93 acres
Subdivision Block Lot
Comprehensive Plan Designation Residential Zoning Designation R-1

## **Subdivision Information**

1. What is this application for?  
 Subdivision (10 (ten) or fewer lots)  
 Subdivision (more than 10 (ten) lots)
2. Briefly describe the project: This subdivision application requests approval of a tentative subdivision plan for the development of a 17-lot single family residential subdivision on this site.  
\_\_\_\_\_  
\_\_\_\_\_
3. Name of proposed subdivision: Monika
4. Size of proposed subdivision in acres or square feet: 2.93 acres
5. Number of lots: 17 Minimum lot size: 4,467 square feet
6. Number and type of Residential Units: 15 single-family detached residences and 2 single-family attached residences  
\_\_\_\_\_  
\_\_\_\_\_
7. Average lot size: 6,049 square feet Gross density per acre of entire subdivision: 5.8 du/ac
8. Total anticipated population: 45 (estimated 2.6 persons per household)
9. Size of park(s)/open space in acres or square feet: -
10. General description of the subject site and current land use: Generally square in shape and vacant. Site lacks most vegetation except for mature arborvitae located along its southern edge. An open drainage ditch traverses the site in a generally east-west orientation and the site slopes from its northern and southern edges toward the open ditch.  
\_\_\_\_\_
11. Describe existing uses and zoning of surrounding properties:
- |       | <u>Zoning</u>         | <u>Current Use</u>                           |
|-------|-----------------------|----------------------------------------------|
| North | <u>R-2 PD</u>         | <u>Single-family and duplex development</u>  |
| South | <u>R-1</u>            | <u>Adventure Christian Church</u>            |
| East  | <u>R-3 PD and R-1</u> | <u>Single-family residential development</u> |
| West  | <u>R-1</u>            | <u>Single-family residential development</u> |
12. Describe the topography of the subject site: Sloping from its northern and southern edges toward an open drainage ditch that traverses the site in a generally east-west orientation.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Does the site contain any existing structures, wells, septic tanks? Explain None  
\_\_\_\_\_  
\_\_\_\_\_

14. How will the proposed subdivision be served by utilities? Note the location and size of all service lines (water, sanitary sewer, storm sewer, natural gas, electricity).  
All utilities are available or can be made available to sufficiently serve the site. See attached.  
\_\_\_\_\_  
\_\_\_\_\_

15. What is the anticipated date construction will begin? Fall, 2019

16. What is the anticipated date of completion? Fall, 2021

17. If applicable, explain how the subdivision will be phased? One phase  
\_\_\_\_\_  
\_\_\_\_\_

18. Does your tentative subdivision plan delineate the general location of all previously recorded easements and encumbrances presently binding upon the subdivision site? (A current title report or subdivision guarantee for the site would disclose such easements or encumbrances).

Yes  No  N/A

19. Does your tentative subdivision plan delineate necessary access and utility easements?

Yes  No  N/A

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

A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), tentative subdivision plan, and supplementary data. Tentative plans should be accompanied by improvement plans so that the general programs and objectives are clear to the reviewer. The information to be included in the tentative subdivision plan as listed in the information sheet and in Section 17.53.070 (Submission of Tentative Subdivision Plan) of the Zoning Ordinance. If of a larger size, provide five (5) copies in addition to **an electronic copy** with the submittal.

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

5/7/19  
Date

  
Property Owner's Signature

\_\_\_\_\_  
Date



ASSESSMENT & TAX  
CARTOGRAPHY

S.W.1/4 S.E. 1/4 SEC. 9 T.4S. R.4W. WM.  
YAMHILL COUNTY OREGON  
1" = 100'



CANCELLED TAXLOTS:

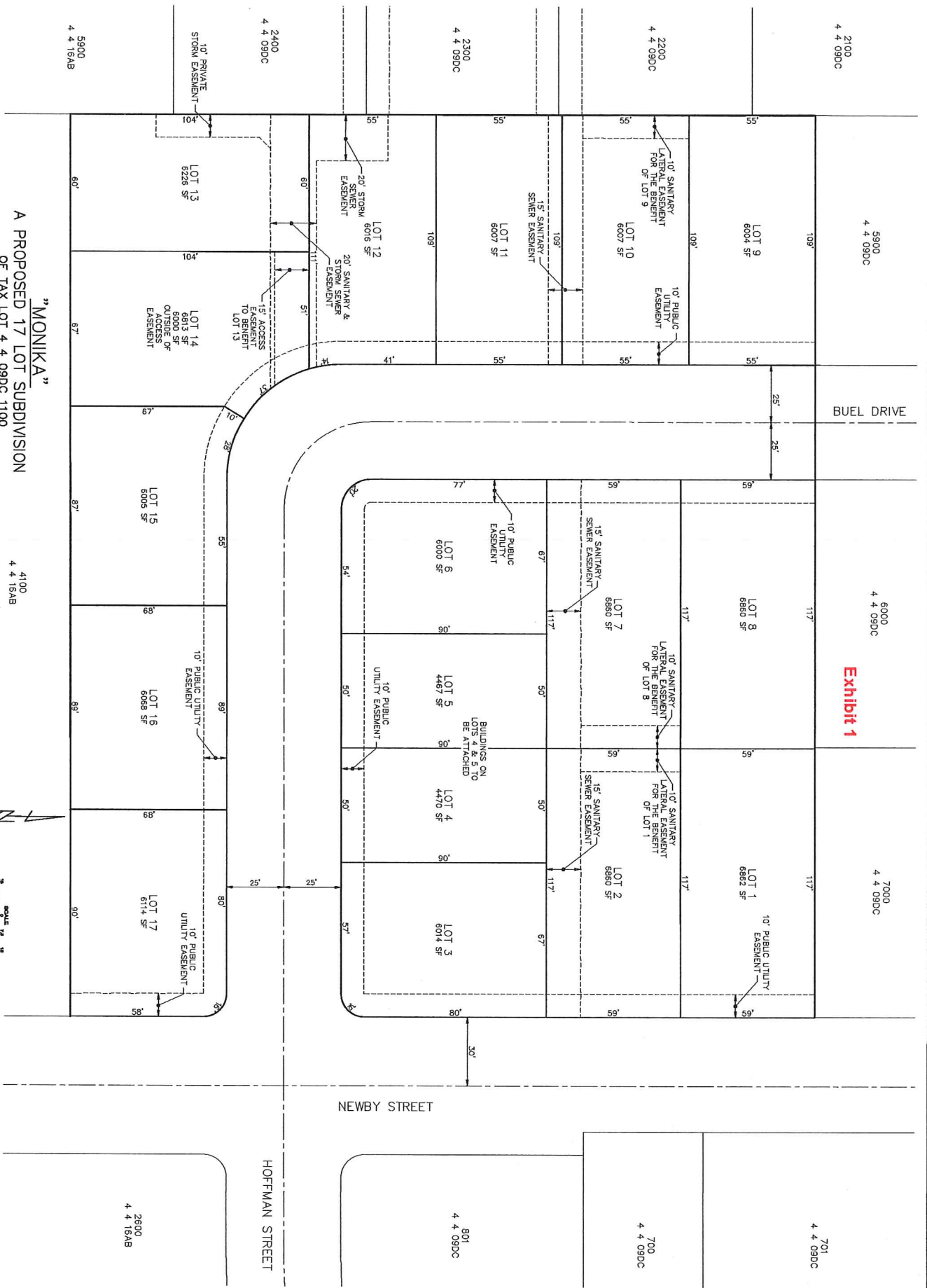
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1401	1600
1402	2500
1403	2600
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1410	3300
1411	3400
1412	3500
1413	3600
1414	3700
1415	3800
1416	3900
1417	4000
1418	4100
1419	4200
1420	4300
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1426	4900
1427	5000

DATE PRINTED: 4/22/2014

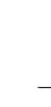
This product is for Assessment and Taxation (A&T) purposes only and has not been prepared or is suitable for legal, engineering, surveying or any purpose other than assessment and taxation.



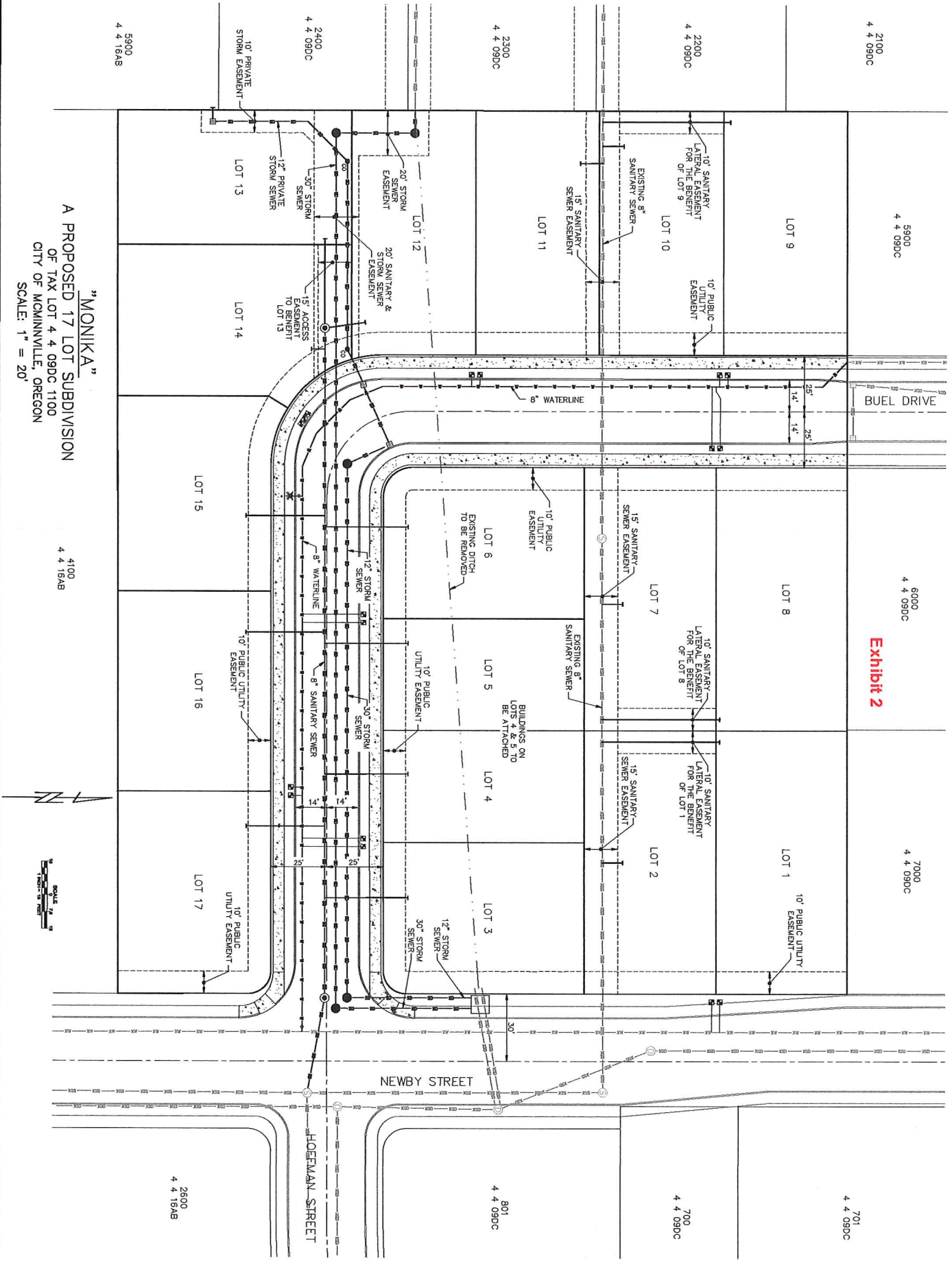
**"MONIKA"**  
 A PROPOSED 17 LOT SUBDIVISION  
 OF TAX LOT 4 4 09DC 1100  
 CITY OF MCMINNVILLE, OREGON  
 SCALE: 1" = 20'



**Exhibit 1**



**"MONIKA"**  
**A PROPOSED 17 LOT SUBDIVISION**  
**OF TAX LOT 4 4 09DC 1100**  
**CITY OF MCMINNVILLE, OREGON**  
**SCALE: 1" = 20'**



**Exhibit 2**



## - Land Use Applications -

- **Zone Change**
- **Residential Subdivision**

Submitted to: City of McMinnville, Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128

Owner: Leonard Johnson  
3775 NW West Side Road  
McMinnville, OR 97128

Owner's Consultants: Navigation Land Use Consulting, LLC  
P.O. Box 1514  
McMinnville, OR 97128  
Contact: Ron Pomeroy, AICP  
Email: [ron@navigationlanduse.com](mailto:ron@navigationlanduse.com)  
Phone: 503.687.3012

R A Storm and Company  
22965 Sunnycrest Road  
Newberg, OR 97132  
Contact: Mart M Storm  
Email: [nick@slawbuilt.com](mailto:nick@slawbuilt.com)  
Phone: 503.550.8130

Yamhill County Tax Map: T. 4 S., R. 4 W., W.M., 9DC, Tax Lot 01100

Site Size: 2.93 acres

Zoning: R-1  
(Single-Family Residential)



## I. Executive Summary

On behalf of Leonard Johnson, Navigation Land Use Consulting, LLC is pleased to submit this land use proposal for consideration and approval of a Zone Change application and a Subdivision application for a residential tentative subdivision plan. In brief, the intent of these applications are identified as follows:

- Approval of a zone change application on approximately 2.93 acres of land from the site's current zoning designation of R-1 (Single-Family Residential) designation to an R-3 (Two-Family Residential) zone designation.
- Approval of a 17 lot tentative residential subdivision plan on approximately 2.93 acres of land that would provide opportunity for the construction of 17 single-family homes.

The submitted tentative plan proposes a westerly extension of a local public street from the current intersection of NE Newby Street and NE Hoffman Street to then curve northward to align with and connect to the current temporary southerly terminus of NE Buel Drive.

## II. Site Description

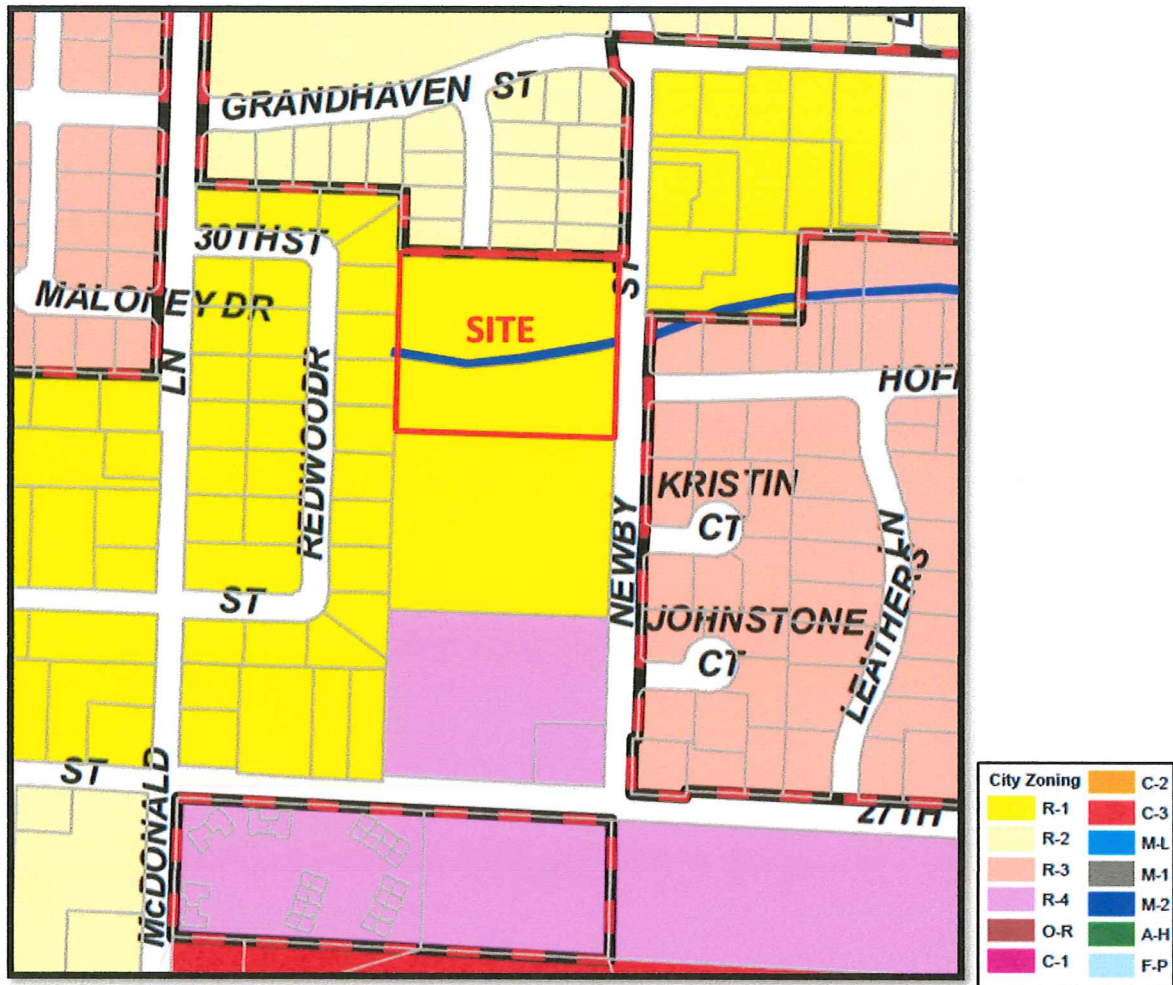
The subject site is approximately 2.93 acres in size, is effectively square in shape and is located adjacent to the west side of NE Newby Street. There are no improvements on the site which was cleared of most trees and vegetation in recent months preceding this development request. A continuous row of mature arborvitae remain along the southern edge of the site. The site generally slopes from its north and south edges toward an east-west oriented storm drainage ditch that crosses the site and which is identified as a tributary to the North Yamhill River. This comprehensive plan designation of the site is identified as Residential on the McMinnville Comprehensive Plan Map. The site is also identified as being zoned R-1 (Single-Family Residential) on the McMinnville Zoning Map. The site is generally located north of NE 27<sup>th</sup> Street, south of NE Grandhaven Street and west of NE Newby Street.

The Adventure Christian Church occupies land adjacent to the southern edge of this site. All other adjacent properties are residentially developed with the exception of tax lot 2100 located adjacent to the northwesternmost corner of the site; this lot appears to currently be utilized as additional yard space for the adjacent residence to its south which is addressed as 2930 NE Redwood Drive. The western edge of this site lies adjacent to the Redwood Addition residential subdivision. North of this site is the Grandhaven residential subdivision beyond which lies Grandhaven Elementary School. East and southeast of the site across NE Newby Street is the Juliann Addition residential subdivision and other individually platted lots which likely resulted through a series of approved minor land partitions occurring over prior decades. All adjacent land is designated Residential on the McMinnville Comprehensive Plan Map. Adjacent property to the west, south and northeast is designated R-1 (Single-Family Residential) on the McMinnville Zoning Map. Adjacent property to the north is zoned R-2 PD (Single-Family Residential Planned Development) and property to the east and southeast is zoned R-3 PD (Two-Family Residential Planned



Development) on the McMinnville Zoning Map. Additionally, land adjacent to the south side of the Adventure Christian Church is zoned R-4 (Multiple-Family Residential) on the McMinnville Zoning Map.

The existing zoning of the subject site and surrounding lands are as depicted on the graphic below.



### III. Requests

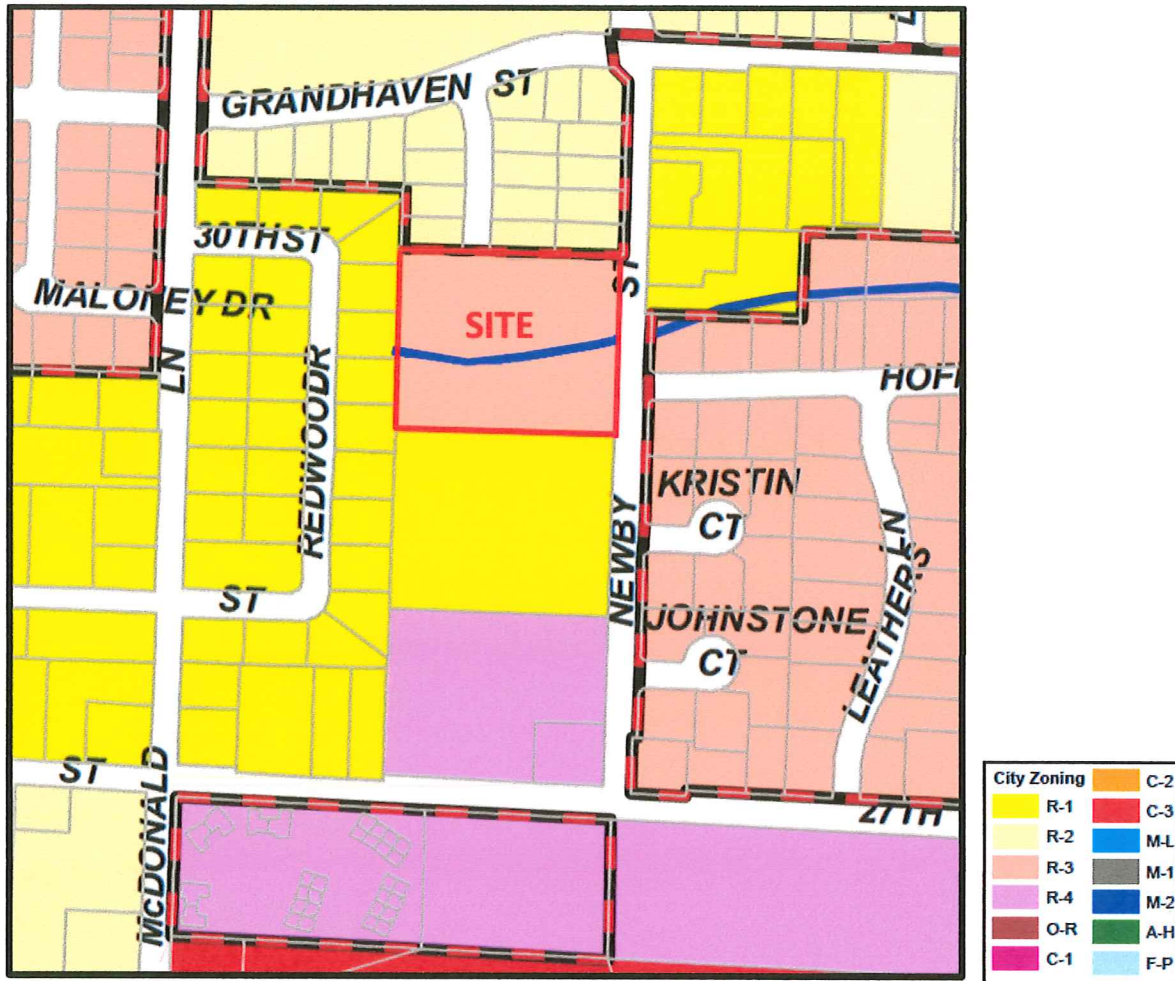
As stated above in the Executive Summary portion of this application, Leonard Johnson is requesting approval of:

- A zone change on approximately 2.93 acres of land from the site's current zoning designation of R-1 (Single-Family Residential) designation to an R-3 (Two-Family Residential) zone designation; and



- A 17 lot tentative residential subdivision plan on approximately 2.93 acres of land that would provide opportunity for the construction of 17 single-family homes.

Should this zone change request be approved, the resultant zoning of the subject site and surrounding land would be as depicted on the graphic below.



For general orientation to the main elements of the proposed tentative subdivision plan, a local public residential street is proposed to be constructed that would begin at the site's eastern edge and be aligned with the current intersection of NE Newby Street and NE Hoffman Street. This public street would extend into the site for a distance of approximately 250-feet and would turn northward and continue through the site to connect with the existing temporary terminus of NE Buel Drive. Fifteen of the proposed lots would be provided access from the proposed local public street with the two remaining lots being provided access by NE Newby Street. All 17 of the proposed lots comply with the minimum lot size, dimensional, and shape requirements of single-



family lots in the R-3 zone and as per the land division standards of Chapter 17.53 of the McMinnville Zoning Ordinance. Fifteen of the proposed seventeen lots are intended for development of single-family detached residences while two of the lots (Lots 4 and 5) are intended for development of single-family attached residences (Exhibit 1 - Tentative Subdivision Plan).

The materials contained in the narrative and conclusionary findings of fact of this proposal address the relevant criteria for approval of both the zone change request and the subdivision request. Individual applications for the Zone Change request and for the Subdivision request have been prepared and filed with the City to run concurrently.

#### **IV. Conclusionary Findings for Approval of the requested Zone Change**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Zone Change are specified in Section 17.74.020 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Volume I Background Element is the main body or text of the McMinnville Comprehensive Plan. Included in this volume are all the inventories and research documentation on which the goals and policies were based. The requirements of the statewide goals for inventory information and land use related projections (e.g. population and housing) are also contained in this volume.

1. Leonard Johnson is requesting approval of:
  - A zone change application on approximately 2.93 acres of land from the current zone of R-1 (Single-Family Residential) to R-3 (Two-Family Residential); and
2. The subject site is approximately 2.93 acres in size and is generally located north of NE 27<sup>th</sup> Street, south of NE Grandhaven Street and west of NE Hoffman Street and is more specifically described as R4409DC 01100. The site is currently zoned R-1 (Single-Family Residential) and designated as Residential on the McMinnville Comprehensive Plan Map.
3. Sanitary sewer and municipal water and power can sufficiently serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected flows resulting from development of the property as proposed. Northwest Natural Gas, Comcast, McMinnville School District 40 and the McMinnville Police and Fire Departments can also sufficiently serve this site.



4. The following citation from Volume I Background Element of the McMinnville Comprehensive Plan is applicable to the request:

Chapter V. Housing and Residential Development – Additional Design Considerations:

Two specific areas of concern were examined by the Citizens' Advisory Committee's subcommittees in relation to residential development designs.

The incorporation of solar access review into the land division ordinance received favorable reaction. Such review could require that all subdivision designs seek to maximize access to the sun through orientation of both streets and lots. This requirement has been used in other cities without causing major development problems. By orienting streets and lots towards the optimal access to the sun, the City would not be requiring the installation of active solar energy systems, but would instead encourage and allow the use of both passive and active solar systems. The large size of future areas proposed for residential development further enhances the applicability of this design requirement in McMinnville.

Pedestrian paths (sidewalks) are required by ordinance to be constructed in all new residential developments. Bike paths, however, have only been constructed in a few selected areas. The City should encourage the development of bike paths and foot paths to activity areas, such as parks, schools, and recreation facilities, in all development designs. Close attention to maintenance costs to the public will, however, have to be monitored.

Based on the information presented on residential development design considerations, the City finds that:

1. A minimum level of public facilities and services including, but not limited to, sanitary sewer, storm drainage systems, water services, and improved streets should continue to be required for all residential developments. The standards for these facilities and services should be periodically examined to insure the services are commensurate with, but do not exceed, the density of development projected.
2. Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. [..]
3. Parkland requirements in the land division ordinance provide for either the dedication of parkland to the public or payment of money in lieu of land to develop the city park system. The requirements of the ordinance need to be examined to see that all future residential developments, including mobile home parks and newly created parcels through partitioning, contribute equitably to the park program.
4. The incorporation of solar access review into the land division ordinance should be undertaken. Such review would require the orientation of streets and lots towards the sun in a manner which would best utilize access to solar energy. The





requirement should not be designed to lessen the density of development available on any parcel of land.

5. The City should encourage the provision of bike and foot paths within residential developments to connect to public and/or private parks, or recreation facilities and to connect to any paths which currently abut the land.

Findings: This proposal meets the intent of this portion of Volume I of the Comprehensive Plan. This is evident in that all requisite public facilities and services shall be sufficiently provided to adequately serve this site and the proposed development as articulated further in additional Findings provided below. The standards for these facilities and services are periodically examined and amended by the City.

As described by criterion 2 above, the open space provided by this proposed tentative subdivision plan is comprised of the “traditional zoning setbacks” which “reserve a large portion of each individual lot for potential open space.” Additionally, and as addressed by criterion 3 above, commensurate fee-in-lieu-of park fees shall be assessed to the developer by the City as deemed appropriate.

Regarding criterion 4 above, while the City does not have a specific, adopted solar access code, Section 17.53.101(A)(3) (Streets – General) of the McMinnville Zoning Ordinance speaks to maximizing the “potential for unobstructed solar access to all lots or parcels.” Also that “streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features.” Additionally, that “the east-west orientation of streets shall be integrated into the design.” The proposed tentative subdivision plan complies with this Comprehensive Plan Volume I criterion and Section 17.53.101(A)(3) of the McMinnville Zoning Ordinance in that this plan proposes to align the site’s new internal local public street with the current intersection of NE Newby Street and NE Hoffman Street at the site’s eastern edge and also to connect this proposed through street to the current temporary terminus of NE Buel Drive at the site’s northern edge. Opportunities for an alternative street layout would necessitate the incorporation of one or more cul-de-sac streets and would generally have the effect of lessening solar access opportunities as well as conflict with Comprehensive Plan Volume II Policies 118.00(5) and 132.41.05, relative to street connectivity. The proposed street layout promotes compliant street intersection alignments and increased local street connectivity. The resultant proposed street connection yields an approximate 50-percent east-west alignment and an approximately 50-percent north-south alignment. To the extent physically possible, given the site size, shape and required street alignment and connections, the proposed lots are provided the potential for unobstructed solar access to the maximum extent feasible.

There are no public and/or private parks or recreational facilities, or paths leading to such, currently abutting the subject site as referenced in criterion 5 above. Therefore, pedestrian mobility through this development will be provided by the construction of public sidewalks as required by City standards to provide pedestrian mobility within this neighborhood and the surrounding network of public sidewalks similar to that found in all of the other adjacent



residential neighborhoods and throughout the city. Therefore, these criteria have been satisfied.

5. The following Goals and Policies of Volume II of the McMinnville Comprehensive Plan (1981) are applicable to the request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

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

Policies:

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

5.00 The quality of the air resources in McMinnville shall be measured by the standards established by the Oregon Environmental Quality Commission and the Federal Environmental Protection Agency.

9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate limits as "floodplain" to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.

12.00 The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.

Finding: Goal II 1 and Policies 2.00, 5.00, 9.00 and 12.00 are satisfied by this proposal in that there is no portion of this site that is identified with building constraints such as excessive slope, limiting soil characteristic(s) and/or natural hazards. Any and all infrastructure and right-of-way improvements shall be designed, proposed, reviewed and permitted as per standards and requirements administered and supported by the City of McMinnville. While there are no residential development requirements or standards addressing the quality of air resources in McMinnville, the City is cognizant of standards established by the Oregon Environmental Quality Commission and the Environmental Protection Agency (EPA) as they relate to impactful commercial or industrial uses within the city. Additionally, there are no lands being proposed for development that are identified as Floodplain on the McMinnville Comprehensive Plan Map or as being located within zone AE of the associated Federal Emergency Management Association (FEMA) Flood Insurance Rate Map (FIRM - 41071C0406D); the subject site is identified on the associated FIRM as being located in Zone X. Noise compatibility between adjacent single-family residential developments is established in that there are no adopted policies that address adjacent same-type development as being potentially noise incompatible. The intent of this



proposal is to allow the creation of single-family residential development to be located adjacent to existing single-family residential development and is therefore not an incompatible proposed use to those adjacent developments. The adjacency of the Adventure Christian Church to the southern edge of this site is also not noise incompatible as churches are listed as Conditional Uses in all of McMinnville's residential zones and are therefore found by the general nature of their use to be compatible with adjacent residential development.

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

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

**60.00** Attached single-family dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.

**Findings:** Goal V 1 and Policies 58.00 and 60.00 are met by this proposal in that, while 15 of the 17 proposed lots are designed and intended for single-family detached use and are fairly consistent in size providing an average lot size of approximately 6,300 square feet, two of the 17 proposed lots are designed and intended for single-family attached use on lots approximating 4,470 square feet each. This proposed variation of residential lot sizes would provide opportunity for development of a variety of lots, housing types and sizes at varying price points which adds to the variety of housing opportunities to be made available within the community.

**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.**

**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;
2. Areas that have direct access from collector or arterial streets;
3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;
4. Areas where the existing facilities have the capacity for additional development;
5. Areas within one-quarter mile of existing or planned public transportation; and
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)

71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:

1. The density of development in areas historically zoned for medium and high density development;
2. The topography and natural features of the area and the degree of possible buffering from established low density residential areas;
3. The capacity of the services;
4. The distance to existing or planned public transit;
5. The distance to neighborhood or general commercial centers; and
6. The distance from public open space. (Ord. 4796, October 14, 2003)

Finding: Goal V 2 and Policies 68.00, 71.00, 71.05, 71.09 (1-6), and 71.10 (1-6) are met by this residential zone change proposal in that all residential zoning classifications shall be allowed in areas designated as Residential on the McMinnville Comprehensive Plan Map. Rezoning this site to allow an increase in residential density encourages more efficient residential development in an area where urban services are already available before committing alternate areas to residential development. Additionally, a range of residential single-family lot sizes and dwelling unit types is proposed thereby promoting an energy-efficient and land intensive development pattern. As noted above, while 15 of the 17 proposed lots are designed and intended for single-family detached use and are fairly consistent in size and provide an average lot size of approximately 6,300 square feet, two of the 17 lots are designed and intended for single family attached use and on lots approximating 4,470 square feet each. The two proposed single-family attached lots are internal to the subdivision and not located adjacent to any existing developed residential



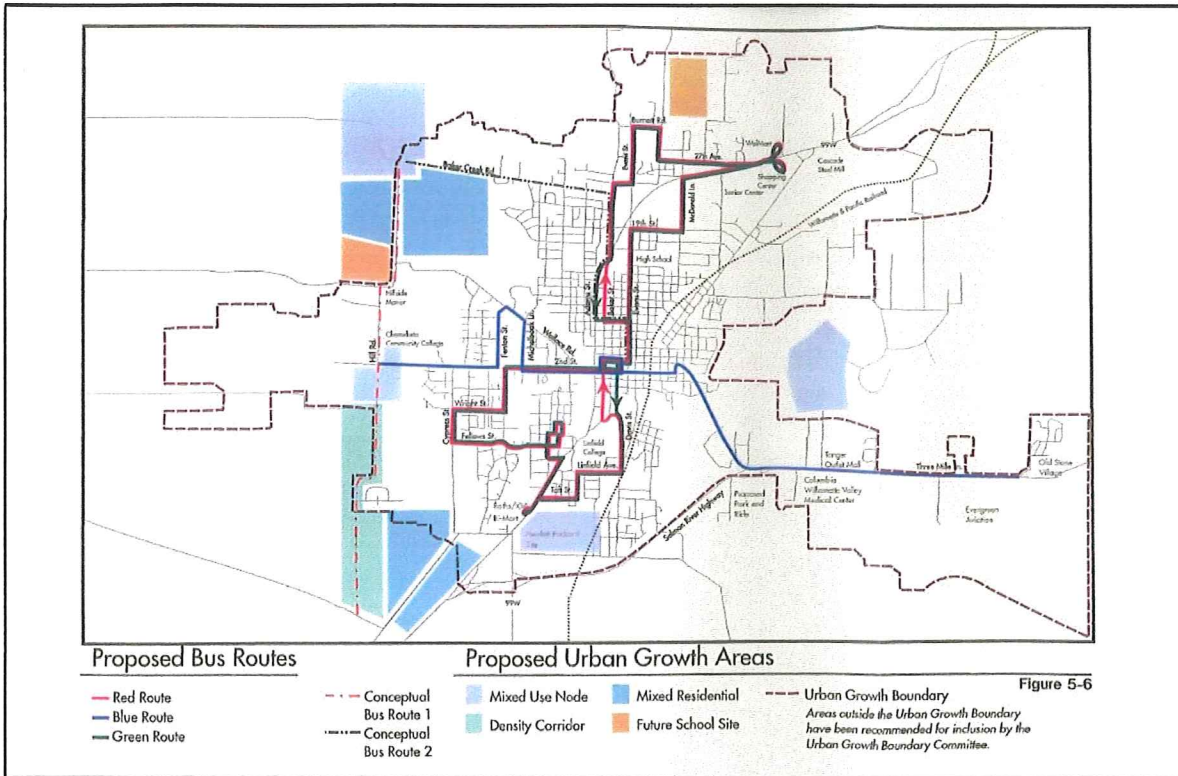
lots. Public services, as addressed in Findings presented below have the capacity to sufficiently serve and accommodate this proposed residential development.

While not close to McMinnville's urban center, the subject site is located in an area that, rather than being committed to low density development, is already committed to a variety of residential zoning designations and densities, and generally developed in a manner reflecting those residential design densities. Specifically, land designated R-1 is located to the west and northeast and is residentially developed with lots commensurate with R-1 requirements. However, adjacent R-1 zoned land to the south is developed with the Adventure Christian Church. Adjacent land to the north is zoned and residentially developed to R-2 standards and land to the east across NE Newby Street from the site is zoned and residentially developed commensurate with R-3 standards. Both R-4 and C-3 (General Commercial) zoned lands are located across NE 27<sup>th</sup> Street further to the south and are developed with uses and densities appropriate to those zones.

This site is located in an area that is well served by an existing public street network. Additionally, NE Newby Street adjacent to the site's eastern edge is designated as a Local Street and NE Grandhaven Street, located approximately one block north of the subject site, is designated as a Major Collector street in the City's adopted Transportation System Plan. As reflected in Policy 71.01(2) above, an R-3 zoned site is not required to have immediately adjacent access to a collector or arterial street, but rather is required to be located in an area that has access to a collector or arterial street. The subject site is located in an area that has direct access from a Major Collector street, Grandhaven Street, which is located only one block to the north of the site.

City services can be extended from adjacent development sufficient to adequately serve this proposal as is demonstrated on the Overall Utility Plan (Exhibit 2). Public transit is shown to be located within approximately 650 feet of the site and identified by the proposed Red and the Blue Bus Routes both traveling along NE 27<sup>th</sup> Street as depicted on Figure 5-6 of the adopted McMinnville Transit Feasibility Study, below.





Additionally, the 2018 Yamhill County Transit Area Transit Development Plan shows, for the McMinnville Service Area, a service route also located along NE 27<sup>th</sup> Street (identified in yellow) and located within approximately 650-feet of the subject site which is less than the City's one-quarter mile proximity requirement related to existing or planned public transportation. The associated graphic from this plan is presented below.





Town Center commercial area currently includes uses such as Goodwill, Harbor Freight, Hallmark, Zapateria Leon, the UPS Store, Jo-Ann's Craft Store, and numerous other retail establishments, fitness centers, restaurants and financial services. The nearest public open space to the subject site is Grandhaven Elementary School located some 350 feet to the north; while not specifically designated as "open space," there are policies in Volume II of the Comprehensive Plan that speak to and encourage the public usage of the recreational facilities within the McMinnville School District where acceptable to the District and the City (such as Policies 20.00 and 162.00). Additionally, the nearest dedicated public park is Chegwyn Farms Neighborhood Park located approximately 1,000 feet (about 0.19 miles) northwest of the subject site.

Buffering:

The following portion of this Finding relates to the buffering element of Policy 71.10 regarding the degree of possible buffering from established low density residential areas and Policy 71.09 that speaks to the maximization of the privacy of established lower density residential areas when adjacent to proposed medium density development. To address this, information related both to proposed developed and to existing lot-size adjacency is provided. Lot size information relied on for these calculations was obtained from the tentative subdivision plan submitted for this proposed subdivision, and from publicly available Yamhill County tax maps and Yamhill County Assessor's data.

The three northernmost lots of the proposed Monika subdivision average some 6,575 square feet in size. The three lots of the Grandhaven subdivision to the north of the subject site (Lots 9, 10 and 20) that will be located adjacent to the three northernmost lots of the proposed subdivision (Lots 1, 8 and 9) average approximately 6,859 square feet in size. This means that these three lots of the Grandhaven subdivision are each an average of approximately 284 square feet larger (about 4 percent larger) than the average size of the three adjacent lots of the proposed Monika subdivision. Additionally, the five westernmost lots of the proposed Monika subdivision (Lots 9 – 13) average some 6,052 square feet in size. The adjacent five lots of the existing Redwood subdivision to the west (Lots 4 – 8) average approximately 10,072 square feet each in size (this is inclusive of tax lot 2100 which is currently not improved with a residence and appears to be used as additional yard area for the adjacent residence addressed as 2930 NE Redwood Drive). Comparing the average lot sizes of these adjacent lots yields that these five lots of the Redwood Addition subdivision are an average of approximately 4,020 square feet larger (about 66 percent larger) than the five adjacent lots of the proposed Monika subdivision.

The following information is provided to help provide context and perspective for these lot size differentials relative to other existing residential development with different zoning designations. Primarily, this information demonstrates that the average lot size comparisons of developments adjacent to the proposed development described above are within the established acceptable average lot size differential range of previously approved adjacent residential uses characterized by different adjacent zoning designations. Specifically, the difference in average lot size between the five proposed western lots of the Monika subdivision and the five adjacent Redwood Addition subdivision lots is not too dissimilar than that which exists between the three northernmost lots of the Redwood Addition subdivision (Lots 1-3) and those five adjacent existing lots of the Grandhaven subdivision (Lots 1-5). In that instance, these three Redwood Addition subdivision lots average approximately 10,772 square feet each in size while the five adjacent lots in the Grandhaven subdivision to the north average approximately 7,475 square feet in size. This means that these three northern lots of the Redwood Addition subdivision average approximately





3,297 square feet larger (about 44 percent larger) than the average lot size of the five adjacent lots of the established Grandhaven subdivision to the north.

Also, located about two blocks west of the subject site is the R-3 PD zoned Maloney single-family residential subdivision which abuts developed R-1 zoned land at its southern edge. The six lots located along the southern edge of the Maloney subdivision average approximately 7,492 square feet each in size. However, the three adjacent R-1 zoned parcels to the south average approximately 13,786 square feet in size. This means that these three R-1 zoned lots are approximately 6,294 square feet larger (about 84 percent larger) than the six adjacent R-3 PD zoned lots to the north.

In these examples provided, located both adjacent to and nearby the subject site, the City has previously found that additional buffering requirements were not necessary and were not applied to any of these zone change and/or subdivision approvals (including the R-3 PD zone change approval that enabled the Maloney subdivision to move forward into platting and development). The City's decision to not require additional buffering treatment is also true of both the Hoffman Addition and Julianne Addition residential subdivisions (with base zones of R-3) located to the east across NE Newby Street being approved adjacent to R-1 zoned land to the north which was already developed at a low residential density.

This situation where medium density residential development was approved adjacent to low density residential development without additional buffer requirements being required similarly exists in all quadrants of the city. Relative to the developments cited in this discussion, the City has found it sufficient to implement the policy position referenced above (McMinnville Comprehensive Plan Volume I, Chapter V, Subsection 2 – Additional Design Considerations) in that traditional zoning setbacks reserve a large portion of each individual lot for potential open space. The City's actionable implementation of this policy in these situations is that the minimum yard requirements as established in the Zoning Ordinance have been deemed sufficient to maximize the privacy of established adjacent low density residential locations particularly in situations where the requested development will result in the adjacency of other single-family detached housing which is found relative to all perimeter lots in this proposal. By following the City's demonstrated practice, and by providing residential setbacks equal to or potentially greater than that required by the McMinnville Zoning Ordinance, these requirements have been met.

#### Residential Design Policies:

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.



80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.

81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.

82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.

83.00 The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.

Findings: Policies 79.00, 80.00, 81.00, 82.00 and 83.00 are met by this proposal in that the proposed residential density is commensurate with that prescribed by the requested R-3 zoning designation as all proposed lots demonstrating compliance with the lot size requirements of this zoning designation. A Planned Development designation is not requested as part of this land use proposal. There are currently no distinctive or unique natural features on this site other than an open drainageway that traverses this site in a generally east-west orientation that has, for many years, been the recipient of collected stormwater from adjacent residential development to the west that empties into this ditch by way of an open 30-inch wide pipe located at the site's west edge and aligned with the western edge of proposed Lot 12. The stormwater emptying onto this site from the west currently enters the City's underground storm sewer system at a point located in the NE Newby Street right-of-way to the east. It is proposed to convey this flow to the City's stormwater drainage system in NE Newby Street through underground continuation of the 30-inch storm sewer to be placed in easements as necessary and within the public right-of-way that is proposed to be dedicated as part of this residential development.

The street layout proposes to connect with the existing surrounding public street network. This would be accomplished by dedication and improvement of a local public street that would begin at the site's eastern edge and be aligned with the current intersection of NE Newby Street and NE Hoffman Street. The proposed public street would extend westerly into the site approximately 250-feet and would turn northward and continue through the site to connect with the existing temporary southerly terminus of NE Buel Drive. Dedication and construction of this missing piece of the surrounding connected local street network within this area would enhance mobility opportunities for automobiles, pedestrians and bicyclists and provide additional connection opportunities to areas such as Grandhaven Elementary School and the nearby commercial area to the south, and would also comply with Policies 118.00(5) and 132.41.05 described elsewhere in these Findings.

Findings related to the potential utilization of solar access relative to Policy 83.00 are as provided in the Findings previously provided addressing the referenced portion of McMinnville's Comprehensive Plan – Volume I, Chapter V - Housing and Residential Development - Additional Design Considerations, above.



Urban Policies:

99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.
2. Storm sewer and drainage facilities (as required).
3. Streets within the development and providing access to the development, improved to city standards (as required).
4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)
5. Deleted as per Ord. 4796, October 14, 2003.

Finding: Policy 99.00 (1-5) is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and the proposed public street (additional street detail is provided elsewhere within these submitted Findings) within the development either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to sufficiently accommodate flow resulting from development of this site.

Specific to the proposed storm sewer system, there is an open drainageway that traverses this site in a generally east-west orientation that has, for many years, been the recipient of collected stormwater from adjacent residential development which empties into this drainage ditch by way of an open 30-inch wide pipe located at site's west edge and aligned with the western edge of proposed Lot 12. The stormwater emptying onto this site from neighborhood(s) to the west and the natural site drainage currently enters the City's underground storm sewer system at a point adjacent to the site's eastern edge and located in the NE Newby Street right-of-way. It is proposed to convey this seasonal flow to the City's underground stormwater drainage system in NE Newby Street through a continuation of the 30-inch wide storm sewer pipe to be placed in easements, as necessary, and within the public right-of-way proposed to be dedicated as part of this residential development.

This open drainage ditch located on the subject site is identified as a tributary to the North Yamhill River. Accordingly, a Jurisdictional Wetland Delineation for this site was prepared by Schott & Associates and provided to the Oregon Department of State Lands (DSL) for review (Exhibit 3).

In part, the Jurisdictional Wetland Delineation for the subject site concludes that:

"Based on vegetation, soils and hydrology data, one drainage totaling 0.07 ac was



identified within the site boundaries. The drainage day lighted on site from the western boundary and extended to the east where it entered a culvert under North Newby Street. The site was historically forested and had recently been cleared of vegetation. Neither hydric soils nor hydrology indicators were found at the plots documenting the area. [emphasis added]

The NWI [National Wetland Inventory] does indicate a riverine feature extending through the middle of the site. Schott & Associates agreed with this and mapped the feature based on site conditions.”

On February, 15, 2019, following completion of their review of the Jurisdictional Wetland Delineation, DSL issued a letter (Exhibit 4) stating in part:

“Based upon the information presented in the report, we concur with the waterway boundaries as mapped in Figure 6 of the report.”

And

“Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands [..].”

Through this letter, DSL demonstrates its concurrence with the findings and recommendations of the Jurisdictional Wetland Delineation prepared by Schott & Associates for this site and supports fill activities for this waterway. This DSL concurrence letter also states in part:

“Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.”

On May 1, 2019, the applicant’s land use consultant emailed DSL Jurisdiction Coordinator Daniel Evans and DSL Aquatic Resource Coordinator Michael DeBlasi related to the Department’s recommendation for consultation regarding site design prior to completing the local land use process. In a follow-up phone conversation with Daniel Evans, Mr. Evans made clear that the Department’s recommendation that the applicant work with Department staff prior to land use approval was standard “boilerplate” language inserted in all of the Department’s concurrence letters. Further, while their boilerplate language indicates otherwise, the Department does not engage in conversations or provide input regarding appropriate site design with the applicant at this point in the process. Rather, this potential conversation only occurs with the Department after the local land use process has been completed and a permit to authorize fill in this location is filed with DSL, or a joint permit to authorize such fill is filed with DSL and the Army Corps of Engineers (ACOE). The applicant accepts this clarifying direction from DSL.

Lot Sales Policy:

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Leonard Johnson  
Zone Change / Subdivision

May 2019  
Page 18



99.10 The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the City Planning staff shall develop a formula to be applied to medium and large size subdivisions that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.

Finding: Policy 99.10 is not applicable to this application but is yet addressed so as to not have the appearance of oversight on the part of the applicant. While Policy 99.10 does not define how many lots comprise a “medium” or a “large” subdivision, a 17 lot subdivision remains on the smaller side of subdivisions given the history of such residential subdivision developments in McMinnville. A recent example of this scale of development not being considered either medium or large, and therefore Policy 99.10 not being either relevant or applied during the land use review and approval process, is the land use application for the 20-lot Heiser Addition residential subdivision (S 1-16), approved by the McMinnville Planning Commission on April 21, 2016, as well as the land use application for the Minor Modification of the Heiser Addition subdivision (S 1-17), approved by the McMinnville Planning Director on June 12, 2017. While the number of proposed and approved lots remained at twenty for this residential project, Policy 99.10 was not found to be applicable to this scale of residential development. Similarly, as this current proposal is for three fewer lots (17 lots rather than 20 lots), this Policy is similarly found to not be applicable to this review.

**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:

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

118.00 The City of McMinnville shall encourage development of roads that include the following design factors:

1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.
2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.
3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.
4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord. 4922, February 23, 2010)



5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist

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

122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

### 3. Local Streets

- Designs should minimize through-traffic and serve local areas only.*
- Street widths should be appropriate for the existing and future needs of the area.*
- Off-street parking should be encouraged wherever possible.*
- Landscaping should be encouraged along public rights-of-way.*

**Finding:** Goal VI 1 and Policies 117.00, 118.00 (1-5), 119.00 and 122.00(3) are satisfied by this proposal in that each of the proposed lots, with the exception of Lot 13, will abut a local residential public street developed to current City standards with adequate capacity to safely accommodate the expected trip generation resulting from this development and its connection to the surrounding street network; Lot 13 is proposed to be provided access by way of a 15-foot wide private access easement granted across Lot 14 from its right-of-way edge to its western edge for the benefit of Lot 13. Regarding trip generation, development of this site to R-1 standards would likely yield a theoretical maximum of eleven single-family residences. The development currently proposed would add six additional single-family residences to that theoretical maximum dwelling unit number which results in an estimated increase in the overall vehicular traffic impact on the surrounding street network by approximately 57 daily vehicle trips based on the current, 10<sup>th</sup> Edition of the ITE Manual (Institute of Traffic Engineers Trip Generation Manual); it is of value to note that driving from the residence and returning to the residence is defined as two vehicle trips. Local residential public streets are designed with a carrying capacity of 1,200 vehicle trips as identified in Exhibit 2-4 – Complete Streets Design Guidelines of the adopted McMinnville Transportation System Plan. The local residential public street located adjacent to and nearby the subject site have the ability to sufficiently accommodate the total anticipated 161 daily vehicle trips resulting from approval of these zone change and subdivision requests and subsequent construction of the 17 anticipated single family homes.

As residential cul-de-sac streets are discouraged where opportunities for through streets exist, the local residential street proposed within the development will provide a through connection between the intersection of NE Newby Street and NE Hoffman Street and the temporary southerly terminus of NE Buel Drive. The proposed street design will have minimal adverse effects on the characteristic natural northerly and southerly slopes of the site. Since this local street is designed and proposed to be constructed to public local street standards, off-street parking is encouraged and the proposed park strips shall be required to be landscaped and planted with approved street trees in accordance with the



approval of a future street tree planting plan. Providing this missing public street connection to the otherwise interconnected surrounding local public street network will enhance existing opportunities for vehicular, pedestrian and bicycle movement throughout this area.

Parking:

126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.

Finding: Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be required for all single-family residences as specified by the McMinnville Zoning Ordinance. Such off-street parking (a minimum of two on-site parking spaces for each residence as per 17.60.060(A)(5) of the McMinnville zoning ordinance) shall be incorporated into the design of each single-family residence as a requirement of obtaining building permit approval. It is also the applicant's intent to provide four paved off-street parking spaces for each residence (two-car driveways with two-car garages) which is 200% of that which is required by the applicable standard of the McMinnville Zoning Ordinance.

Bike Paths

130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.

132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.

132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

Finding: Policies 130.00, 132.00 and 132.15 are satisfied by this proposal in that the public sidewalks that will be constructed as part of the required street improvements will provide pedestrian connections within this subdivision and to locations beyond this subdivision including Grandhaven Elementary School which is located one block to the north of the subject site and to the commercial center located across NE 27<sup>th</sup> Street to the south. Public streets designed to implement the requirements of the Bicycle System Plan (Chapter 6) of the McMinnville Transportation System Plan (TSP) provide for enhanced bicycle connection of residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. These design elements of the Bicycle System Plan are specifically applicable to collector and arterial streets and, as identified in Exhibit 2-4 of the TSP (Complete Street Design Standards), are not part of the



street design standards of either Neighborhood Connector or Local Residential streets. Exhibit 2-4 of the McMinnville TSP also states that bike facilities are noted as being Shared Lanes for Neighborhood Connector and Local Residential streets; NE Newby Street adjacent to this site is identified in Exhibit 2-3 (Street Functional Classification) of the McMinnville TSP as a Local Street. The street proposed as part of this application's companion subdivision request is also a Local Street and will accommodate bike facilities in the form of Shared Lanes as prescribed. These referenced exhibits are provided below; these graphics are also available on the City of McMinnville website. By designing and constructing the proposed local residential street to the applicable requirements of the TSP's Complete Streets Design Standards, and by the findings presented above, these Policies have been met.

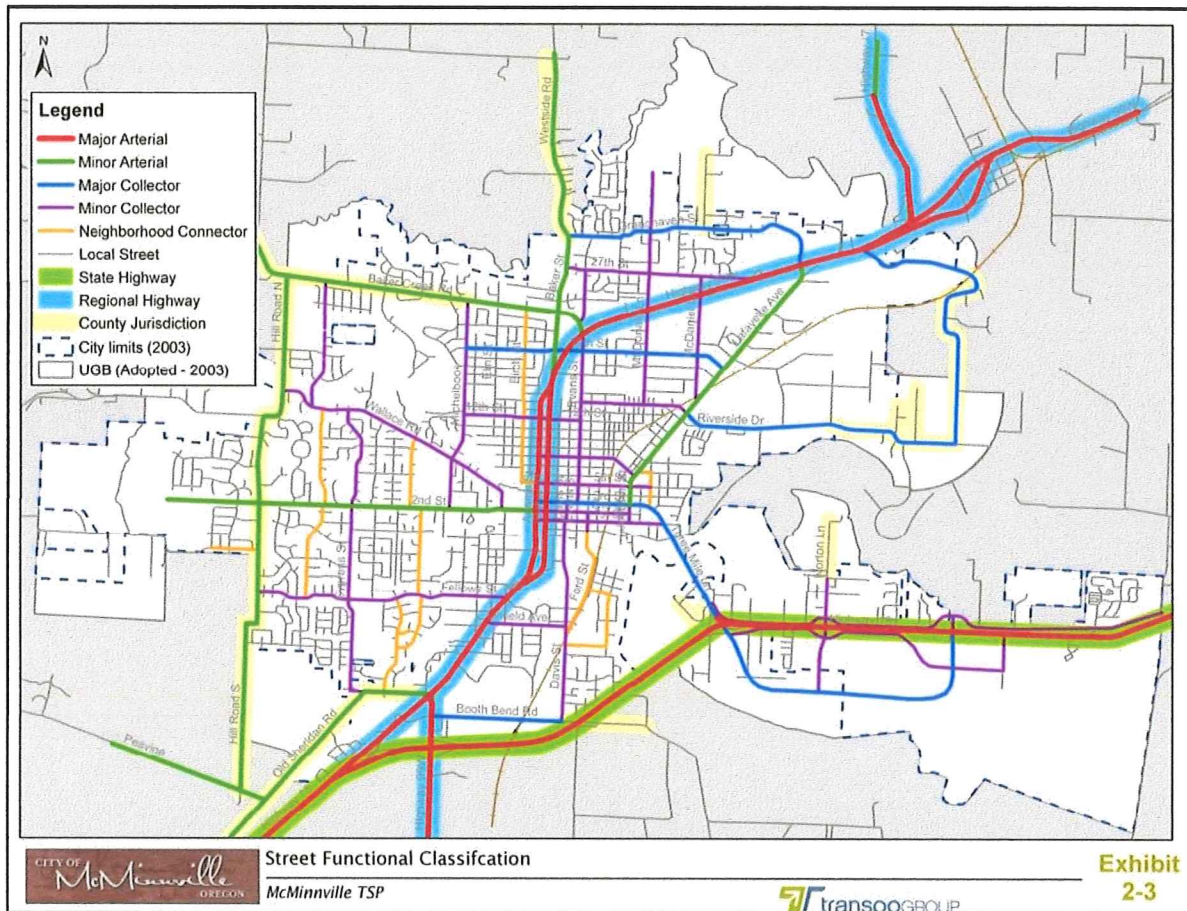




Exhibit 2-4 Complete Streets Design Guideline

Complete Street Design Standards										
Streetscape	Street Profile	Arterial				Collector		Neighborhood Connector	Local Residential	Alley
		Major		Minor	Major	Minor				
		2-4 lanes (12 ft.)	2 lanes (11 ft.)	2 lanes (11 ft.)	2 lanes (10 ft.)	See Street Width	See Street Width	20 ft.		
		Auto/Truck Amenities (lane widths) <sup>1</sup>								
		Median / Center Turn Lane	14 ft.	12 ft.	12 ft.	10 ft.	None	None	None	
	Bike	Bike Facility <sup>2</sup>	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (5 ft.)	2 Lanes (5 ft.) or Shared Lane	Shared Lane	Shared Lane	None	
		Curb-to-curb Street Width <sup>3</sup>								
		On-Street Parking								
		Two Sides	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply	
		None	74 ft.	46 ft.	44 ft.	30 or 40 ft.				
	Pedestrian Zone (with ADA compliance)	Pedestrian Amenities <sup>4</sup>								
		Sidewalks (both sides)	8 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft.	5 ft.	None	
		Planter Strips		6 ft. Res na Com	6 ft. Res na Com	6 ft. Res na Com	5 ft. Res	5 ft. Res	None	
		Preferred Adjacent Land Use - Intensity	High	Medium to High	Medium	Medium	Medium to Low	Low	Low	
	Traffic Management	Maximum Average Daily Traffic	32,000	20,000	16,000	10,000	1,200 - 3,000	1,200	500	
		Traffic Calming	Not Typical	Not Typical	Not Typical	Permissible/ Not Typical	Typical/ Not Typical	Typical	Not Typical	
		Managed Speed <sup>5</sup>	35 mph	30-35 mph	25-30 mph	25 mph	25 mph	15-25 mph	10 mph	
		Through-traffic Connectivity	Primary	Typical	Typical	Typical	Not Typical	Not Permissible	Not Permissible	
		Access Control	Yes	Yes	Some	Some	No	No	No	
		Maximum Grade	6%	6%	10%	10%	12%	12%	12%	
		Right-of-Way:	104 ft.	96 ft.	74 ft.	56 ft. (one bike lane) 66 ft. (two bike lanes)	50 ft.	50 ft.	20 ft.	

**General Design Notes:**

- Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. For arterial and collector streets within industrial zones, lane widths shall be 12 feet.
- An absolute minimum bike lane width for safety concerns is 5 ft. on arterial and 4 ft. on collector streets, which is expected to occur only in locations where existing development along an established route or other severe physical constraints preclude construction of the preferred facility width.
- Street design for each development shall provide for emergency and fire vehicle access.
- Sidewalks 10-12 feet in width are required in commercial areas to accommodate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and business accesses are to meet ADA requirements for pedestrian access.
- Speeds in the central business district may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.
- None with on-street parking.

**Street Design Standard Notes:**

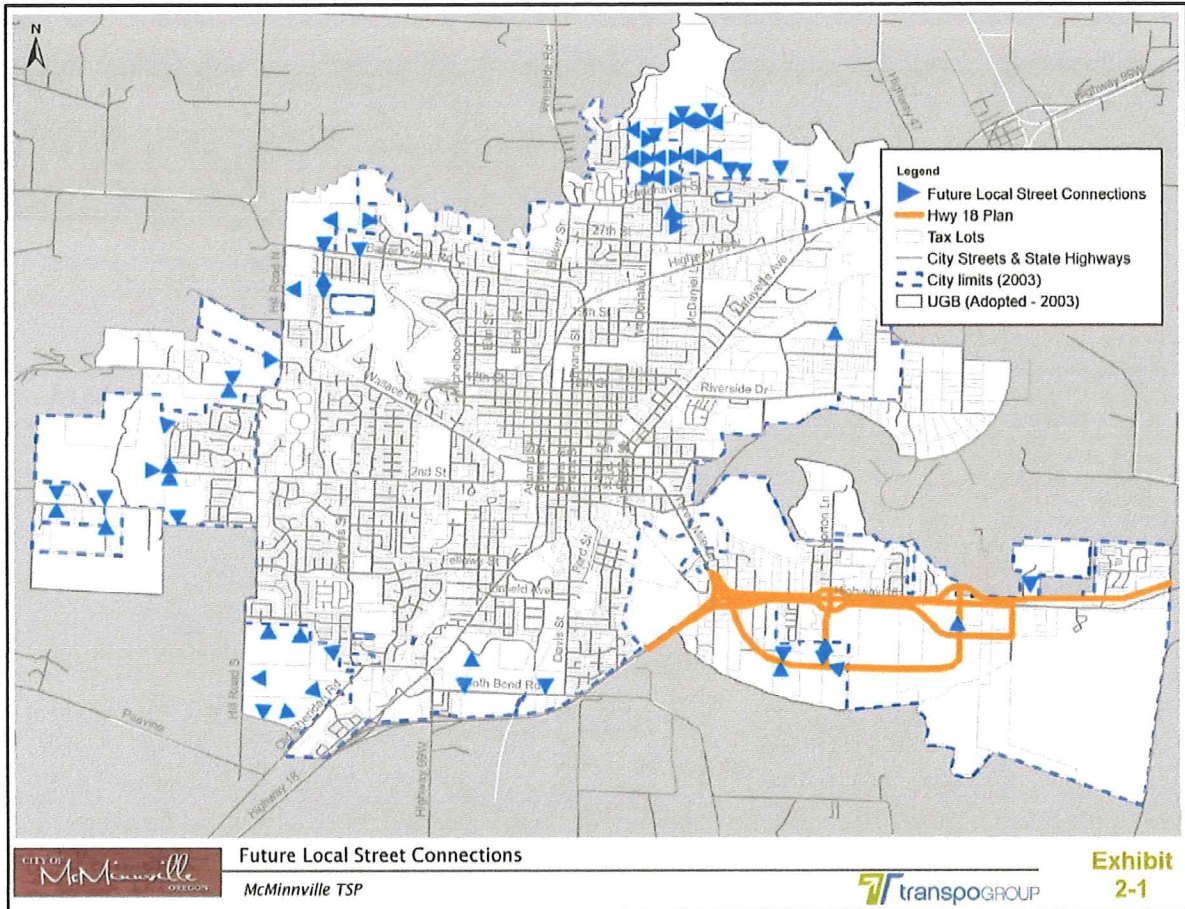
- Exclusive of side slope easement which may be required in addition for cuts and fills in rough terrain.
- The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geology, topography, unique vegetation, and its relation to land developments already present or proposed in the area.
- The right-of-way, street width, improvement standards, and turnaround radius of commercial industrial cul-de-sacs and streets shall be dependent upon the types of vehicle traffic to be served.
- The right-of-way and street width shall be no less than 24 feet. On street width of a half mile or less, a 20-foot diameter of street intersections may be used from the beginning of a turn's system. Where such a local residential street intersects an arterial, parking along the local street shall not be permitted within 100 feet of the intersection and shall be the minimum of the curb to the beginning of the parking area. Right-of-way shall be approved by the City Engineering Department.
- Sidewalks and planter strips shall not be required along eystreets.
- For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the half mile and appropriately spaced along the throat of the cul-de-sac as determined by the McMinnville Fire Department.

**Connectivity and Circulation:**

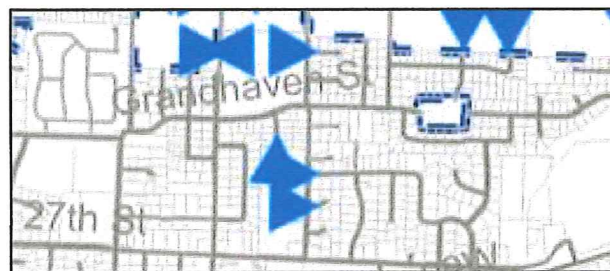
**132.26.05** New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map. (Ord. 4922, February 23, 2010)

**Finding:** Policy 132.26.05 is satisfied by this proposal in that the new street connections and the associated pedestrian and bicycle features prescribed by City requirements and provided in this proposal and its exhibits are consistent with the applicable local street connectivity elements outlined in the McMinnville Transportation System Plan (TSP) and administered by the City. The connection of the intersection of NE Newby Street and NE Hoffman Street with the temporary southerly terminus of NE Buel Drive proposed by this application's companion subdivision request and tentative subdivision plan is specifically identified on the Future Local Street Connections graphic identified in McMinnville's TSP as Exhibit 2-1 (provided below for graphic reference) and is implemented by this proposal.





Enlarged portion of the Future Local Street Connections map provided above showing the intended connection of the NE Newby Street and NE Hoffman Street intersection with the temporary southerly terminus of NE Buel Drive:



Supportive of General Land Use Plan Designations and Development Patterns -- Policies:

Leonard Johnson  
Zone Change / Subdivision

May 2019  
Page 24



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.

Finding: Policy 132.27.00 is satisfied by this proposal in that the proposed transportation facilities reflect and support the Residential land use designation of the site as identified on the McMinnville Comprehensive Plan Map and support the development patterns within the surrounding area as identified and addressed within this proposal and these Findings. The proposed transportation facilities and services are appropriate to serve the needs of the proposed development and are supportive of adjacent neighborhoods as determined by the City's adopted standards identified in this submitted proposal and its Findings and Exhibits.

Public Safety:

132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system (Ord. 4922, February 23, 2010)

Finding: Policy 132.32.00 is satisfied by this proposal by the construction of the proposed local street connecting NE Newby Street with the temporary southerly terminus of NE Buel Drive. This connection would allow entry into the proposed subdivision from two directions; from its eastern edge and from its northern edge. This street dedication and improvement will also allow for the removal of the temporary vehicle barricade currently installed on NE Buel Drive thereby allowing improved fire, medical and police vehicle circulation and access times within this area.

Livability:

132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways. (Ord. 4922, February 23, 2010)

Finding: Policy 132.35.00 is satisfied by this proposal in that the City's transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies, and to preserve and enhance livability in McMinnville. Through this proposal's compliance and implementation of these applicable policies, standards and requirements and those applicable portions of the City's adopted Transportation System Plan as addressed by this proposal and findings of fact, this Policy is satisfied.

Circulation -- Policies:



132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:

1. Pedestrian circulation,
2. Enhancement of emergency vehicle access,
3. Reduction of emergency vehicle response times,
4. Reduction of speeds in neighborhoods, and
5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics. (Ord. 4922, February 23, 2010)

132.41.05 Cul-de-sac streets – Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints. (Ord. 4922, February 23, 2010)

132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)

132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)

132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods. (Ord. 4922, February 23, 2010)

**Finding:** Policies 132.41.00, 132.41.05, 132.41.20, 132.41.25 and 132.41.30 are satisfied by this request in that the proposed street pattern provides a safe, interconnected and efficient connection of existing residential streets to serve both the proposed and adjacent existing residential neighborhoods. There are no arterial or collector streets within or adjacent to this development site. The proposed street system is designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the McMinnville TSP and as required by the applicable portions of the McMinnville Zoning Ordinance Chapter 17.53 (Land Division Standards) which are further addressed in Findings provided below relative to this request's companion subdivision application. Vehicular access to the adjacent street system promotes safe street connectivity to the surrounding transportation network. Additionally, the vehicular travel speed through this site is based on an adopted street classification scheme identified in the adopted McMinnville TSP. The proposed street is designed as a local residential street and, as such, is limited to a legal vehicular travel speed of 25 miles per hour as is the vehicular travel speed of the local residential streets in the adjacent residential neighborhoods. This residential vehicle speed limitation and the adopted local street design standards have been successful in McMinnville in mitigating matters related to noise, pedestrian and bicycle movement, and aesthetics as can be seen in the adjacent residential



neighborhoods. This proposed local residential street connection also implements and supports Policy 118.00(5) and McMinnville's Future Local Street Connections plan (Exhibit 2-1 of McMinnville's TSP) as addressed elsewhere in these Findings.

Additional information relative to potential concerns related to safety are found in Chapter 4 of the McMinnville TSP; Chapter 4 then refers to Appendix I of the TSP to provide details and address implementation. Appendix I provides the specifics of the Neighborhood Traffic Calming Program (NTCP) which provides three major types of traffic calming devices for local residential streets: vertical deflection, horizontal deflection, and obstruction. The Program outlines policies and procedures by which problem areas are studied and possible neighborhood traffic calming measures are identified and applied as warranted by the findings of the study.

It is understood that street safety concerns have been previously voiced by members of the public to the City regarding the existing curvature of NE Grandhaven Street adjacent to Grandhaven Elementary School and the intersection design of NE Grandhaven Street and NE Buel Drive. It is relevant to note that NE Grandhaven Drive is identified on McMinnville's Street Functional Classification Map (TSP, Exhibit 2-3) as a Major Collector street, but that streets so classified are not the stated primary focus of the TSP's Neighborhood Traffic Calming Program. To date, the City has not found implementation of any such traffic calming devices being warranted relative to either the residential development of the subject site and the proposed dedication and construction of a local connecting through street, or that would be applied to neighborhood/local streets within the adjacent surrounding neighborhoods. Any potential future modifications to the alignment or functioning of NE Grandhaven Street or any other existing streets are beyond the scope of this proposal.

#### Neighborhood Traffic Management

132.43.05 Encourage Safety Enhancements – In conjunction with the residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

1. Traffic circles;
2. Painted or raised crosswalks (see also recommended crosswalk designation in Chapter 4);
3. Landscaping barriers between roadway and non-motorized uses;
4. Landscaping that promotes a residential atmosphere;
5. Sidewalks and trails; and
6. Dedicated bicycle lanes. (Ord. 4922, February 23, 2010)

132.43.10 Limited Neighborhood Cut-Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic



control measures should be coordinated with the affected neighborhood. (Ord. 4922, February 23, 2010)

Findings: Policies 132.43.05 (1-6) and 132.43.10 are satisfied by the proposal for Findings previously provided addressing Policies 132.41.00, 132.41.05, 132.41.20, 132.41.25 and 132.41.30 above. In addition, traffic circles (or roundabouts) are specific traffic control and enhancement design solutions for application in specific circumstances warranting their construction. Two possible traffic circles locations were identified in McMinnville's adopted Transportation System Plan (TSP) Appendix D – TSP Project Summaries to potentially be located along SW Fellows Street and along NW Baker Creek Road. More recently, McMinnville's first two traffic circles have been constructed at the intersections of NW Hill Road and NW Baker Creek Road, and NW Hill Road and NW Wallace Road. The construction and dedication of the currently proposed local residential street does not warrant the construction of a traffic circle.

The proposed local residential street is shown on the attached graphic exhibits to be designed with a five-foot wide curbside planter strip separating the roadway from the non-motorized uses along both sides of the future right-of-way dedication. These planter strips will be landscaped to promote a residential atmosphere as approved by the McMinnville Landscape Review Committee upon submittal and successful review and approval of such a landscape plan.

Environmental Preservation:

132.46.00 Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods. (Ord. 4922, February 23, 2010)

Finding: Policy 132.46.00 is satisfied by the proposal in that the street design, construction and maintenance methods required by the City were adopted to, in part, implement each element of this policy. These design, construction and maintenance methods administered by the City are satisfied as demonstrated in this proposal and as will be adhered to through the entirety of the design, construction, inspection and approval process prior to the platting of this subdivision.

Additionally, drainage that crosses this site in a generally west to east direction is proposed to be conveyed underground from the site's western to eastern extent with the associated flow volume entering the City's underground storm system at catch basins existing in the NE Newby Street right-of-way. This drainage ditch is identified as a tributary to the North Yamhill River and an associated Jurisdictional Wetland Delineation prepared by Schott & Associates have been reviewed by the Oregon Department of State Lands which subsequently issued a concurrence letter in support of that analysis. Should these land use requests be approved, a joint permit application will be filed with DSL and the Army Corps of Engineers for approval, followed by submittal of the approval to the City of McMinnville, prior to any such work occurring affecting this feature of the site. For additional discussion and Findings relative to the avoidance of negative impacts to water quality, please see the response provided above at Policy 99.00 (1-5) and Exhibits 3 and 4.



132.46.05: Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective. (Ord. 4922, February 23, 2010)

Finding: This Policy is satisfied through this proposal's compliance with the applicable elements of the McMinnville Transportation System Plan and the McMinnville Zoning Ordinance as addressed in these Findings. The streets are proposed to be located in an efficient manner as described in this proposal and designed in a manner compliant with all City requirements for local residential streets as shown in the attached Exhibits and as shall be required by associated conditions of approval should this request be approved.

Additionally, and as noted in the Finding provided for Policy 132.46.00 above, drainage that crosses this site in a generally west to east direction is proposed to be conveyed underground from the site's western to eastern extent with the associated flow volume entering the City's underground storm system at catch basins existing in the NE Newby Street right-of-way. This drainage ditch is identified as a tributary to the North Yamhill River and an associated Jurisdictional Wetland Delineation prepared by Schott & Associates have been reviewed by the Oregon Department of State Lands which subsequently issued a concurrence letter in support of that analysis. Should these land use requests be approved, a joint permit application will be filed with DSL and the Army Corps of Engineers for approval, followed by submittal of the approval to the City of McMinnville, prior to any such work occurring affecting this feature of the site. For additional discussion and Findings relative to this element of the proposal, please see the response provided above at Policy 99.00 (1-5) and Exhibits 3 and 4.

#### Pedestrian Programs

132.54.00: Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)

Finding: Policy 132.54.00 is satisfied by this proposal in that, should this proposal be approved, the City will have demonstrated support and encouragement for efforts that promote health, and environmental benefits of walking for the individual and the McMinnville community. This would be achieved by the City's support for the creation of the proposed local residential street connecting NE Newby Street with the temporary southerly terminus currently in place on NE Buel Drive. The pedestrian connection created by this proposed local street and sidewalk system will enhance pedestrian circulation within this residential portion of the city. A municipal endorsement of this street connection through the approval of this proposal not only promotes walking for health and community livability, but also helps to preserve a more healthy environment by providing an additional opportunity for pedestrian and bicycle movement as opposed to vehicular movement.

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:

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.

139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:

1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.
2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.
3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.
4. Extensions will implement applicable goals and policies of the comprehensive plan.

Storm Drainage:

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.

143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Water System:

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.

145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

1. Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.
2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.





3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.
4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.

147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

Water and Sewer -- Land Development Criteria:

151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.
2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.
3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.
4. Federal, state, and local water and waste water quality standards can be adhered to.
5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

Finding: Goal VII 1 and Policies 136.00, 139.00 (1-4), 142.00, 143.00, 144.00, 145.00 (1-4), 147.00 and 151.00 (1-5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to sufficiently accommodate flow resulting from development of this site as proposed. The City's administration of all municipal water and sanitary sewer systems guarantees adherence to federal, state, and local quality standards. The City of McMinnville is required to continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated



provision of utilities to developing areas and in making land-use decisions. Additionally, the subject site will be converted in an orderly manner to urbanizable standards through the coordinated extension of utilities (Exhibit 2), and as shall be conditioned through approval of this zone change and residential subdivision development proposal.

Specific to the proposed underground stormwater distribution system and the characteristics of and impact on the open ditch system currently existing on the site, please also refer to additional discussion and findings provided for Policy 99.00 above and the associated referenced Exhibits.

Police and Fire Protection:

153.00 The City shall continue coordination between the planning and fire departments in evaluating major land use decisions.

155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Finding: Policies 153.00 and 155.00 are satisfied in that emergency service departments will be provided the opportunity to review this proposal. Additionally, public street access will be provided directly to every lot, or through a compliant private access easement relative to Lot 13, within this proposed tentative subdivision plan on streets designed to meet all applicable City of McMinnville requirements.

Parks and Recreation:

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)

166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.



168.00 Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

170.05 For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used. (Ord. 4796, October 14, 2003)

Finding: Goal VII 3 and Policies 163.00, 163.05, 166.00, 167.00, 168.00, 169.00 and 170.05 are satisfied in that park fees shall be paid for each housing unit at the time of each building permit application as required by McMinnville Ordinance 4282, as amended. There is no portion of this site that is located within the 100-year floodplain for utilization as greenways or special use parks, nor are there distinctive natural features or areas that should be retained as open space; for additional detail regarding natural features please refer to the discussion and Findings provided at Policy 99.00 above and the associated Exhibits. The once natural drainageway that traverses this site has, for many years, been the recipient of collected stormwater from adjacent residential development that empties into this drainage ditch by way of an open 30-inch diameter pipe at the site's western edge. It is proposed to fill this ditch and convey this stormwater underground (and largely to be located within the proposed public right-of-way) to the existing stormwater conveyance system located within the NE Newby Street right-of-way adjacent to the eastern edge of this site. Additionally, while the McMinnville Parks, Recreation, and Open Space Master Plan does not call for the development of a community or neighborhood park in this location, this site is well served by utilization of the recreational space provided by Grandhaven Elementary School located one block to the north and the public Chegwyn Farms Neighborhood Park located approximately 1,000 feet (about 0.19 miles) northwest of the subject site.

GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

Energy Supply Distribution:

173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.

177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Findings: Goal VIII 1 and Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas will be provided opportunity to review and comment regarding this proposal prior to the issuance of the Planning Department's staff report.

Goal VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.



Energy Conservation:

178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

Finding: Goal VIII 2 and Policy 178.00 are satisfied by this request as the development proposes a compact form of urban development commensurate with the requested R-3 zoning designation of the subject site and by allowing smaller attached single-family residential lots where practicable based on the size and shape of the site in addition to the dedication of public right-of-way necessary to provide sufficient and required connectivity through this site.

All of the lots designed for single-family detached use meet or exceed the 6,000 square foot minimum lot size as required by the R-3 zone. The combined square footage of the two lots designed and proposed for single-family attached use is 8,937 square feet which exceeds the 8,000 square foot minimum as prescribed by the R-3 zone (Exhibit 5) and 17.18.010 (C)(3) of the McMinnville Zoning Ordinance. Utilities presently abut the site and can be extended in a cost effective and energy efficient manner commensurate with this proposal and as shall be required as conditioned by approval of the associated subdivision request.

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

Finding: Goal IX 1 is satisfied in that the subject site is located within both the McMinnville urban growth boundary and the McMinnville city limits and so identified for urban development according to applicable standards and requirements. As stated in Policy 71.00, all residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map. Additionally, all urban services are currently available and adjacent to the site making the conversion of this site to urban uses orderly and timely.

Citizen Involvement:

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.



Finding: Goals X 1, X 2, and Policy 188.00 are satisfied in that the City of McMinnville has adopted a Neighborhood Meeting program that requires that the applicant of most types of land use applications to hold at least one public Neighborhood Meeting prior to submittal of a land use application; this is further addressed under findings relative to McMinnville Zoning Ordinance Section 17.72.095 addressed in the Findings for the companion subdivision application below. Additionally, the City of McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request at an advertised public hearing. All members of the public with standing are afforded the opportunity to provide testimony and ask questions as part of the public review and hearing process.

6. The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

Finding: Section 17.03.020 is satisfied by this request for the reasons enumerated in Conclusionary Findings for Approval No. 1, 2, 3, 4 and 5.

17.72.095 Neighborhood Meetings

A. A neighborhood meeting shall be required for:

1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:
  - a. Comprehensive plan text amendment; or
  - b. Zoning ordinance text amendment; or
  - c. Appeal of a Planning Director's decision; or
  - d. Application with Director's decision for which a public hearing is requested.
2. Tentative Subdivisions (up to 10 lots)
3. Short Term Rental

Finding: As the proposed applications are not those listed in this Section, a neighborhood meeting is required and has been held as evidenced by the materials provided in this application, Findings and Exhibits. This requirement is met.

B. Schedule of Meeting.



1. The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.
2. Land use applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.

Finding: One neighborhood meeting was held prior to the submittal of this land use application for the subject site. The neighborhood meeting was held on Tuesday, January 29, 2019, and this land use application has been received by the City within 180 days of January 29, 2019. This requirement is met.

C. Meeting Location and Time.

1. Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.
2. The meeting shall be held at a location that is open to the public and must be ADA accessible.
3. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.
4. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 p. and 8 p. or Saturdays between the hours of 10 a. and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes after the scheduled starting time for the neighborhood meeting, the applicant may leave.

Finding: The neighborhood meeting was held at 6:00 p.m. on Tuesday, January 29, 2019 which is not a day recognized by the United States Federal Government as a national holiday. The neighborhood meeting was held in the Fellowship Hall of the Adventure Christian Church which is located within the city limits of the City of McMinnville. Both the Adventure Christian Church and the Fellowship Hall of the church are ADA accessible. An 8 ½ x 11" sign was posted on the entry door of the building before the meeting announcing the meeting, stating that the meeting is open to the public and that interested persons are invited to attend (Exhibit 6). These criteria are met.

D. Mailed Notice.

1. The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the exterior boundary of the subject property. The notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110.
2. Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
3. An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided



that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.

4. The mailed notice shall:
  - a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.
  - b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request)
  - c. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development.
  - d. Include a conceptual site plan.
5. The City of McMinnville shall be included as a recipient of the mailed notice of the neighborhood meeting.
6. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.

Finding: The neighborhood meeting notice was mailed to the City of McMinnville Planning Department and to property owners located within 300 feet of the exterior boundary of the subject property (as required by McMinnville Zoning Ordinance 17.72.120(F)) on January 7, 2019 which was not fewer than 20 calendar days nor more than 30 calendar days prior to the January 29, 2019 date of the neighborhood meeting (Exhibit 7). The official list for the mailed notice (Exhibit 8) was obtained from First American Title in McMinnville on January 7, 2019 and was then utilized to mail the neighborhood meeting notice within the 45-day window of validity for the official mailing list. The mailed neighborhood meeting notice contained the date, time and location of the neighborhood meeting and an invitation for people to converse with the applicant regarding the proposal. Also included in the notice was a brief description of the proposal including the proposed housing type, proposed type and number of lots (single-family residential), proposed range of lot sizes and the average lot size and a statement that the residences may be either single or two-story in design. The mailed neighborhood meeting notice also included a copy of a Google Map vicinity map that clearly identified the location of the proposed development in addition to the inclusion of a tentative subdivision plan showing the lot layout. Therefore, these requirements are met.

#### E. Posted Notice.

1. The applicant shall also provide notice of the meeting by posting one 18 x 24" waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
2. The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.
3. It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.
4. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.



Finding: Two 18 x 24" waterproof signs notifying individuals of the January 29, 2019 neighborhood meeting were posted in easily viewable and readable locations. Specifically, those signs were posted on the site near the southern temporary terminus of NE Buel Drive, and on the northern portion of the site's eastern edge along NE Newby Street (Exhibit 9) not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting. Leonard Johnson has made every effort to ensure that the signs remained posted until the neighborhood meeting. These requirements are satisfied.

F. Meeting Agenda.

1. The overall format of the neighborhood meeting shall be at the discretion of the applicant.
2. At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:
  - a. An opportunity for attendees to view the conceptual site plan;
  - b. A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;
  - c. An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.

Finding: An agenda for the neighborhood meeting was prepared (Exhibit 10) and provided to attendees of the neighborhood meeting that included an opportunity for attendees to view the tentative subdivision plan. The agenda also indicated that a description of the proposal including the major elements of the plan as well as an opportunity for attendees to speak at the meeting and ask questions of Leonard Johnson or his representative(s) and communicate any issues that they believe should be addressed. These requirements have been met.

G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:

1. A copy of the meeting notice mailed to surrounding property owners;
2. A copy of the mailing list used to send the meeting notices;
3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;
4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and
5. Notes of the meeting, which shall include:
  - a. Meeting date;
  - b. Meeting time and location;
  - c. The names and addresses of those attending;
  - d. A summary of oral and written comments received; and





- e. A summary of any revisions made to the proposal based on comments received at the meeting. (Ord. 5047, §2, 2018, Ord. 5045 §2, 2017).

**Finding:** Evidence of compliance with 17.72.095 (G(1-5(a-e))) above is provided by the Exhibits listed above and those presented at the January 29, 2019 Neighborhood Meeting attached to this proposal (Exhibit 11 – Zone Change Graphic, Exhibit 12 - Tentative Subdivision Plan Handout, Exhibit 13 – Overall Utility Plan Handout, and Exhibit 14 – House Examples). In addition, large versions of Exhibits 10 and 11 mounted to foam core boards were also on display at this meeting. Also provided as evidence of compliance with these requirements are the names and contact information as shared by those attendance at the Neighborhood Meeting (Exhibit 15), and a summary of oral and written comments received at the Neighborhood Meeting; there were no revisions made to the proposed plan based on comments received at the meeting (Exhibit 16). These requirements are satisfied.

17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria.

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**Finding:** The proposed zone change request to amend the zoning designation of the subject site from R-1 (Single-Family Residential) to R-3 (Two-Family Residential) is consistent with the goals and policies of the McMinnville Comprehensive Plan presented above in these conclusionary Findings for approval.

The development pattern in the area surrounding the subject site includes all base zoning designations available within the Residential Comprehensive Plan designation (R-1, R-2, R-3 and R-4) within approximately 325-feet of the subject site and with land with base



zoning designations of R-1, R-2 and R-3 being located directly adjacent to or across the street from the subject site. This pattern of adjacent and surrounding zoning designations can be graphically seen in Section II (Site Description) of this application. Given the adjacent and surrounding land uses and zoning pattern, the proposed zone change request is orderly. Also, given the City's current deficit of Residentially Planned land available to meet projected housing needs, and the ability of the site to be served by all requisite utilities and City services, the proposed zone change request to a residential zoning designation of a slightly higher density is timely. The proposed single-family residential use of the site described by this zone change requests' companion subdivision request will complement the variety of other residential development in the immediate area and within very close proximity to Grandhaven Elementary School. This proposal is also consistent with the existing Comprehensive Plan designation for this site.

Criterion "B" of this review standard does not apply when the proposed request concerns needed housing ("needed housing" defined at ORS 197.303). Table B-11 of Appendix B of the adopted McMinnville Buildable Land Needs Analysis and Growth Management Plan demonstrates that McMinnville has a deficit of 432 R-3 zoned acres needed to meet future projected housing needs; the year 2020 was the identified planning horizon for this projection. While numerous zone changes have been approved by the City since adoption of that 2001 Plan, there still remains a deficit of R-3 zoned land within the city limits of McMinnville; with that Plan identifying a total net acre residential land deficit of 1,082 acres, all residential zoning designations currently remain in deficit except, perhaps, for the R-1 zoning designation. Approval of this zone change request would reduce the remaining R-3 zoned land deficit by approximately 2.93 acres. Even though this zone change request is exempt from this criterion as identified in 17.74.020 above, this information is yet informative.

Utility and Service Provision: This area is well served by existing municipal sanitary and storm sewer systems as well as other public utilities as detailed in Findings provided above. At the time of development of this site, should these companion requests be approved, all necessary utilities and improvements will be required to be completed in compliance with existing requirements and as articulated in the forthcoming associated conditions of approval for these requests.

Street System: The subject site is located immediately adjacent to NE Newby Street at the site's eastern edge and the temporary southerly terminus of NE Buel Drive at the site's northern edge. Both of these streets are designated as local residential public streets and are compatible with the proposed dedication of public right-of-way and construction of the continuation of the residential public street network to extend through this site. These criteria have been met.

## **V. Conclusionary Findings for Approval of the requested Subdivision**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Tentative Subdivision are specified in Section 17.53.070 of the Zoning Ordinance.



In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

1. Leonard Johnson is requesting approval of:
  - A tentative residential subdivision plan on approximately 2.93 acres of land that, if approved, would provide opportunity for the construction of 17 single-family homes.
2. The subject site is approximately 2.93 acres in size and is generally located north of NE 27<sup>th</sup> Street, south of NE Grandhaven Street and west of NE Hoffman Street and is more specifically described as R4409DC 01100. The site is currently zoned R-1 (Single-Family Residential) and designated as Residential on the McMinnville Comprehensive Plan Map.
3. Sanitary sewer and municipal water and power can sufficiently serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected flows resulting from development of the property as proposed. Northwest Natural Gas, Comcast, McMinnville School District 40 and the McMinnville Police and Fire Departments can also sufficiently serve this site.
4. The subject request complies with the applicable Goals, Policies, and Proposals of Volume II of the McMinnville Comprehensive Plan.

Those applicable Goals, Policies, and Proposals that are found to be applicable to this subdivision request are as listed below:

- Goals
  - II 1
  - V 1
  - V 2
  - VI 1
  - VII 1
  - VII 3
  - VIII 1
  - VIII 2
  - IX 1
  - X 1
  - X 2
- Policies
  - 2.00
  - 5.00
  - 9.00
  - 12.00
  - 58.00
  - 68.00



- o 71.00
- o 71.05
- o 71.09 (1-6)
- o 71.10 (1-6)
- o 79.00
- o 80.00
- o 81.00
- o 82.00
- o 83.00
- o 99.00 (1-5)
- o 99.10
- o 117.00
- o 118.00 (1-5)
- o 119.00
- o 122.00 (3)
- o 126.00
- o 127.00
- o 130.00
- o 131.00
- o 132.00
- o 132.15
- o 132.26.05
- o 132.27.00
- o 132.32.00
- o 132.35.00
- o 132.41.00 (1-5)
- o 132.41.05
- o 132.41.20
- o 132.41.25
- o 132.41.30
- o 132.43.05 (1-6)
- o 132.43.10
- o 132.46.00
- o 132.46.05
- o 132.54.00
- o 136.00
- o 139.00 (1-4)
- o 142.00
- o 143.00
- o 144.00
- o 145.00 (1-4)
- o 147.00
- o 151.00 (1-5)
- o 153.00
- o 155.00
- o 163.00
- o 163.05
- o 168.00
- o 169.00



- o 170.05
- o 173.00
- o 177.00
- o 178.00
- o 188.00

The full text of these elements of Volume II of the McMinnville Comprehensive Plan and their associated Conclusionary Findings for Approval as provided in Section IV (Conclusionary Findings for Approval of the requested Zone Change) above and are hereby by this reference incorporated in this Section (Section V – Conclusionary Findings for Approval of the Requested Subdivision) as applicable to this subdivision request.

5. The subject request complies with the applicable requirements of the McMinnville Zoning Ordinance (Ord. No. 3380) as follows:

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

Finding: Section 17.03.020 is satisfied by this request for the reasons enumerated in Conclusionary Findings for Approval No. 1, 2, 3 and 4.

17.18 R-3 Two-Family Residential Zone

17.18.010 Permitted uses. In an R-3 zone, the following uses and their accessory uses are permitted:

- A. Single-family dwelling
- C. A single-family dwelling having a common wall with one other single-family dwelling, provided:
  - 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
  - 2. The two dwellings shall have a common wall at the “zero” lot line.
  - 3. Both lots combined comprise not less than eight thousand square feet in area. There is no minimum lot area for the individual lots created.
  - 4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.
  - 5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.
  - 6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.

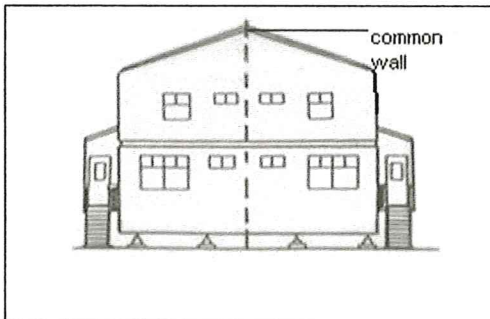


7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.

**Findings:** These criteria are satisfied by this proposal in that it is the stated intent of this proposal to construct only site built single-family residences within this subdivision. Fifteen of the residences will be single-family detached residences and will be constructed on lots designed for single-family detached use. Two of the residences will be single-family attached residences and will be constructed on lots deigned for single-family attached use (Lots 4 and 5).

With regard to the two single-family attached residences, the dwellings shall be situated on legally subdivided lots and shall have a common wall at the "zero" lot line. The common wall between these two residences shall be a wall that is considered part of both dwellings such as the common wall between rooms in each dwelling that are designed for occupancy; this does not include common walls in locations such as attached storage sheds for example because storage sheds are not designed for occupancy. While the McMinnville Zoning Ordinance does not provide any minimum distance, percentage of wall distance or percentage of elevation length that must be attached, Figure 7 (below) of Chapter 17.06 (Definitions) of the Zoning Ordinance provides a general visual reference of residential "common wall construction." [This graphic does not visually represent the single-family attached residences to be constructed on Lots 4 and 5, but rather simply graphically indicates the concept of single-family attached residences.]

**Figure 7**



The combined proposed square footage of Lots 4 and Lot 5 totals 8,937 square feet (Exhibit 5) which exceeds the minimum lot area requirement of two common wall (single-family attached) residences of 8,000 square feet prescribed by the R-3 zoning requirement (17.18.010(C)(3)). The setback requirements to be applied to each of these two lots shall

be the same as are applicable to all other single-family lots in this subdivision with the exception of having a zero lot line at the shared common wall lot line of the two residences; all setbacks will be reviewed by the City as part of the forthcoming building permit application review process prior to construction permits being issued for each lot in the proposed neighborhood. It shall also be required that each of the two dwelling units shall have independent services which include, but are not limited to sewer, water and electricity. These two residences shall provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State of Oregon and shall be reviewed as part of the forthcoming review process prior to construction permits being issued for these two residences. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified. In addition, the common wall shall be required to be a fire wall constructed to insure fire protection as per the Uniform Building Code as adopted by the State of Oregon.

17.18.030 Lot size. In an R-3 zone, the lot size shall not be less than six thousand square feet except as provided in Section 17.18.010 (C) of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: This criterion is satisfied as all lots, with the exception of Lots 4 and 5 as discussed above in Findings provided at 17.18.10, either meet or exceed the minimum lot size of 6,000 square feet (Exhibit 5). Since Lot 14 is crossed by an access easement for the benefit of Lot 13 it is important to address lot size for this lot individually.

Lot 14 is designed with a gross proposed lot size of 6,813 square feet. However, the definition of "lot area" found in Chapter 17.06 (Definitions) of the McMinnville Zoning Ordinance states:

"The total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads and easements for access to other property except as otherwise provided in this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). For purposes of zoning and density calculations on lots that have more than one zone or plan designation, the lot area is calculated separately for each zoned or planned areas."

When this definition of lot area is applied to Lot 14, the access easement area of 813 square feet cannot be counted toward the minimum size of Lot 14. When this access easement area is removed from Lot 14's gross lot area of 6,813 square feet, the "usable" area of Lot 14 for this lot size calculation purpose is 6,000 square feet which complies with the minimum lot size requirement for a single-family detached residential lot in the R-3 zone.

Additionally, Section 17.18.010(C) referenced by this standard (17.18.030) speaks to single-family common-wall (attached) dwellings and is addressed in the Findings provided for 17.18.010(C) above.

17.18.040 Yard requirements. In an R-3 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 rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than seven and one-half feet, except an exterior side yard on the street side of a corner lot shall be not less than fifteen feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: This criterion is satisfied in that all of the proposed lots meet or surpass the lot size requirements of the R-3 zone. The setbacks articulated by this criterion were specifically created and were adopted by the City Council as part of the character of the R-3 zone. This application does not request that any setbacks be adjusted for any lot within this subdivision. Rather, this application proposes to construct residences specifically designed to exist within the building envelopes resulting from the full application of the R-3 zone's setback requirements as applicable to each lot. Further, setback compliance will be verified by the McMinnville Planning Department as part of the forthcoming building permit review process for each dwelling unit proposed to be constructed within this subdivision.

17.18.050 Building height. In an R-3 zone, a building shall not exceed a height of thirty-five feet. (Ord 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: These land use requests do not propose to construct any building within the subject site at a height that would exceed this height limitation of thirty-five feet. This standard has been satisfied.

17.18.060 Density requirements: In an R-3 zone, the lot area per family shall not be less than four thousand square feet, except that the lot area for common wall, single-family corner lots shall not be less than eight thousand square feet for two families. This requirement does not apply to accessory dwelling units. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: The tentative subdivision plan submitted with this subdivision application proposes that each lot designed for single-family detached use meet or exceed the minimum lot size of 6,000 square feet; this takes into account the subtraction of the access easement area previously noted affecting Lot 14 for lot area calculation purposes. Additionally, each of the two lots designed and proposed for single-family attached use exceed the combined minimum lot size of 8,000 square feet each as prescribed by the R-3 zone. Relative to density, while the lot area per family is required by this standard to not be less than four thousand square feet, the proposed average lot area per family is 6,049 square feet; this figure accounts for the reduction of Lot 14's access easement square footage. Therefore, this criterion is met.

## Chapter 17.53 Land Division Standards

### 17.53.100 Creation of Streets

- C. An easement providing access to property and which is created to allow the partitioning of land for the purpose of lease, transfer of ownership, or building development, whether immediate or future, shall be in the form of a street in a





subdivision, except that a private easement to be established by deed without full compliance with these regulations may be approved by the Planning Director under the following conditions:

1. If it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two more new parcels, i.e., a total of not more than three (3) parcels including the original may then exist, that may be provided with access and said access shall be not less than 15 (fifteen) feet in width and shall have a hard surfaced drive of 10 (ten) feet width minimum;
2. The Planning Director shall require the applicant to provide for the improvement and maintenance of said access way, and to file an easement for said access way which includes the right to passage and the installation of utilities. Such requirements shall be submitted to and approved by the City Attorney.
3. Access easements shall be the preferred form of providing access to the rear lots created by partition if the alternative is the creation of a flag lot.

**Findings:** This criteria is satisfied in that, a fifteen-foot wide private access easement is proposed to cross the northern portion of Lot 14, beginning at its right-of-way edge and extending to its western edge, for the benefit of Lot 13. This proposed access easement is a result of the subject site's shape and dimensions in combination with the need to align a proposed local street in a manner that both provides connectivity through the site from the intersection of NE Newby Street and NE Hoffman Street and the temporary southerly barricade on NE Buel Drive. This alignment also provides for the opportunity for homes to be constructed along both sides of this proposed street as well as to satisfy the other street connectivity policies and requirements addressed elsewhere in these Findings.

Lot 14 is large enough to warrant being divided into two lots and the provision of this private access easement is the only reasonable method by which that can occur. The 15-foot wide private access easement is proposed to be improved with a minimum hard surfaced drive of at least 10 (ten) feet in width for the full length of the easement; a paved drive will also be required to be provided on Lot 13 as part of the building permit review and permitting process.

#### 17.53.101 Streets

A. **General.** The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; ..

**Finding:** The planned street layout provides for connectivity through the site from the intersection of NE Newby Street and NE Hoffman Street and the temporary barricade at the temporary southerly terminus of NE Buel Drive. The reasons for the connectivity to be



achieved by the proposed local street are as addressed elsewhere in these Findings inclusive of Policies 118.00(5), 132.41.30 and McMinnville's Future Local Street Connections plan (Exhibit 2-1 of McMinnville's TSP). There are no undeveloped adjacent lands for this site to provide street stubs to or to otherwise connect to. The proposed street is identified as a local residential streets and, upon permitting, will be constructed to full City standards for this type of street. Therefore, this criterion is met.

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or

Finding: The proposed local public street is designed to current applicable City standards. While NE Buel Drive was constructed to a prior City standard requiring a curb-to-curb dimension of 26-feet, this proposal does not continue that design standard as the paved curb-to-curb dimensional requirement has since changed by City ordinance and is now required to be 28-feet in width. This proposed subdivision will comply with the current design standard which will result, not only in design compliance with current standards, but also in increased vehicle mobility and public safety which were main purposes in the revising of that street standard to a greater paved dimensional width.

3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.

Finding: This criteria is addressed and met in the Findings provided above in Section IV relative to Volume I (Background Element) of the McMinnville Comprehensive Plan, Chapter V - Housing and Residential Development – Additional Design Considerations, Subsection 4 and are herein incorporated .

- B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table: ["McMinnville Transportation System Plan, Exhibit 2-4 – Complete Street Design Standards"] Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

Finding: As shown on the tentative subdivision plan (Exhibit 1), the proposed local street is designed to meet and shall meet all applicable right-of-way, street width and streetscape requirements as required by Section 17.53.151 (below) and as provided in Exhibit 2-4 of the McMinnville Transportation System Plan. There are no existing conditions making it otherwise impractical to provide buildable lots and no consideration to address such is requested. Therefore, this criterion is met.



- C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

Finding: As shown on the tentative subdivision plan, no reserve strips or street plugs are proposed as a means to control access to adjacent streets or other lands for the protection of the public welfare or of substantial property rights. Therefore, this criterion is met.

- D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

Finding: This requirement is met in that the right-of-way dedication that will result through approval and development efforts of this proposal is part of a local street network and exhibits dimensional and design features commensurate with local street requirements and connectivity requirements addressed elsewhere in these Findings. There are no "T" intersections in the proposed street design.

- E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street.

Finding: As shown on the tentative subdivision plans, this proposal does not provide any street extensions for the future subdivision of adjoining land as all adjoining land is already developed. However, this proposal does provide for a connection to the temporary southerly terminus of NE Buel Drive that was previously established at the subject site's northern edge. The proposed local public through street is designed to also extend eastward through the site to align with the current intersection of NE Newby Street and NE Hoffman Street. This proposal provides street connectivity identified in Exhibit 2-1 of the McMinnville TSP as has already been demonstrated in these Findings. Therefore, this criterion is met.

- F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance.



Intersections which contain an acute angle of less than 80 (eighty) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.

**Finding:** As shown on the tentative subdivision plan submitted with this request, the one proposed intersection is designed to align at a 90 (ninety) degree angle to align with the current intersection of NE Newby Street and NE Hoffman Street. The northernmost extension of the proposed street is designed to connect with NE Buel Drive at its current southerly paving line. Therefore, this criteria is met.

- G. **Existing streets.** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.

**Finding:** The proposed local public street to be constructed within a 50-foot public right-of-way abuts two existing public rights-of-way as previously described. The proposed street is designed to intersect NE Newby Street consistent with current right-of-way improvement standards. However, the existing portion of NE Buel Drive was constructed using an earlier public local street standard requiring a 26-foot wide paved section centered within a 50-foot right-of-way. The proposed public street would be constructed to the current standard which requires a 28-foot wide paved section and would necessarily narrow slightly at its northern extent in order to match NE Buel Drive's paved width at its current southerly paving line. This criterion has been satisfied.

- H. **Half streets.** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

**Finding:** As shown on the submitted tentative subdivision plans, there are no half streets proposed as part of this development plan. Therefore, this criterion is met.

- I. **Cul-de-sacs.** A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.

**Finding:** As shown on the tentative subdivision plans, no cul-de-sac streets are planned or proposed. Therefore, this criterion is satisfied.

- J. **Eyebrows.** Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-



of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication. (Amended 11/18/94 by Ordinance 4573.)

Finding: As shown on the tentative subdivision plans, no eyebrows are planned or proposed. Therefore, this criterion is satisfied.

- K. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged. (Amended 10/9/90 by Ordinance No. 4477.)

Finding: The local street alignment of NE Hoffman Street will be extended into the site from its eastern edge and then turn northward to join with the temporary southerly terminus of NE Buel Drive. While the proposed local street is not identified with a temporary name on the plans submitted with this proposal, future street naming of this street shall conform to the established pattern in the City and be subject to the approval of the Planning Director. It is anticipated that the north-south oriented street section will continue the street name of NE Buel Drive and that the east-west oriented street section will be assigned the name of NE Hoffman Street as it will be a westerly continuation of the NE Hoffman Street right-of-way alignment from the east. Therefore, this criterion is satisfied.

- L. Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grad exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required.

1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography,



make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

**Finding:** The proposed street is designed as a local residential street and will not exceed a grade of 12 (twelve) percent. The slope and grade of the site mirrors that of NE Newby Street along the site's eastern edge. NE Newby Street, and the subject site, exhibit only mild grades as are characteristic of all adjacent and nearby streets and neighborhoods within this area. Additionally, the centerline radii of curves is not less than 100 feet as required by this standard. Final compliance with these standards shall be reviewed by the McMinnville Engineering Department and the McMinnville Planning Department for compliance with City street grade and centerline radii requirements prior to permit issuance for street construction. Therefore, this criteria is met.

**Criteria not Applicable:** The following subsections of Section 17.53.101 are not applicable to this request as these circumstances do not exist within or adjacent to this proposal:

- M. Streets adjacent to a railroad right-of-way
- N. Frontage roads/streets
- O. Alleys
- P. Private way/drive
- Q. Bikeways [along arterial or collector streets]
- R. Residential Collector Spacing
- U. Gates

S. **Sidewalks.** Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)

**Finding:** The proposed local through street will meet all applicable right-of-way, street width and streetscape requirements inclusive of five-foot wide sidewalks placed one-foot from the right-of-way line. Therefore, this criterion is met.

T. **Park Strips.** Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

**Finding:** As shown on the submitted plans, the proposed through street will meet all applicable right-of-way, street width and streetscape requirements inclusive of a five-foot wide curbside planter strip provided between the curb and sidewalk along both sides of the proposed right-of-way. Street trees shall be planted and maintained within the park strips as specified by Chapter 17.58 of the McMinnville Zoning Ordinance and as shall be required by appropriate condition(s) of approval of this request. This criterion is satisfied.



17.53.103     Blocks

- A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
- B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

Finding: As shown on the submitted plans, the planned street alignment proposes one block that exceeds 400 hundred feet in length due to the existing street pattern of adjacent platted neighborhoods. The block that would exceed this 400-foot length standards is the completed block of NE Buel Drive between its intersection with NE Grandhaven Street and the proposed intersection of NE Buel Drive and NE Hoffman Street within the subject site. This block length would be approximately 500 feet in length.

For context, within the adjacent and immediate area are found the following approximate existing block lengths:

- 500 feet - Grandhaven Street from Buel Drive to McDonald Lane
- 625 feet - Redwood Drive from 28<sup>th</sup> Street to 30<sup>th</sup> Street
- 500 feet - McDonald Lane from Maloney Drive to 28<sup>th</sup> Street
- 750 feet - Leathers Lane from Hoffman Drive to 27<sup>th</sup> Street
- 750 feet - 27<sup>th</sup> Street from McDonald Lane to Newby Street

The subject site is the last remaining vacant piece of land in the otherwise fully developed immediate area. As there are no alternative street alignment or configuration opportunities available that would meet this block length standard, and at the same time satisfy the City's policies, standards, and the intent of relevant portions of the Transportation System Plan regarding street connectivity, an exception to this block length standard is justified. The block perimeter length resulting from the construction of the proposed through street would be approximately 1,514 feet in length measured utilizing Buel Drive, Grandhaven Street, Newby Street and the proposed extension of Hoffman Drive and is less than the allowable 1,600 foot maximum perimeter block length. This criteria has been satisfied.

C. Easements.

- 1. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.



**Finding:** This criterion is met in that ten-foot wide public utility easements will be provided adjacent to both sides of the proposed public right of way to accommodate the installation of utilities as necessary. These ten-foot wide public utility easements are shown on the Overall Utility Plan (Exhibit 2). In addition, other easements necessary to meet utility and service provision needs are described as follows:

- 10-foot wide private sanitary sewer lateral easement on the west edge of Lot 10 for the benefit of Lot 9
  - 15-foot wide public sanitary sewer mainline easement on the common boundary of Lots 10 and 11
    - Nine feet of the width of this easement is proposed to be located on Lot 10 with six feet of the easement width to be located on Lot 11
  - 20-foot wide public storm sewer mainline easement located on the west edge of Lot 12
  - 20-foot wide combined public storm & sanitary sewer mainline easement located on the common property lines of Lots 12 and 13, and Lots 12 and 14
    - Three feet of the width of this easement is proposed to be located on Lot 12
  - 15-foot wide public sanitary sewer mainline easement located along the south edge of Lots 7 and 2
  - Two 10-foot wide private sanitary sewer lateral easements with one each being located on Lots 7 and 2 for the benefit of Lots 8 and 1, respectively.
2. Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.

**Finding:** As shown on Exhibit 2 there is an open drainageway that traverses this site in a generally east-west orientation that has, for many years, been the recipient of collected stormwater from adjacent residential development which empties into this drainage ditch by way of an open 30-inch wide pipe located at site's west edge and aligned with the western edge of proposed Lot 12. The stormwater emptying onto this site from neighborhood(s) to the west and the natural site drainage currently enters the City's underground storm sewer system at a point adjacent to the site's eastern edge and located in the NE Newby Street right-of-way. It is proposed to convey this seasonal flow to the City's underground stormwater drainage system in NE Newby Street through a continuation of the 30-inch wide storm sewer pipe to be placed in easements, as necessary, and within the public right-of-way proposed to be dedicated as part of this residential development. Proposed underground conveyance of this storm flow into the City's existing system is similar to that approved for other development surrounding this site. This stormwater system daylight east of the site, north of the intersection of NE Leathers Lane and NE Hoffman Drive, and continues to collect neighborhood storm water through piped outfalls as shown on the graphic below excerpted from the City of McMinnville Storm Sewer Network map available on the City's website. This system then





enters the City's underground storm conveyance again at the Parkside residential subdivision located adjacent to Wortman Park and remains in the enclosed system through much of McMinnville's industrial area east of NE Lafayette Avenue.



This open drainage ditch located on the subject site is identified as a tributary to the North Yamhill River. Accordingly, a Jurisdictional Wetland Delineation for this site was prepared by Schott & Associates and provided to the Oregon Department of State Lands (DSL) for review (Exhibit 3). On February 15, 2019, DSL issued a concurrence letter (Exhibit 4) supporting the waterway boundaries (Drainage 1) as mapped in Figure 6 of the report and noting that this Drainage is subject to the permit requirements of the state Removal-Fill law. For additional associated Findings relative to this criterion, please refer to Findings provided at Section IV - Conclusionary Findings for Approval of the requested Zone Change, Policy 99.00 (1-5) and already incorporated by reference into this Section (Section V – Conclusionary Findings for Approval of the requested Subdivision). This criterion has been satisfied.

3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)

**Finding:** As shown on the proposed tentative subdivision plan, pedestrian ways other than those provided by the construction of public sidewalks to City standards are not proposed as part of this development as there are not cul-de-sacs either proposed on this site or located on adjacent sites. There is also no opportunity to provide a pedestrian way connection to a recreation or public area such as a school or to connect to either existing or proposed pedestrian ways. While NE Buel Drive will be approximately 500 feet in length with approval of this proposal, this block length is not unusually long given the length of adjacent and nearby blocks in the surrounding neighborhoods as noted in Findings

provided at 17.53.103 above. Continuous public sidewalks constructed within the public right-of-way to City specifications shall be provided along both sides of the proposed right-of-way and shall connect to the existing public sidewalks adjacent to this site at approved locations to provide additional opportunities for continuous pedestrian circulation both with the proposed neighborhood and within the surrounding street system. Therefore, this criterion is met.

17.53.105    Lots

A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.

1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

Finding: As shown on the submitted tentative plans the proposed lots are generally rectangular in shape and are all buildable as per the requirements of the requested zoning designation. All lots comply with Subsection 1 above in that the depth of each lot does not exceed two times its average width. It is instructive to note when reviewing the tentative subdivision plan that the unrounded dimensions for Lot 12 provide a lot width of 55.40 feet and an average lot depth of 110.78 feet which results in Lot 12 being fully compliant with this standard. This criterion has been satisfied.

B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.

Finding: As shown on the submitted subdivision plans each lot will abut a public street for a width of at least 25 (twenty-five) feet with the exception of Lot 13 which will be provided access to the public right-of-way by a 15-foot wide private access easement to be provided across the northern edge of Lot 14 for the benefit of Lot 13. There will be no direct access onto a major collector or arterial street as no such designated street is within or adjacent to the subject site. Therefore, this criterion is met.

C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.



Finding: As demonstrated on the submitted tentative subdivision plan, there are no through streets proposed as part of this request. This criterion has been satisfied.

D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Finding: As shown on the submitted tentative subdivision plans, all side lines of lots run at right angles to the street upon which the lots face as far as practicable with the exception of Lot 13. Lot 13 does not front on a public street and its access to the public right-of-way is proposed to be provided by a 15-foot wide private access easement across the northernmost portion of the adjacent Lot 14. Therefore, as Lot 13 does not face a street, this requirement is not applicable to this lot. While the entirety of Lot 14's frontage, and a portion of Lot 12's frontage, is located on the outside curve edge of the proposed public right-of-way, their shared property line runs at a right angle to the street as far as practicable. This criterion is met.

E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

Finding: A flag lot is defined in Chapter 17.06 of the McMinnville Zoning Ordinance as "A lot by which access to the nearest public or private street is gained by means of a narrow strip of land not less than 25-feet in width." Lot 13 is shown to be provided access to the public right-of-way by way of a 15-foot wide private access easement across the northern portion of Lot 14 and is not defined as a flag. Therefore, there are no flag lots proposed as part of this subdivision development plan. Therefore, this criterion is satisfied.

Improvements:

17.53.151 Specifications for Improvements. The City Engineer has submitted and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:

- A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;
- B. Drainage facilities;
- C. Sidewalks in pedestrian ways;
- D. Sewers and sewage disposal facilities.

17.53.153 Improvement Requirements. The following improvements shall be installed at the expense of the subdivider:

- A. Water supply system. All lots within a subdivision shall be served by the City water supply system.
- B. Electrical system. All lots within a subdivision shall be served by the City electrical system.
- C. Sewer system. All lots within a subdivision shall be served by the City sewer system.



- D. Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.
- E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.
- F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.
- G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.
- H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.

Findings: 17.53.151 (A)-(D) and 17.53.153 (A)-(H) are satisfied in that the City Council has adopted the specifications referenced in these Sections as being applicable to and to be administered by the City of McMinnville. As shown on the submitted Overall Utility Plan (Exhibit 2) all lots shall be served by municipal water, electrical, sanitary and storm sewer systems which will also connect to such existing systems located adjacent to subdivision. No private ways or drives are proposed within the subject site except for the 15-foot wide private access easement to be recorded across the northern portion of Lot 14 for the benefit of Lot 13. Dedication and improvement of public streets shall occur as required by City standards inclusive of curbs and gutters, five-foot wide sidewalks and curbside planter strips; should this subdivision request be approved, a street tree planting plan shall be required as a condition of its approval which will require submittal of a plan to be reviewed for approval by the Landscape Review Committee. Due to existing development adjacent to this site, the proposed local public right-of-way will extend northward to the paving line of the existing temporary NE Buel Drive southerly terminus in conformance with City specifications. It is of interest to observe that the existing portion of NE Buel Drive was constructed using an earlier public local street standard requiring a 26-foot wide paved section centered within a 50-foot right-of-way. The proposed public street would be constructed to the current standard which requires a 28-foot wide paved section and would necessarily narrow slightly at its northern extent in order to match NE Buel Drive's paved width at its current southerly paving line. Additional Findings relative to drainage are found at 17.53.103(C)(2) above and its incorporated references. Therefore, these criteria are met.

17.72.095 Neighborhood Meetings

- A. A neighborhood meeting shall be required for:
  - 1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:
    - a. Comprehensive plan text amendment; or



- b. Zoning ordinance text amendment; or
  - c. Appeal of a Planning Director's decision; or
  - d. Application with Director's decision for which a public hearing is requested.
2. Tentative Subdivisions (up to 10 lots)
  3. Short Term Rental

**Finding:** As the proposed applications are not those listed in this Section, a neighborhood meeting is required and has been held as evidenced by the materials provided in this application, Findings and Exhibits. This requirement is met.

#### B. Schedule of Meeting.

1. The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.
2. Land use applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.

**Finding:** One neighborhood meeting was held prior to the submittal of this land use application for the subject site. The neighborhood meeting was held on Tuesday, January 29, 2019, and this land use application has been received by the City within 180 days of January 29, 2019. This requirement is met.

#### C. Meeting Location and Time.

1. Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.
2. The meeting shall be held at a location that is open to the public and must be ADA accessible.
3. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.
4. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 p. and 8 p. or Saturdays between the hours of 10 a. and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes after the scheduled starting time for the neighborhood meeting, the applicant may leave.

**Finding:** The neighborhood meeting was held at 6:00 p.m. on Tuesday, January 29, 2019 which is not a day recognized by the United States Federal Government as a national holiday. The neighborhood meeting was held in the Fellowship Hall of the Adventure Christian Church which is located within the city limits of the City of McMinnville. Both the Adventure Christian Church and the Fellowship Hall of the church are ADA accessible. An 8 ½ x 11" sign was posted on the entry door of the building before the meeting announcing the meeting, stating that the meeting is open to the public and that interested persons are invited to attend (Exhibit 6). These criteria are met.



D. Mailed Notice.

1. The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the exterior boundary of the subject property. The notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110.
2. Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
3. An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.
4. The mailed notice shall:
  - a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.
  - b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request)
  - c. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development.
  - d. Include a conceptual site plan.
5. The City of McMinnville shall be included as a recipient of the mailed notice of the neighborhood meeting.
6. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.

Finding: The neighborhood meeting notice was mailed to the City of McMinnville Planning Department and to property owners located within 300 feet of the exterior boundary of the subject property (as required by McMinnville Zoning Ordinance 17.72.120(F)) on January 7, 2019 which was not fewer than 20 calendar days nor more than 30 calendar days prior to the January 29, 2019 date of the neighborhood meeting (Exhibit 7). The official list for the mailed notice (Exhibit 8) was obtained from First American Title in McMinnville on January 7, 2019 and was then utilized to mail the neighborhood meeting notice within the 45-day window of validity for the official mailing list. The mailed neighborhood meeting notice contained the date, time and location of the neighborhood meeting and an invitation for people to converse with the applicant regarding the proposal. Also included in the notice was a brief description of the proposal including the proposed housing type, proposed type and number of lots (single-family residential), proposed range of lot sizes and the average lot size and a statement that the residences may be either single or two-story in design. The mailed neighborhood meeting notice also included a copy of a Google Map vicinity map that clearly identified the location of the proposed development in addition to the inclusion of a tentative subdivision plan showing the lot layout. Therefore, these requirements are met.



E. Posted Notice.

1. The applicant shall also provide notice of the meeting by posting one 18 x 24" waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
2. The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.
3. It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.
4. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.

Finding: Two 18 x 24" waterproof signs notifying individuals of the January 29, 2019 neighborhood meeting were posted in easily viewable and readable locations. Specifically, those signs were posted on the site near the southern temporary terminus of NE Buel Drive, and on the northern portion of the site's eastern edge along NE Newby Street (Exhibit 9) not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting. Leonard Johnson has made every effort to ensure that the signs remained posted until the neighborhood meeting. These requirements are satisfied.

F. Meeting Agenda.

1. The overall format of the neighborhood meeting shall be at the discretion of the applicant.
2. At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:
  - a. An opportunity for attendees to view the conceptual site plan;
  - b. A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;
  - c. An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.

Finding: An agenda for the neighborhood meeting was prepared (Exhibit 10) and provided to attendees of the neighborhood meeting that included an opportunity for attendees to view the tentative subdivision plan. The agenda also indicated that a description of the proposal including the major elements of the plan as well as an opportunity for attendees to speak at the meeting and ask questions of Leonard Johnson or his representative(s) and communicate any issues that they believe should be addressed. These requirements have been met.



G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:

1. A copy of the meeting notice mailed to surrounding property owners;
2. A copy of the mailing list used to send the meeting notices;
3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;
4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and
5. Notes of the meeting, which shall include:
  - a. Meeting date;
  - b. Meeting time and location;
  - c. The names and addresses of those attending;
  - d. A summary of oral and written comments received; and
  - e. A summary of any revisions made to the proposal based on comments received at the meeting. (Ord. 5047, §2, 2018, Ord. 5045 §2, 2017).

**Finding:** Evidence of compliance with 17.72.095 (G(1-5(a-e))) above is provided by the Exhibits listed above and those presented at the January 29, 2019 Neighborhood Meeting attached to this proposal (Exhibit 11 – Zone Change Graphic, Exhibit 12 - Tentative Subdivision Plan Handout, Exhibit 13 – Overall Utility Plan Handout, and Exhibit 14 – House Examples). In addition, large versions of Exhibits 10 and 11 mounted to foam core boards were also on display at this meeting. Also provided as evidence of compliance with these requirements are the names and contact information as shared by those attendance at the Neighborhood Meeting (Exhibit 15), and a summary of oral and written comments received at the Neighborhood Meeting; there were no revisions made to the proposed plan based on comments received at the meeting (Exhibit 16). These requirements are satisfied.

#### 17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.





In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**Findings:** The proposed zone change request to amend the zoning designation of the subject site from R-1 (Single-Family Residential) to R-3 (Two-Family Residential) is consistent with the relevant Goals and Policies of Volume II of the McMinnville Comprehensive as described in detail in the Findings provided above.

The development pattern in the area surrounding the subject site includes all base zoning designations available within the Residential Comprehensive Plan designation (R-1, R-2, R-3 and R-4) within approximately 325-feet of the subject site; some of these zoning designations are also amended by existing Planned Development zoning designations. This pattern of adjacent and surrounding zoning designations can be graphically seen in Section II (Site Description) of this application. Given the adjacent and surrounding land uses and zoning pattern, the proposed zone change request is orderly. Also, given the City's current deficit of Residentially Planned land available to meet projected housing needs, and the ability of the site to be served by all requisite utilities and City services, the proposed zone change request is timely. The proposed single-family residential use of the site described by this subdivision request and its companion zone change request will complement the variety of other residential development in the immediate area and within very close proximity to Grandhaven Elementary School. This proposal is also consistent with the existing Comprehensive Plan designation for this site.

Criterion "B" of this review standard does not apply when the proposed request concerns needed housing. Table B-11 of Appendix B of the adopted 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan demonstrates that McMinnville has a deficit of 432 R-3 zoned acres needed to meet future projected housing needs; the year 2020 was the identified planning horizon for this projection. While numerous zone changes have been approved by the City since adoption of that 2001 Plan, there still remains a deficit of R-3 zoned land within the city limits of McMinnville; with that Plan identifying a total net acre residential land deficit of 1,082 acres, all residential zoning designations currently remain in deficit except, perhaps, for the R-1 zoning designation. Approval of this zone change request would reduce the remaining R-3 zoned land deficit by approximately 2.93 acres. Even though this zone change request is exempt from this criterion as identified in 17.74.020 above, this information is yet informative.

**Utility and Service Provision:** This area is well served by existing sanitary and storm sewer systems as well as other public utilities as detailed in the Findings provided above. At the time of development of this site, should these requests be approved, all necessary utilities and improvements will be required to be completed in compliance with existing requirements and as articulated in the forthcoming associated conditions of approval for these requests.

**Street System:** The subject site is located immediately adjacent to NE Newby Street at the site's eastern edge and the temporary southerly terminus of NE Buel Drive at the site's



northern edge. Both of these streets are designated as local residential public streets and are compatible with the proposed dedication of public right-of-way and construction of the continuation of the residential public street network to extend through this site.

These criteria have been satisfied.

## **VI. Conclusion and Approval Request**

The evidence in the record is substantial and supports approval of these requests.

Leonard Johnson respectfully requests that the submitted zone change request and the submitted subdivision request and tentative residential subdivision plan be approved.



**Exhibit 5**

<b>Monika Subdivision</b>		
<b>Lot #</b>	<b>Square Feet</b>	<b>Accounting for Lot 14 access easement</b>
1	6,862	6,862
2	6,860	6,860
3	6,014	6,014
4	4,470	4,470
5	4,467	4,467
6	6,000	6,000
7	6,860	6,860
8	6,860	6,860
9	6,004	6,004
10	6,007	6,007
11	6,007	6,007
12	6,016	6,016
13	6,226	6,226
14	6,813	6,000
15	6,005	6,005
16	6,068	6,068
17	6,114	6,114
<b>Average</b>	<b>6,097</b>	<b>6,049</b>

### Exhibit 3

## WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF of the completed cover form and report may be e-mailed to: **Wetland\_Delineation@dsl.state.or.us**. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

Contact and Authorization Information	
<input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: Leonard Johnson 3375 West Side Road McMinnville, OR 97128	Leonard Johnson 3375 West Side Rd McMinnville, OR 97128  Business phone # Mobile phone # (optional) E-mail: storm.n@comcast.net (Nick Storm for Leonard Johnson)
<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address (if different): Nick Storm (signing for Leonard Johnson)	Business phone # 971-409-4583 Mobile phone # (optional) E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.	
Typed/Printed Name: <u>Case of LJ</u> Signature: <u>[Signature]</u> Date: _____ Special instructions regarding site access: _____	
Project and Site Information	
Project Name: <u>North Newby Street</u> <u>North Newby Street</u>	Latitude: 45.230359 Longitude: -123.185188 decimal degree - centroid of site or start & end points of linear project
Proposed Use: Residential Housing <u>Residential Housing</u>	Tax Map # <u>44000C 4 409DC</u> Tax Lot(s) 1100 Tax Map # Tax Lot(s)
Project Street Address (or other descriptive location): West of N Newby Street, south of Buel Drive, north of Adventure Christian Church	Township 4S Range 4W Section 9DC QGSW1/4, S5
City: McMinnville County: Yamhill	Use separate sheet for additional tax and location information Waterway: _____ River Mile: _____
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Schott & Associates, Inc. Attn: Jodi Reed PO Box 589 Aurora, Oregon 97002	Phone #503-678-6007 Mobile phone # (if applicable) E-mail: Jodi@schottandassociates.com
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.	
Consultant Signature: <u>Jodi Reed</u> Date: _____	
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Study Area size: 2.93 ac Total Wetland Acreage: 0.07	
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> Industrial Land Certification Program Site <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # _____	<input type="checkbox"/> Fee payment submitted \$ _____ <input type="checkbox"/> Fee (\$100) for resubmittal of rejected report <input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # _____ Expiration date _____ <input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code _____
For Office Use Only	
DSL Reviewer: _____ Fee Paid Date: ____/____/____	DSL WD # _____
Date Delineation Received: ____/____/____ Scanned: <input type="checkbox"/> Electronic: <input type="checkbox"/>	DSL App.# _____



**SCHOTT & ASSOCIATES**  
Ecologists & Wetlands Specialists

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21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

**JURISDICTIONAL WETLAND  
DELINEATION  
FOR**

**North Newby Street**

T4S, R4W, SW ¼, SE ¼ Section 9  
Tax Lot 1100  
McMinnville, Yamhill County, Oregon

**Prepared for**

Leonard Johnson  
3375 West Side Road  
McMinnville, OR 97128

**Prepared by**

Jodi Reed  
of  
Schott & Associates, Inc.

**Date:**

August 2018

S&A Project #: 2631

## TABLE OF CONTENTS

(A) LANDSCAPE SETTING AND LAND USE.....	3
(B) SITE ALTERATIONS.....	3
(C) PRECIPITATION DATA AND ANALYSIS .....	3
(D) SITE SPECIFIC METHODS .....	4
(E) DESCRIPTION OF ALL WETLANDS AND OTHER NON-WETLAND WATERS	5
(F) DEVIATION FROM LWI OR NWL.....	6
(G) MAPPING METHOD .....	6
(H) ADDITIONAL INFORMATION.....	6
(I) RESULTS AND CONCLUSIONS.....	6
(J) DISCLAIMER.....	7

## LIST OF TABLES

TABLE 1. PRECIPITATION SUMMARY FOR OCTOBER 1, 2017 TO AUGUST 22 <sup>ND</sup> , 2018 .....	4
--------------------------------------------------------------------------------------------	---

## APPENDICES

APPENDIX A: FIGURES .....	8
FIGURE 1: LOCATION MAP.....	9
FIGURE 2: TAX MAP .....	10
FIGURE 3: NATIONAL WETLAND INVENTORY MAP .....	11
FIGURE 4: USDA/NRCS SOIL SURVEY MAP .....	12
FIGURE 5A: RECENT AERIAL IMAGE – JUNE 22, 2017 .....	13
FIGURE 5B: HISTORICAL AERIAL IMAGE – JULY 29, 2000.....	14
FIGURE 5C: HISTORICAL AERIAL IMAGE – JUNE 27, 1994.....	15
FIGURE 6: WETLAND DELINEATION MAP .....	16
APPENDIX B: DATA FORMS .....	17
APPENDIX C: GROUND LEVEL PHOTOGRAPHS .....	18
APPENDIX E: LITERATURE CITATIONS.....	19

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Page 2

S&A# 2631

### (A) Landscape Setting and Land Use

Schott & Associates was contracted to conduct a wetland delineation on a 2.93-acre parcel located west of North Newby Street and south of the terminus of Buel Drive in McMinnville, Yamhill County, Oregon (T4SN, R4W, Section 9, tax lot 1100) to document existing wetlands and other waters that may be regulated under the Clean Water Act (CWA) by the U.S. Army Corps of Engineers (Corps) and under the Removal-Fill Law by the Oregon Department of State Lands (DSL). This report complies with all standards and requirements set forth in Oregon Administrative Rules (OAR) 141-090-0035 (1-17) for wetland delineation reports and jurisdictional determinations for the purpose of regulating fill and removal within waters of the state. This report will be used to fulfill federal and state regulatory requirements for project permitting.

The study site is bound to the west, north and south by residential housing and to the east by North Newby Street. The southern boundary is adjacent to Adventure Christian Church. The site is zoned R-1 Single Family Residential. Site topography is gently sloped north and south converging toward the middle of the site where a drainage feature extends west to east through the middle of the site. The site has been recently cleared (within the last year) of a forested habitat. Large wood chip piles were present on the site. The ground has been disturbed throughout the entire site outside of the drainage.

The drainage entered the site through a culvert at the west property boundary, flowed to the east and left the site through a culvert under North Newby Street.

### (B) Site Alterations

Aerial photographs from the time period between 1994 and 2017, available from Google Earth, and any existing permits or reports available from DSL were reviewed to assess site history. The earliest available aerial photograph (June 1994; Figure 5c) shows the site as undeveloped and forested. To east, west and south the residential housing developments and church were present. North of the site was orchards. By 2000, the development to the north was being constructed (July 2000, Figure 5b). The 2017 aerial (June, Figure 5a) depicts the site as forested. The site has been cleared of vegetation between 2017 and the 2018 site visit.

### (C) Precipitation Data and Analysis

Precipitation data for the date of fieldwork and the time period preceding it were reviewed to evaluate observed wetland hydrology conditions relative to actual and statistically normal precipitation. Precipitation that deviates from normal ranges can affect site conditions and impact observed wetland hydrology indicators. Precipitation data were acquired from the Natural Resources Conservation Service (NRCS) Agricultural Applied Climate Information System (AgACIS) for the McMinnville Municipal Airport in McMinnville, Oregon to provide context for observed hydrological conditions of the study area at the time of the site visit (AgACIS 2017-2018). Table 1 provides the precipitation data, comparison to the normal water year average, as well as

normal monthly ranges of precipitation representing 70% probability as reported in the NRCS WETS table for the area (NRCS 2002).

Table 1. Precipitation Summary for October 1, 2017 to August 22<sup>nd</sup>, 2018

Field Date	Precipitation (inches)*	WETS Average**	WETS Range**	Percent of Average
August 22, 2018	0.0	N/A	N/A	N/A
Two-Weeks Prior	0.08	N/A	N/A	N/A
Month				
June	0.94	1.20	0.76-1.45	78%
July	0.03	0.20	0.09-0.22	15%
August	0.08	0.39	0.12-0.42	21%
Water Year***	32.72	30.12	N/A	109%

\* Data provided by NRCS AgACIS data from McMinnville Municipal Airport, Oregon 2017-2018

\*\*Data provided by NRCS WETS Station: McMinnville Municipal Airport, Oregon, 1971-2018

\*\*\*Water Year is calculated from October 1, 2017 to the date of fieldwork

Fieldwork took place on August 22<sup>nd</sup>, 2018. Precipitation observed in the month of June was within the WETS normal range, precipitation observed in July was below the WETS normal range, and precipitation observed in August was below the WETS normal range. Precipitation for the water year (October 1, 2017-August 22<sup>nd</sup>, 2018) was observed at 109% of normal (32.72 inches).

#### (D) Site Specific Methods

Prior to visiting the site, the following existing data and information were reviewed:

- ORMAP online tax maps (<http://www.ormap.net/>; Figure 2)
- U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI; Figure 3)
- U.S. Department of Agriculture (USDA) NRCS gridded Soil Survey Geographic (gSSURGO) database for Yamhill County (Figure 4)
- Recent and historical aerial photographs provided by Google Earth (Figures 5a-5c)
- Department of State Lands (DSL) for previous information; none was found

Two soil series were mapped within the study site boundary according to the USDA NRCS: Amity silt loam of 0 to 3 percent slopes extending east/west through the middle 'swale' of the property and Woodburn silt loam of 0 to 3 percent slopes to the north and south. Neither soil is considered a hydric soil, however both may have hydric Dayton soil inclusions.



Schott and Associates visited the site on August 22<sup>nd</sup>, 2018 and walked the study site to assess for the presence or absence of onsite wetlands and waters. Formal delineation data were collected according to methods described in the *1987 Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)* to determine boundaries of wetlands subject to state and federal jurisdiction. Onsite streams or ditches were delineated via the ordinary high-water mark (OHWM) as indicated by top of bank, wrack or scour lines, change in vegetation communities, or gage elevation where applicable.

Two sample plots were established within the study site to assess for wetland conditions associated with the onsite drainage. For each sample plot, data on vegetation, hydrology, and soils was collected, recorded in the field, and later transferred to data forms (Appendix B). Plant indicator status was determined using the 2016 National Wetland Plant List (Lichvar et al. 2016). All identified wetlands are classified according to the USFWS *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin et al. 1979) and the *Guidebook for Hydrogeomorphic (HGM)-based Assessment of Oregon Wetland and Riparian Sites* (DSL 2001).

Representative ground level photographs were taken to document site conditions (Appendix C).

#### (E) Description of All Wetlands and Other Non-Wetland Waters

Based on vegetation, soils and hydrology no wetlands were identified within the study site. One 0.07 ac (3,099.38 sf) perennial drainage was present with hydrology flowing from the west to the east. Drainage, data plot and photo point locations are shown on Figure 6.

The 0.07 ac onsite drainage entered the site at the western study area boundary through a culvert. Hydrology within the drainage flowed from the west to the east. The hydrology was approximately 1 to 2 inches deep. At the eastern site boundary a culvert extended under North Newby Street. The drainage was well defined with vertical embankments. The bottom of the drainage was approximately 5 to 6 feet lower in elevation than the surrounding topography. The drainage width varied between 5 to 10 feet wide. The bottom of the ditch was generally not vegetated. Himalayan blackberry (*Rubus armeniacus*, FAC) was present on the slopes and adjacent to the drainage with small areas of reed canary grass (*Phalaris arundinacea*, FACW).

Two sample plots were placed within the study site. Topography was generally a wide broad swale, with lower topography associated with the drainage. Slopes extended uphill to the north and south. Sample Plot 1 was placed to the south of the drainage in a low lying area. The site had been cleared of vegetation within the last year. Vegetation was sparse due to site activity. The emerging vegetation documented included Himalayan blackberry, English hawthorn (*Crataegus monogyna*, FAC) saplings, curly dock (*Rumex crispus*, FAC) and California dewberry (*Rubus ursinus*, FACU).

Soil surface layers were very dark grayish brown (10 YR 3/2) loam with faint redoximorphic concentrations occurring as soft masses within the matrix starting at 5 inches. The soil texture was a clay loam beginning at 10 inches in the pit. Soils did not meet hydric soil indicators and no hydrology indicators were identified.

Sample Plot 2 was placed north of the drainage. No vegetation was present as the area had recently been disturbed by heavy equipment. Soils did not meet hydric soil criteria; no redoximorphic features were present within the matrix. No wetland hydrology indicators were met. The adjacent drainage bottom was approximately 5 to 6 feet lower in elevation.

#### (F) Deviation from LWI or NWI

The National Wetland Inventory (NWI) identifies the onsite drainage as a riverine, intermittent, streambed, seasonally flooded (R4SBC) feature. The NWI boundary appears to be placed a little further south than the onsite conditions shown in Figure 6. The NWI indicates that the drainage extends both to the east and northeast toward the North Yamhill River. Onsite observations found that it was culverted at North Newby Street.

The City of McMinnville Zoning Map identifies the drainage as a tributary to the North Yamhill River. The City of McMinnville Storm Sewer Network Map identifies the tributary extending to the North Yamhill River. This map also indicates that the drainage extends from the west as a stormwater outfall and exits the site to the east through a storm water inlet. No LWI for the City of McMinnville was available.

#### (G) Mapping Method

The mapped areas were based on soils, vegetation, and hydrology data gathered in the field by Schott & Associates. The drainage was mapped based on top of bank, as the embankments were nearly vertical. The drainage boundary and sample plots were recorded with a handheld Trimble GPS unit capable of sub-meter accuracy following differential correction with Pathfinder Office desktop software. These data were converted to ESRI shapefile and mapped using ArcMap 10.6 desktop software.

#### (H) Additional Information

None.

#### (I) Results and Conclusions

Based on vegetation, soils and hydrology data, one drainage totaling 0.07 ac was identified within the site boundaries. The drainage day lighted on site from the western boundary and extended to the east where it entered a culvert under North Newby Street. The site was historically forested and had recently been cleared of vegetation. Neither hydric soils nor hydrology indicators were found at the plots documenting the area.

The NWI does indicate a riverine feature extending through the middle of the site. Schott & Associates agreed with this and mapped the feature based on site conditions.

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Page 6

S&A# 2631

(J) Disclaimer

This report documents the investigation, best professional judgment, and conclusions of the investigators. It is correct and complete to the best of our knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State lands in accordance with OAR 141-090-0005 through 141-090-0055.

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Page 7

S&A# 2631

APPENDIX A: FIGURES

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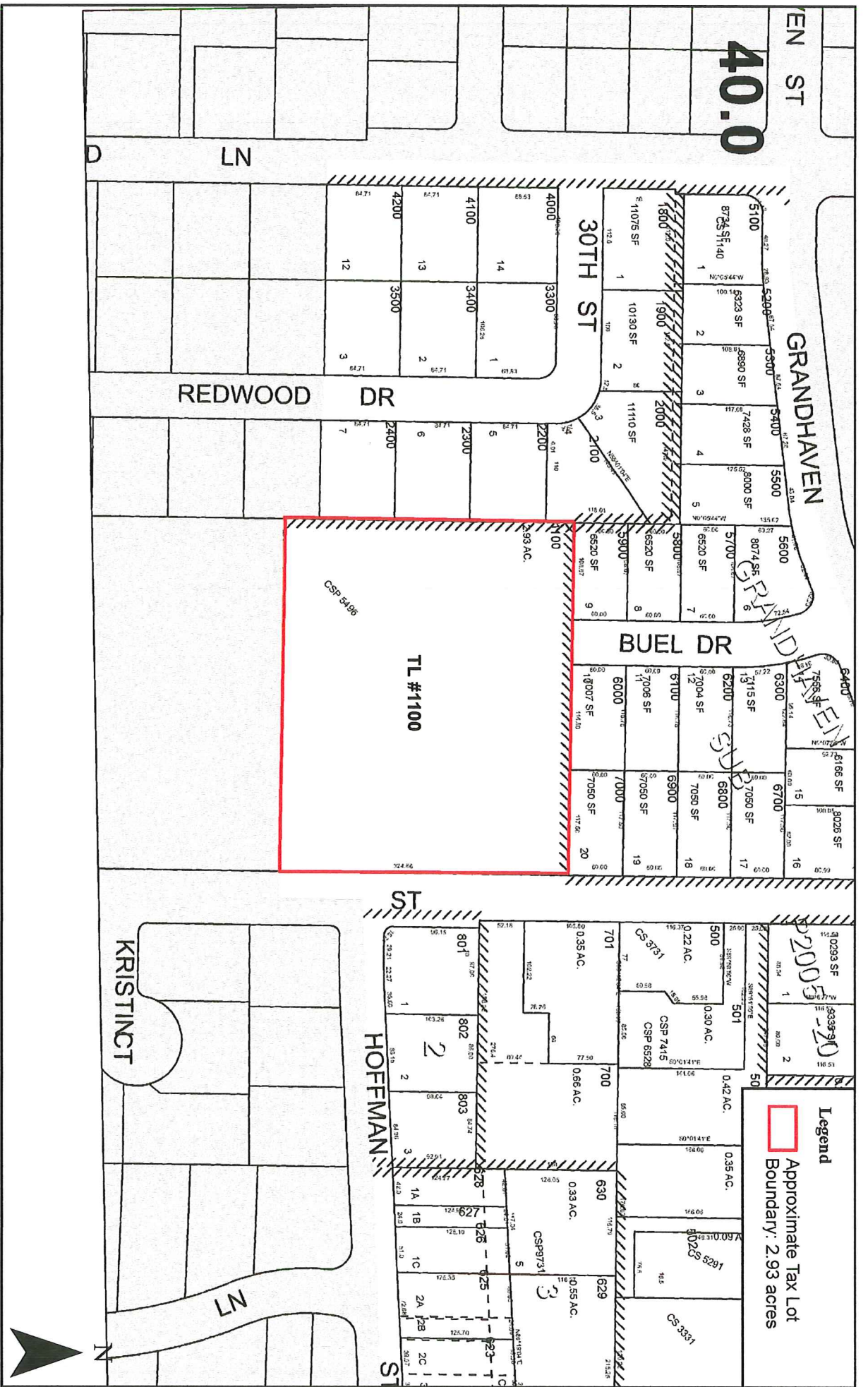
Page 8

S&A# 2631

**FIGURE 1: LOCATION MAP**



FIGURE 2: TAX MAP



Date: 8/27/2018

1 inch = 150 feet

Data Source: Yamhill County GIS Dept., 2018;

ORMAP, 2018 (www.ormap.net)

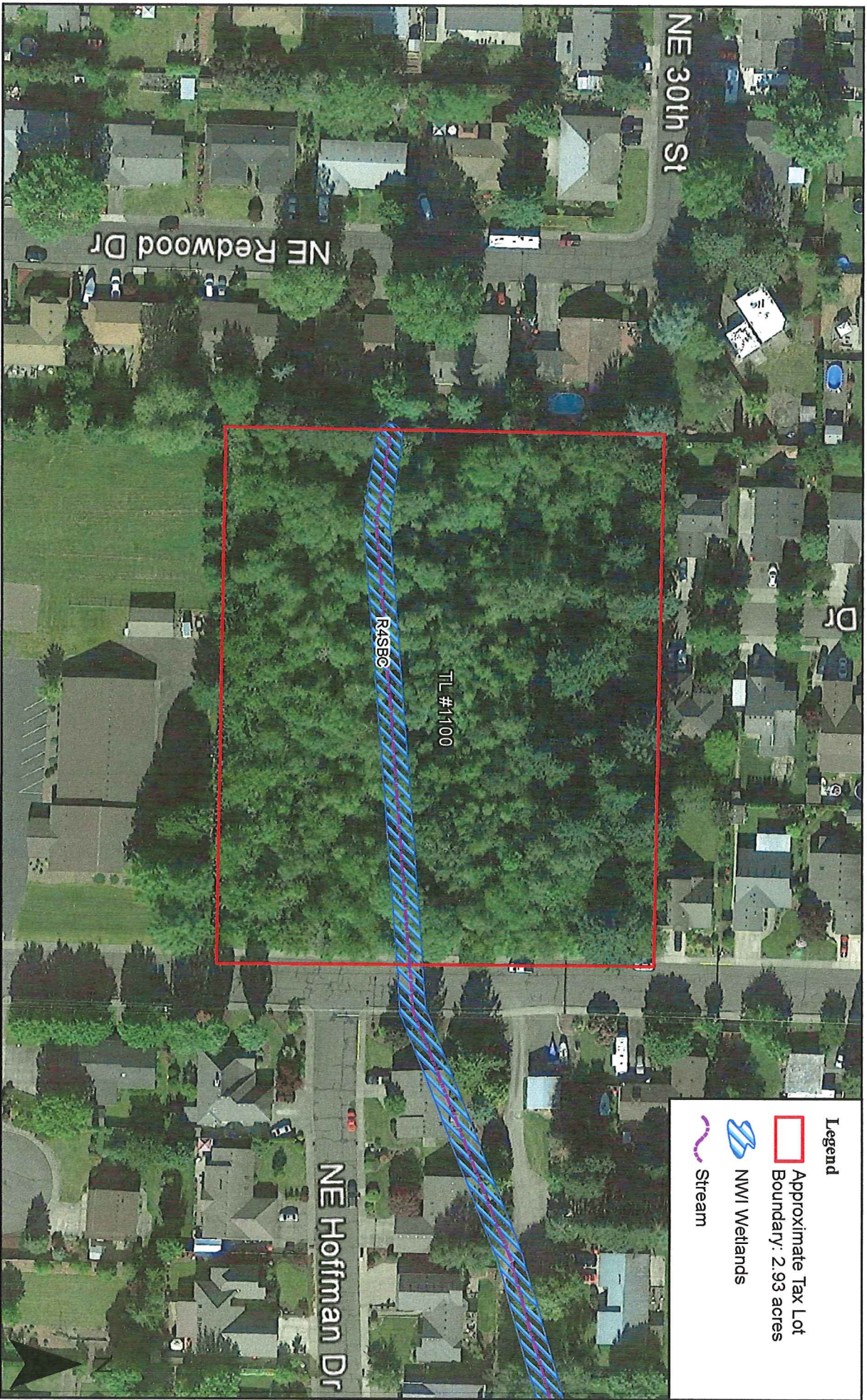
Figure 2. Yamhill County Tax Map: 040409DC

North Newby Street Project Site: S&A #2631





FIGURE 3: NATIONAL WETLAND INVENTORY MAP



Date: 8/27/2018

1 inch = 100 feet

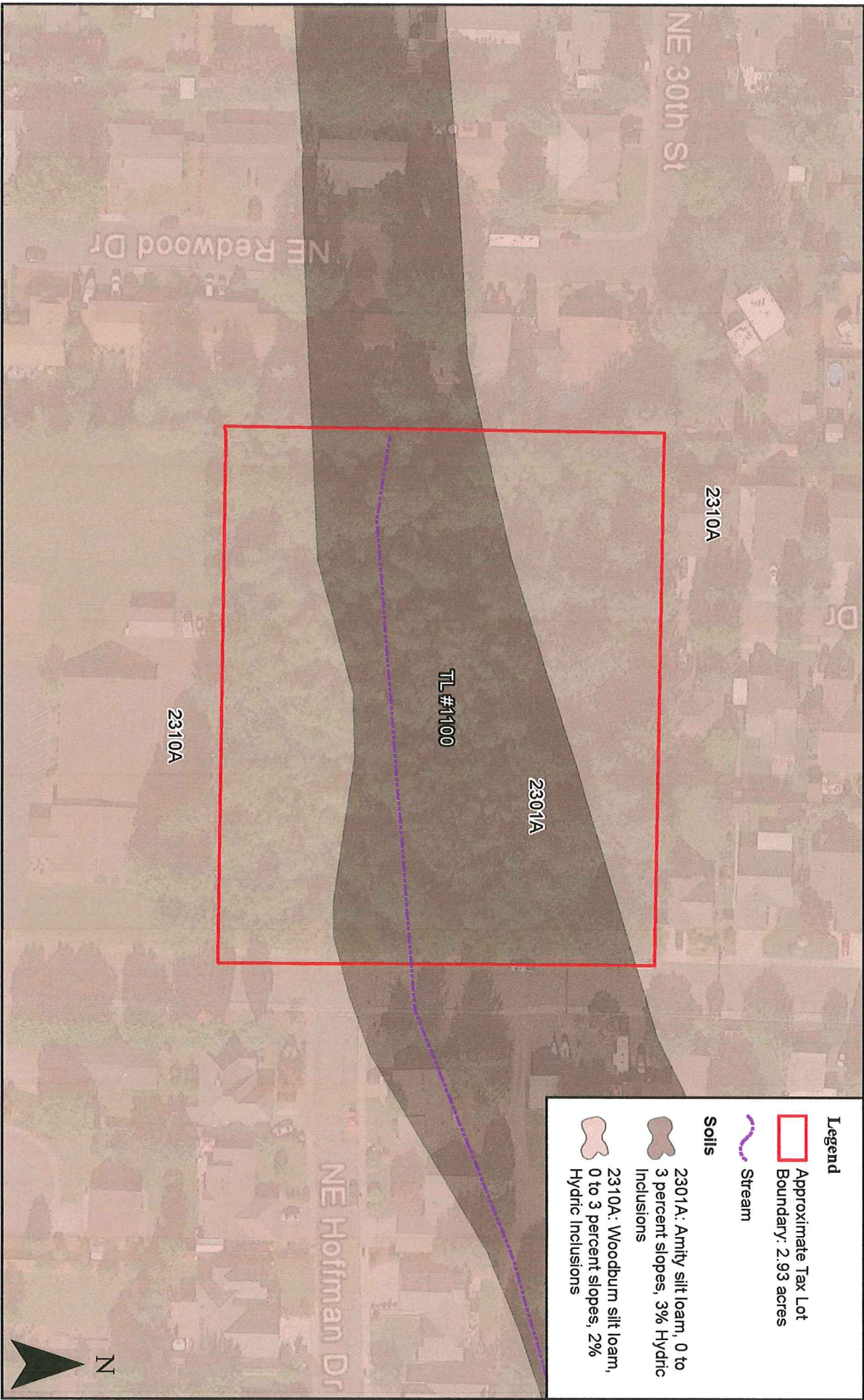
Data Source: Yamhill County GIS Dept., 2018;

Google Earth, 2018; USFWS, NWI, 2018

Figure 3. National Wetlands Inventory Map

North Newby Street Project Site: S&A #2631

FIGURE 4: USDA/NRCS SOIL SURVEY MAP



Date: 8/27/2018  
 1 inch = 100 feet  
 Data Source: Yamhill County GIS Dept., 2018; Google Earth, 2018; Soil Survey Staff, USDA, NRCS, 8/27/2018

Figure 4. USDA/NRCS Soil Survey Map

North Newby Street Project Site: S&A #2631

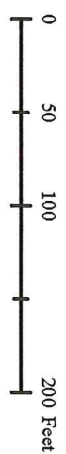
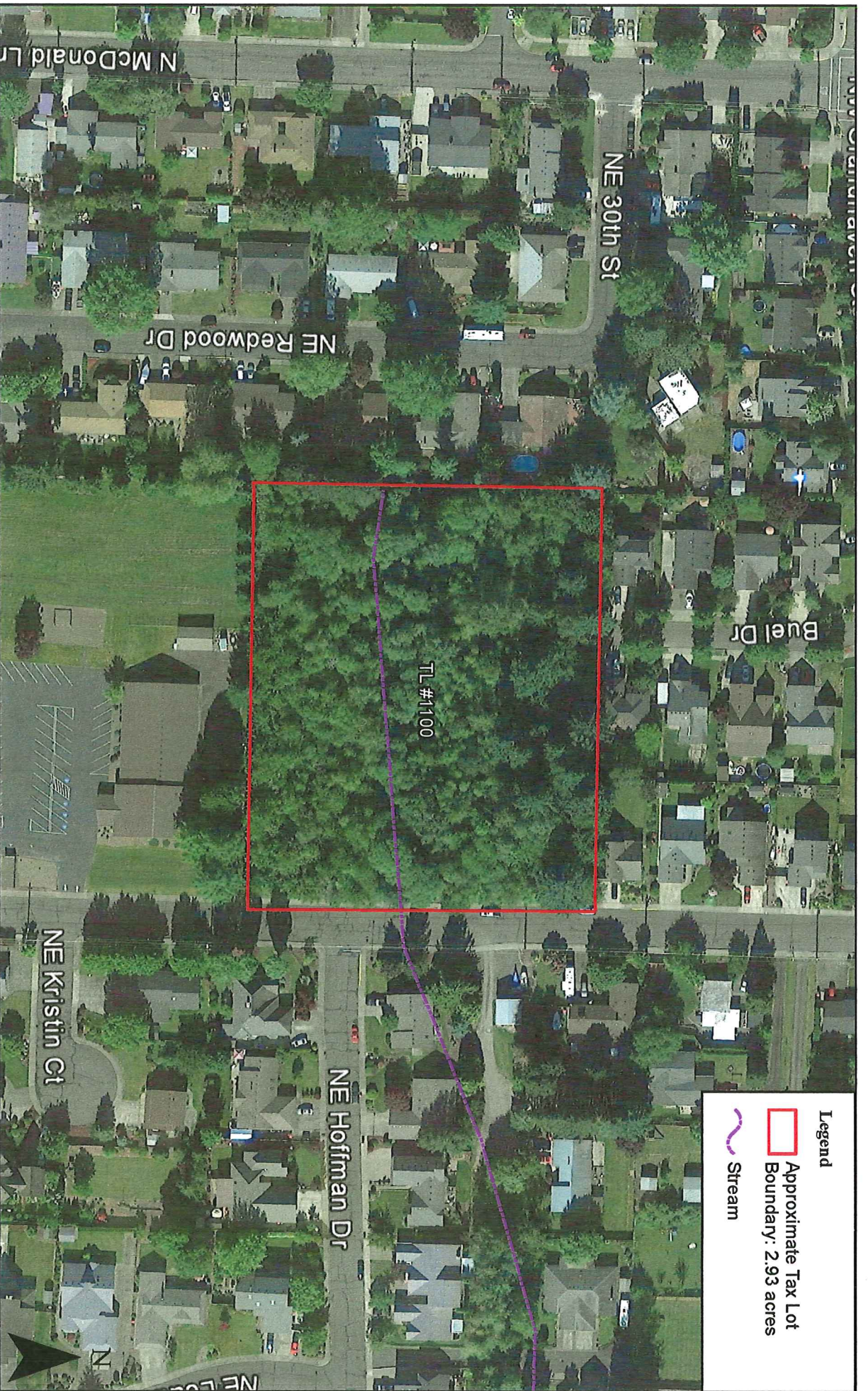


FIGURE 5A: RECENT AERIAL IMAGE – JUNE 22, 2017



Date: 8/27/2018

1 inch = 125 feet

Data Source: Yamhill County GIS Dept., 2018;  
 Google Earth, 2018

Figure 5a. Recent Aerial Image: June 22, 2017

North Newby Street Project Site: S&A #2631

FIGURE 5B: HISTORICAL AERIAL IMAGE – JULY 29, 2000



Date: 8/27/2018

1 inch = 125 feet

Data Source: Yamhill County GIS Dept., 2018;  
 Google Earth, 2018

Figure 5b. Historical Aerial Image: July 29, 2000

North Newby Street Project Site: S&A #2631



FIGURE 5C: HISTORICAL AERIAL IMAGE – JUNE 27, 1994



Date: 8/27/2018

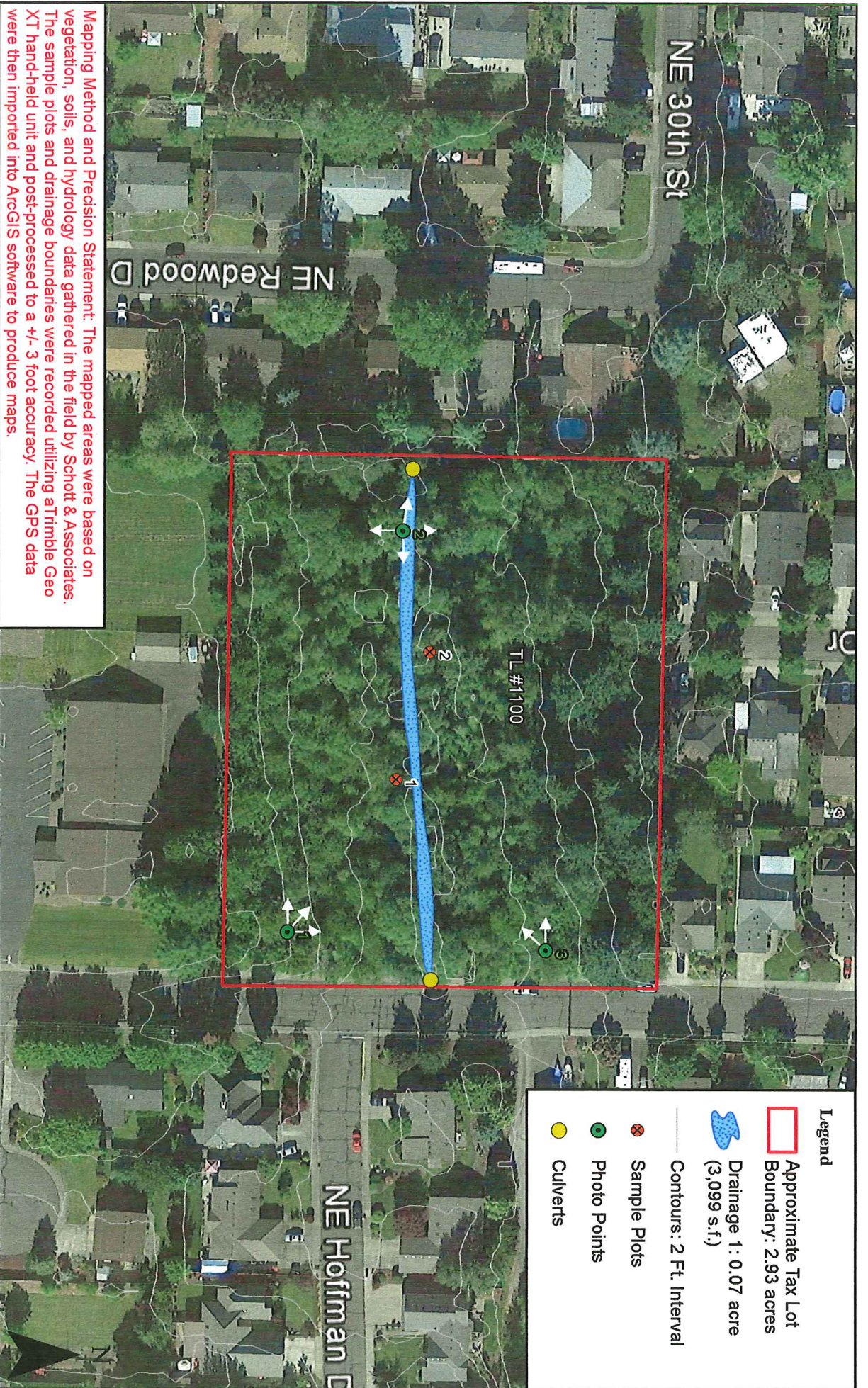
1 inch = 125 feet

Data Source: Yamhill County GIS Dept., 2018;  
 Google Earth, 2018

Figure 5c. Historical Aerial Image: June 27, 1994

North Newby Street Project Site: S&A #2631

**FIGURE 6: WETLAND DELINEATION MAP**



Date: 8/27/2018

1 inch = 100 feet

Data Source: Yamhill County GIS Dept., 2018;  
USGS, National Elevation Data, 2010

Figure 6. Wetland Delineation Map

North Newby Street Project Site: S&A #2631



APPENDIX B: DATA FORMS

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*Page 17*

*S&A# 2631*

**WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region**

Project/Site: N Newby Street City/County: McMinnville/Yamhill Sampling Date: 8/22/2018  
 Applicant/Owner: Leonard Johnson State: OR Sampling Point: 1  
 Investigator(s): JRR Section, Township, Range: Section 9, T4S, R4W  
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): Concave Slope (%): 0-5  
 Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 45.23030816 Long: -123.184883 Datum: WGS 84  
 Soil Map Unit Name: Amity Silt Loam (0-3 percent slopes) NWI Classification: None  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks)  
 Are Vegetation X, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" Present? Yes \_\_\_\_\_ No X  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <u>X</u> No _____ Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Remarks: Area was forested and has been recently cleared (within the last ~year). Vegetation was sparse due to clearing activity. Documented re-emerging cover. Plot is near drainage in a low area. Bottom of adjacent drainage is approximately 5 to 6 feet lower in elevation.	

**VEGETATION**

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?	Dominance Test worksheet:
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>75%</u> (A/B)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
Total Cover: <u>0</u>				<b>Prevalence Index Worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species _____ x1 = _____ FACW species _____ x2 = _____ FAC species _____ x3 = _____ FACU species _____ x4 = _____ UPL species _____ x5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
<b>Shrub Stratum</b>				
1. <u>Rubus armeniacus</u>	<u>20</u>	<u>Y</u>	<u>FAC</u>	
2. <u>Crataegus monogyna</u>	<u>2</u>		<u>FAC</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
Total Cover: <u>22</u>				
<b>Herb Stratum</b>				
1. <u>Rumex crispus</u>	<u>10</u>	<u>Y</u>	<u>FAC</u>	
2. <u>Phalaris arundinacea</u>	<u>5</u>	<u>Y</u>	<u>FACW</u>	
3. <u>Cirsium vulgare</u>	<u>3</u>		<u>FACU</u>	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
Total Cover: <u>18</u>				
<b>Woody Vine Stratum</b>				
1. <u>Rubus ursinus</u>	<u>10</u>	<u>Y</u>	<u>FACU</u>	
2. _____	_____	_____	_____	
Total Cover: <u>10</u>				
% Bare Ground in Herb Stratum <u>50</u> % Cover of Biotic Crust <u>0</u>				
<b>Hydrophytic Vegetation Indicators:</b> _____ 1 - Rapid Test for Hydrophytic Vegetation <u>X</u> 2 - Dominance Test is >50% _____ 3 - Prevalence Index is ≤3.0 <sup>1</sup> _____ 4 - Morphological Adaptation <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) _____ 5 - Wetland Non-Vascular Plants <sup>1</sup> _____ Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)				
<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No _____				

Remarks: Predominantly bare ground. Reed canary grass was adjacent to the drainage.

**SOIL**

Sampling Point: \_\_\_\_\_ 1

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-5	10YR 3/2	100					L	
5-10	10YR 3/2	98	10YR 3/3	2	C	M	L	
10-16	10YR 3/2	98	10YR 3/3	2	C	M	CL	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

<b>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</b>		<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Muck Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<b>Restrictive Layer (if present):</b> Type: _____ Depth (inches): _____	<b>Hydric Soil Present?</b> Yes _____ No <u>X</u>
--------------------------------------------------------------------------------	---------------------------------------------------

Remarks:

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b>		
<b>Primary Indicators (any one indicator is sufficient)</b>		<b>Secondary Indicators (2 or more required)</b>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

<b>Field Observations:</b>	
Surface Water Present?    Yes _____ No <u>X</u> Depth (inches): _____	<b>Wetland Hydrology Present?</b> Yes _____ No <u>X</u>
Water table Present?      Yes _____ No <u>X</u> Depth (inches): _____	
Saturation Present?      Yes _____ No <u>X</u> Depth (inches): _____ (includes capillary fringe)	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: No hydrology indicators present. Bottom of adjacent drainage ditch is approximately 5 to 6 feet lower in elevation.

**WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region**

Project/Site: N Newby Street City/County: McMinnville/Yamhill Sampling Date: 8/22/2018  
 Applicant/Owner: Leonard Johnson State: OR Sampling Point: 2  
 Investigator(s): JRR Section, Township, Range: Section 9, T4S, R4W  
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): Concave Slope (%): 0-5  
 Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 45.23036999 Long: -123.1852619 Datum: WGS 84  
 Soil Map Unit Name: Amity Silt Loam (0-3 percent slopes) NWI Classification: None  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks)  
 Are Vegetation X, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" Present? Yes \_\_\_\_\_ No X  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes _____ No <u>X</u> Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Remarks: Area was forested and has been recently cleared (within the last ~year). No vegetation present, area was recently scraped. Plot is near drainage in a low area. Bottom of adjacent drainage is approximately 5 to 6 feet lower in elevation.	

**VEGETATION**

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?	Dominance Test worksheet:
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A) Total Number of Dominant Species Across All Strata: <u>0</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0%</u> (A/B)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
Total Cover: <u>0</u>				<b>Prevalence Index Worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species _____ x1 = _____ FACW species _____ x2 = _____ FAC species _____ x3 = _____ FACU species _____ x4 = _____ UPL species _____ x5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
<b>Shrub Stratum</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	<b>Hydrophytic Vegetation Indicators:</b> _____ 1 - Rapid Test for Hydrophytic Vegetation _____ 2 - Dominance Test is >50% _____ 3 - Prevalence Index is ≤3.0 <sup>1</sup> _____ 4 - Morphological Adaptation <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) _____ 5 - Wetland Non-Vascular Plants <sup>1</sup> _____ Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
Total Cover: <u>0</u>				
<b>Herb Stratum</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
Total Cover: <u>0</u>				
<b>Woody Vine Stratum</b>				
1. <u>Rubus ursinus</u>	_____	Y	FACU	<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2. _____	_____	_____	_____	
Total Cover: <u>0</u>				<b>Hydrophytic Vegetation Present?</b> Yes _____ No <u>X</u>
% Bare Ground in Herb Stratum <u>100</u> % Cover of Biotic Crust <u>0</u>				
Remarks:				



**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-6	10YR 3/2	100					Si	
6-16	10YR 2/2	100					SiL	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

<b>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</b>		<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>	
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)	
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Other (Explain in Remarks)	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)		
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)		
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)		
<input type="checkbox"/> Sandy Muck Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)		
<input type="checkbox"/> Sandy gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)		

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<b>Restrictive Layer (if present):</b> Type: _____ Depth (inches): _____	<b>Hydric Soil Present?</b> Yes _____ No <input checked="" type="checkbox"/>
Remarks:	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b>		
<u>Primary Indicators (any one indicator is sufficient)</u>		<u>Secondary Indicators (2 or more required)</u>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

<b>Field Observations:</b>	
Surface Water Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____	<b>Wetland Hydrology Present?</b> Yes _____ No <input checked="" type="checkbox"/>
Water table Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____	
Saturation Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ (includes capillary fringe)	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: No hydrology indicators present. Bottom of adjacent drainage ditch is approximately 5 to 6 feet lower in elevation.

APPENDIX C: GROUND LEVEL PHOTOGRAPHS

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Schott & Associates

Ecologists and Wetland Specialists

PO Box 589, Aurora, OR. 97002 • (503) 678-6007 • Fax (503) 678-6011

*Page 18*

*S&A# 2631*



Photo Point 1. Facing north.



Photo Point 1. Facing northwest.

APPENDIX C. GROUND LEVEL PHOTOGRAPHS  
North Newby Street  
S&A#2631

Schott & Associates  
P.O. Box 589  
Aurora, OR. 97002  
503.678.6007



Photo Point 1. Facing west.



Photo Point 2. At western extent of drainage. Facing east.

APPENDIX C. GROUND LEVEL PHOTOGRAPHS  
North Newby Street  
S&A#2631

Schott & Associates  
P.O. Box 589  
Aurora, OR. 97002  
503.678.6007



Photo Point 2. Facing north.



Photo Point 2. At western extent of drainage, Facing west.

APPENDIX C. GROUND LEVEL PHOTOGRAPHS  
North Newby Street  
S&A#2631

Schott & Associates  
P.O. Box 589  
Aurora, OR. 97002  
503.678.6007



Photo Point 2. Facing south.



Photo Point 3. Facing west.

APPENDIX C. GROUND LEVEL PHOTOGRAPHS  
North Newby Street  
S&A#2631

Schott & Associates  
P.O. Box 589  
Aurora, OR. 97002  
503.678.6007



Photo Point 3. Facing southwest.

## APPENDIX D: LITERATURE CITATIONS

- Environmental Laboratory, 1987. *Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1, U.S. Army Engineers Waterways Experiment Station, Vicksburg, MS.
- Environmental Laboratory, 2008 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)*, Wetlands Regulatory Assistance Program ERDC/EL TR-10-3 U.S. Army Engineer Research and Development Center. Vicksburg, MS.
- Federal Interagency Committee for Wetland Delineation, 1989. *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S.D.A. Soil Conservation Service, Washington, D.C. Cooperative technical publication. 138 pp.
- Federal Register, 1980. 40 CFR Part 230: Section 404(b)(1), *Guidelines for Specification of Disposal Sites of Dredged or Fill Material*, Vol. 45, No. 249, pp. 85352-85353, U.S. Govt. Printing Office, Washington, D.C.
- Federal Register, 1982. Title 33, *Navigation and Navigable Waters; Chapter II, Regulatory Programs of the Corps of Engineers*. Vol. 47, No. 138, p. 31810, U.S. Govt. Printing Office, Washington, D.C.
- Federal Register, 1986. 33 CFR Parts 320 through 330, *Regulatory Programs of the Corps of Engineers; Final Rule*, Vol. 51, No. 219 pp. 41206-41259, U.S. Govt. Printing Office, Washington, D.C.
- Kollmorgen Corporation, 1975. *Munsell Soil Color Charts*. Macbeth Division of Kollmorgen Corporation, Baltimore, MD.
- Lichvar, R.W., D.L Banks, W.N. Kirchner, and N.C. Melvin. 2016. *The National Wetland Plant List: 2016 Wetland Ratings*. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN2153 733X.
- Natural Resource Conservation Service Water Agricultural Applied Climate Information Center: Portland International Airport. 1981-2010. U.S. Department of Agriculture. Available: <http://agacis.rcc-acis.org>
- Oregon Department of State Lands. 2012. A Guide to the Removal-Fill Permit Process. Salem, OR. April 2012.
- Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>. Accessed [8/22/2018]





Oregon

Kate Brown, Governor

February 15, 2019

Leonard Johnson  
c/o Nick Storm  
3375 West Side Road  
McMinnville, OR 97128

Re: WD #2018-0644 Wetland Delineation Report for North Newby  
Street, Yamhill County; T 4N R 4W S 9DC TL 1100;

Dear Mr. Johnson:

The Department of State Lands has reviewed the wetland delineation report prepared by Schott & Associates, Inc. for the site referenced above. Based upon the information presented in the report, we concur with the waterway boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area one water (Drainage 1) was identified. Drainage 1 is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will determine jurisdiction for purposes of the Clean Water Act. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

State Land Board

Kate Brown

Governor

Dennis Richardson

Secretary of State

Tobias Read

State Treasurer

Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. Please phone me at 503-986-5271 if you have any questions.

Sincerely,



Daniel Evans, PWS  
Jurisdiction Coordinator

Approved by



Peter Ryan, PWS  
Aquatic Resource Specialist

Enclosures

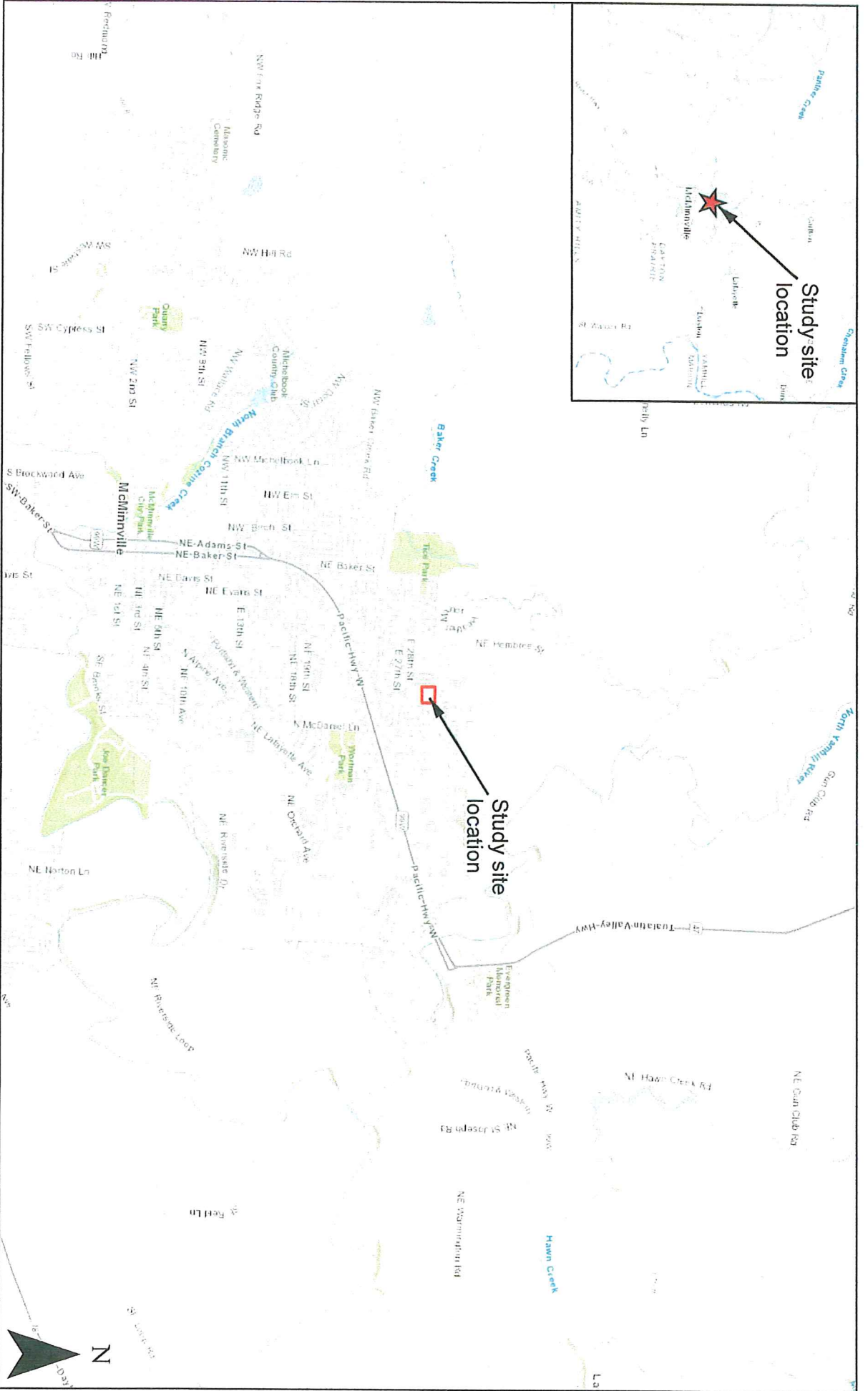
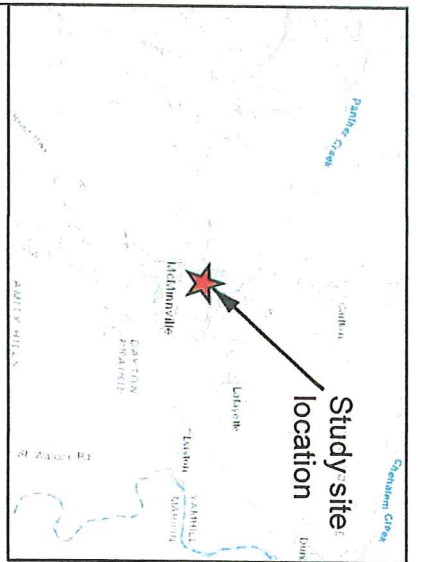
ec: Jodi Reed, Schott & Associates, Inc.  
City of McMinnville Planning Department  
Kinsey Friesen, Corps of Engineers  
Mike DeBlasi, DSL

**WETLAND DELINEATION / DETERMINATION REPORT COVER FORM**

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF of the completed cover form and report may be e-mailed to: **Wetland\_Delineation@dsl.state.or.us**. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

Contact and Authorization Information	
<input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: Leonard Johnson      Leonard Johnson 3375 West Side Road      3375 West Side Rd McMinnville, OR 97128      McMinnville, OR 97128	Business phone # Mobile phone # (optional) E-mail: storm.n@comcast.net (Nick Storm for Leonard Johnson)
<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address (if different): Nick Storm (signing for Leonard Johnson)	Business phone # 971-409-4583 Mobile phone # (optional) E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.	
Typed/Printed Name: <u>Samuel Johnson</u> Signature: <u>[Signature]</u> Date: _____      Special instructions regarding site access: _____	
Project and Site Information	
Project Name: <u>North Newby Street</u> <u>North Newby Street</u>	Latitude: 45.230359      Longitude: -123.185188 decimal degree - centroid of site or start & end points of linear project
Proposed Use: <u>Residential Housing</u> <u>Residential Housing</u>	Tax Map # <u>44400DC 4 4 091C</u> Tax Lot(s) 1100 Tax Map # _____ Tax Lot(s) _____
Project Street Address (or other descriptive location): West of N Newby Street, south of Buel Drive, north of Adventure Christian Church	Township 4S      Range 4W      Section 9DC      QQSW 1/4, SE
City: McMinnville      County: Yamhill	Use separate sheet for additional tax and location information Waterway: _____      River Mile: _____
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Schott & Associates, Inc. Attn: Jodi Reed PO Box 589 Aurora, Oregon 97002	Phone #503-678-6007 Mobile phone # (if applicable) E-mail: Jodi@schottandassociates.com
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.	
Consultant Signature: <u>Jodi Reed</u>	Date: _____
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      Study Area size: 2.93 ac      Total Wetland Acreage: <u>0.0</u> Waters: <u>0.07</u>	
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> Industrial Land Certification Program Site <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # _____	<input type="checkbox"/> Fee payment submitted \$ _____ <input type="checkbox"/> Fee (\$100) for resubmittal of rejected report <input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # _____      Expiration date _____ <input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code _____
For Office Use Only	
DSL Reviewer: <u>DE</u> Fee Paid Date: <u>11 / 28 / 18</u>	DSL WD # <u>2018-0644</u>
Date Delineation Received: <u>11 / 21 / 18</u> Scanned: <input type="checkbox"/> Electronic: <input checked="" type="checkbox"/>	DSL App.# _____

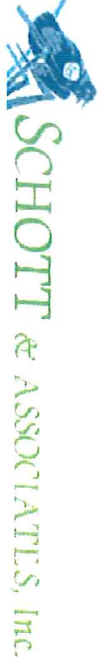


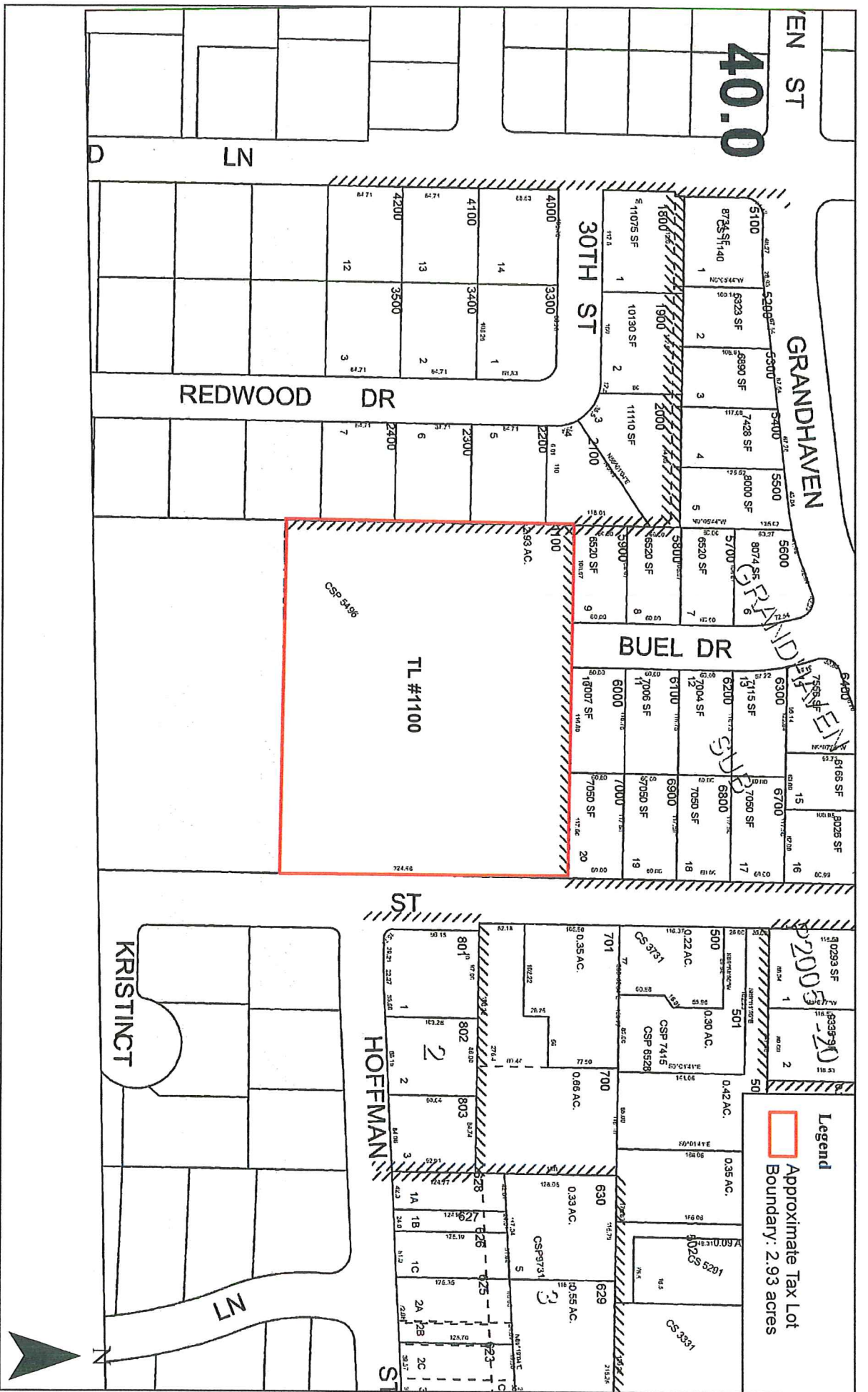
Date: 8/27/2018

Data Source: ESRI, 2018;  
Yamhill County GIS Dept., 2018

Figure 1. Location Map

North Newby Street Avenue Project Site: S&A #2631





Date: 8/27/2018

1 inch = 150 feet

Data Source: Yamhill County GIS Dept., 2018;

ORMAP, 2018 (www.ormap.net)

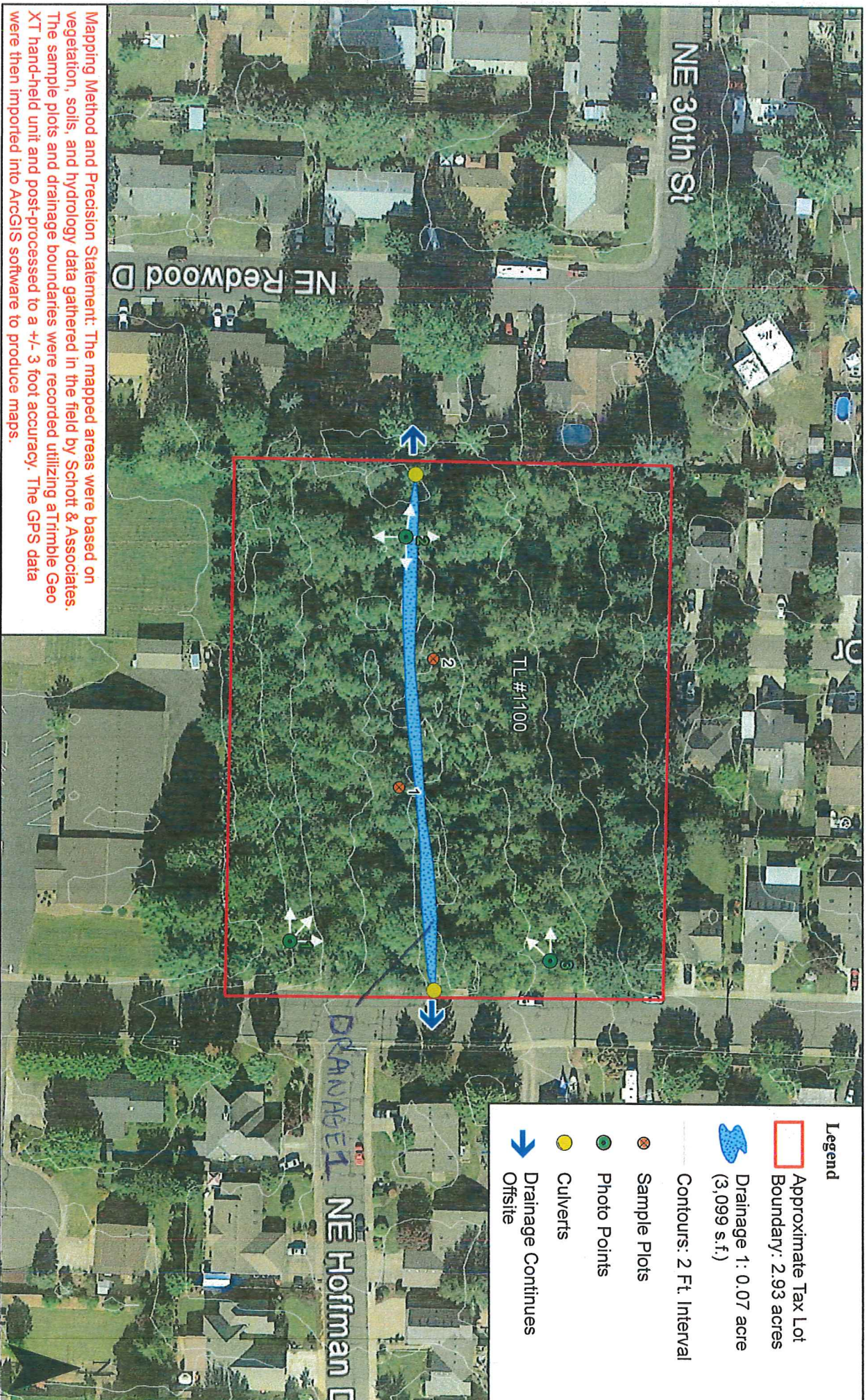
Figure 2. Yamhill County Tax Map: 040409DC

North Newby Street Project Site: S&A #2631



SCHOTT & ASSOCIATES, Inc.





**Mapping Method and Precision Statement:** The mapped areas were based on vegetation, soils, and hydrology data gathered in the field by Schott & Associates. The sample plots and drainage boundaries were recorded utilizing a Trimble Geo XT hand-held unit and post-processed to a +/- 3 foot accuracy. The GPS data were then imported into ArcGIS software to produce maps.

- Legend**
- Approximate Tax Lot Boundary: 2.93 acres
  - Drainage 1: 0.07 acre (3,099 s.f.)
  - Contours: 2 Ft. Interval
  - ⊗ Sample Plots
  - ⊗ Photo Points
  - Culverts
  - ➔ Drainage Continues Offsite

Date: 2/18/2019

1 inch = 100 feet

Data Source: Yamhill County GIS Dept., 2018;  
USGS, National Elevation Data, 2010

DSL WD # 2018-0644

Approval Issued 2-15-19

Approval Expires 2-15-24

Figure 6. Wetland Delineation Map

North Newby Street Project Site: S&A #2631



*First American*

*First American Title Insurance Company*

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

**PUBLIC RECORD REPORT  
Supplemental  
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Leonard Johnson

Phone:

Fax:

Date Prepared : May 06, 2019  
Effective Date : 8:00 A.M on May 02, 2019  
Order No. : 1039-3193941  
Reference :

The information contained in this report is furnished by First American Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

**REPORT**

- A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

**EXHIBIT "A"**  
**(Land Description Map Tax and Account)**

Being a part of the James T. Hembree and wife Donation Land Claim, Notification No. 1215, Claim No. 46, in Sections 9 and 16, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, which said part is more particularly described as follows, to-wit:

BEGINNING at a point 467.82 feet South 00°44' West and 1,653.56 feet East of the Northeast corner of the John G. Baker Donation Land Claim No. 49 in said Township and Range, said point being also the Northeast corner of the ten acre tract of land conveyed by Delia M. Stout and M. Alice Burdett and husband to G. W. Mead, by Deed recorded in Book 110, Page 230, Deed Records of Yamhill County, Oregon; thence North from this point, 108.23 feet to the true point of beginning; thence West, 402.50 feet; thence North, 324.66 feet; thence East 402.50 feet to the West line of the County Road, now there; thence South 324.66 feet to the place of beginning.

SAVE AND EXCEPT that portion conveyed to the City of McMinnville, a municipal corporation of the State of Oregon in Street Deed recorded September 14, 1990 in Film Volume 247, Page 1332, Deed and Mortgage Records.

Map No.: R4409DC-1100  
Tax Account No.: 4409DC-1100



**EXHIBIT "B"**  
**(Vesting)**

Leonard Johnson



## DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
  - (a) "Customer": The person or persons named or shown as the addressee of this report.
  - (b) "Effective Date": The effective date stated in this report.
  - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
  - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
  
2. **Liability of the Company.**
  - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
  - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
  - (c) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
  - (d) In any event, the Company assumes no liability for loss or damage by reason of 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.
    - (2) Any 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, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
    - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
    - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
    - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
    - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
  
3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
  
4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

**Exhibit 6**

**NEIGHBORHOOD  
FOR THE  
MONIKA**

**MEETING  
PROPOSED  
RESIDENTIAL  
SUBDIVISION**

**DATE:** January 29, 2019

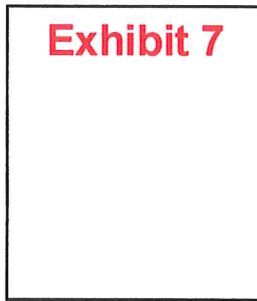
**TIME:** 6:00 PM

**LOCATION:** Adventure Christian Church

2831 NE Newby Street, McMinnville OR

**THIS MEETING IS OPEN TO THE PUBLIC AND  
INTERESTED PERSONS ARE INVITED TO ATTEND**

NEIGHBORHOOD  
for the Monika  
  
PROPERTY  
INFORMATION



MEETING  
residential subdivision  
  
DEVELOPMENT

DATE: January 29, 2019  
TIME: 6:00 P.M.  
LOCATION: Adventure Christian Church  
Fellowship Hall  
2831 NE Newby Street  
McMinnville, OR

This Neighborhood Meeting is an opportunity for neighbors in the surrounding area to see and hear what residential development is going to be proposed to the Planning Commission in the near future.

We invite anyone interested to come and have a conversation about the future development proposal.

*Proposal:* The descriptions of the two applications we will be proposing are:

- A Zone Change on approximately 2.93 acres from the current zone of R-1 (Single-Family Residential) to R-3 (Two-Family Residential).
- A tentative residential subdivision plan on approximately 2.93 acres of land that, if approved, would provide for the construction of 17 single-family homes on lots ranging in size from approximately 4,467 to 6,862 square feet and averaging approximately 6,097 square feet in size.

Homes to be built are anticipated to range from approximately 1,300 to 2,000 square feet in size and will be single and two-story design. This development is expected to be completed in one phase with full build out achieved in approximately two (2) years.

Please come to this neighborhood meeting to receive information on the proposed development and to ask questions, provide input and voice any concerns you may have.

Attached:  
Vicinity map, Preliminary Subdivision Plan

Thank you in advance for your participation.

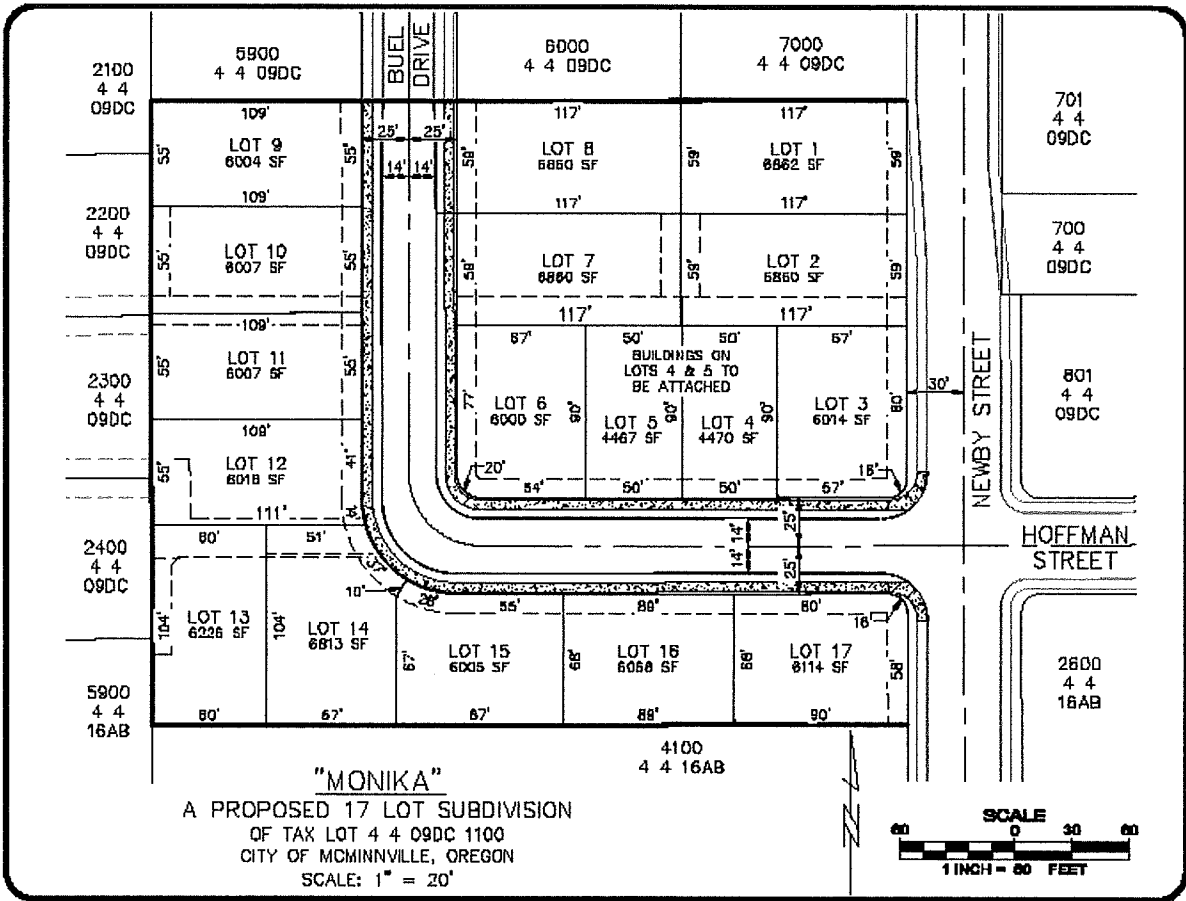
Respectfully,

Leonard Johnson

Vicinity Map



Preliminary Subdivision Plan





## Exhibit 8

Christopher & Jennifer Compton

3030 NE Newby St  
McMinnville, OR 97128

Raul Ponce

3010 NE Newby St  
McMinnville, OR 97128

Jayson & Rosemarie Gettman

2950 NE Newby St  
McMinnville, OR 97128

Gregory & Michelle Harris

1483 NE Hoffman Dr  
McMinnville, OR 97128

William Christensen

1135 NE 30th St  
McMinnville, OR 97128

Jim & Kristine Gullo

2926 NE Redwood Dr  
McMinnville, OR 97128

Douglas & Nancy Hill

2925 NE Redwood Dr  
McMinnville, OR 97128

Kelly Stillwell

2930 NE McDonald Ln  
McMinnville, OR 97128

Jorge Rivas

1152 NE Grandhaven St  
McMinnville, OR 97128

Ronald Miller

1258 NE Grandhaven St  
McMinnville, OR 97128

Brett & Kari Sweeden

1424 NE Grandhaven St  
McMinnville, OR 97128

Sara Hayes

3024 NE Newby St  
McMinnville, OR 97128

Cheryl Groves

1421 NW Hoffman Dr  
McMinnville, OR 97128

Martina & Jose Guerrero

1111 NE 30th St  
McMinnville, OR 97128

Gerald & Rena Geelan

2930 Redwood Dr  
McMinnville, OR 97128

Kelly Bird

2920 NE Redwood Dr  
McMinnville, OR 97128

James & Janet Stark

2915 Redwood Dr  
McMinnville, OR 97128

Dennis Marks

PO Box 1740  
McMinnville, OR 97128

Elizabeth Darst

Box 2638  
Borrego Springs, CA 92004

Yohn Ranch LLC

PO Box 570  
McMinnville, OR 97128

Jared Heesacker

3020 NE Newby St  
McMinnville, OR 97128

Mark Mathews

3370 Westside Rd  
McMinnville, OR 97128

Ruth W McKibben & James E For Black

1445 NE Hoffman Dr  
McMinnville, OR 97128

Tyrone & Brenda Marshall

PO Box 1700  
McMinnville, OR 97128

Gerald & Rena Geelan

2930 Redwood Dr  
McMinnville, OR 97128

Gordon & Sandra McCann

1126 NE 30th St  
McMinnville, OR 97128

Eugene & Joan Tribbett

1110 NE 30th St  
McMinnville, OR 97128

Jennifer Kauffman

18841 Hein Ct  
Oregon City, OR 97045

John & Amanda Lawson

1224 NE Grandhaven St  
McMinnville, OR 97128

Joel & Sarri Gibson

354 SW Mt Mazama St  
McMinnville, OR 97128

Uchelen Arthur Van  
2817 NE Redwood Dr  
McMinnville, OR 97128

John Reinhardt  
1130 NE 28th St  
McMinnville, OR 97128

Brenda Keevy  
2820 NE McDonald Ln  
McMinnville, OR 97128

Donna Johnston  
2830 NE McDonald Ln  
McMinnville, OR 97128

Linda & Roald Berg  
12913 SE 129 Ct  
Happy Valley, OR 97086

Labels List Created 1/7/2019  
By Lindsay Arellanes

**Exhibit 9**

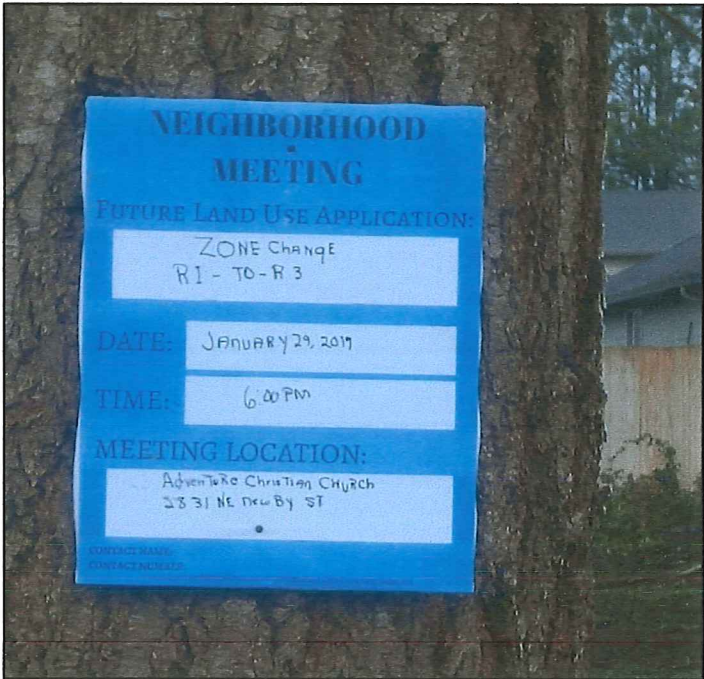
At NE Newby Street  
Buel Drive frontage

frontage

At NE



Sign detail:



**Exhibit 10**

NEIGHBORHOOD  
For the Monika

MEETING  
residential subdivision

-  
AGENDA -

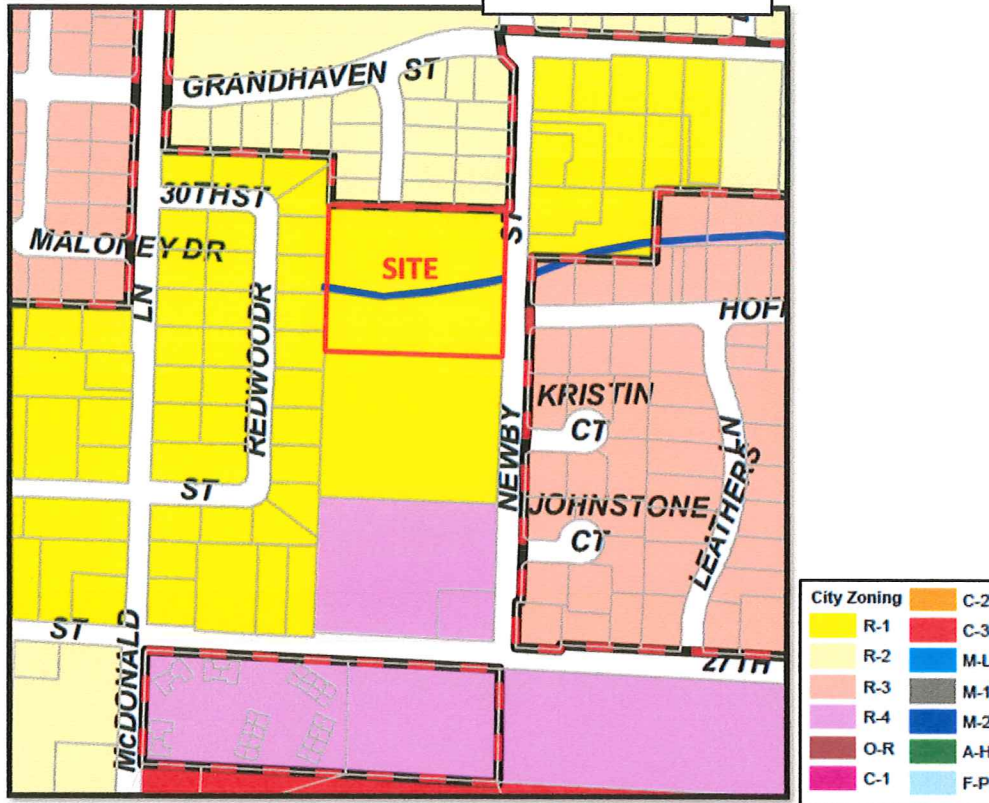
DATE: January 29, 2019  
TIME: 6:00 PM  
LOCATION: Adventure Christian Church  
2831 NE Newby Street, McMinnville, OR

**Agenda Items**

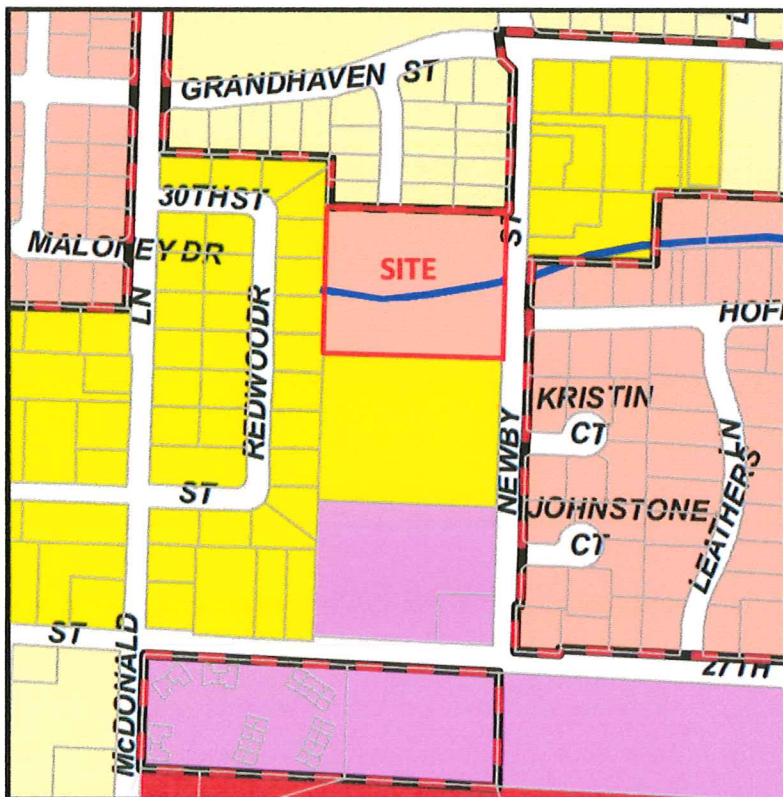
1. Introduction and Announcement of Attendee Sign-In Sheet
2. Invitation and Opportunity to view the tentative subdivision plan
3. Presentation of the Major Elements of the Proposal
  - a. The Applications
  - b. The Proposed Subdivision Design
  - c. Vehicular Access
  - d. Drainage Swale
4. Q & A: Invitation for Neighbor Comments, Questions and Concerns
5. Adjournment

Existing Zoning

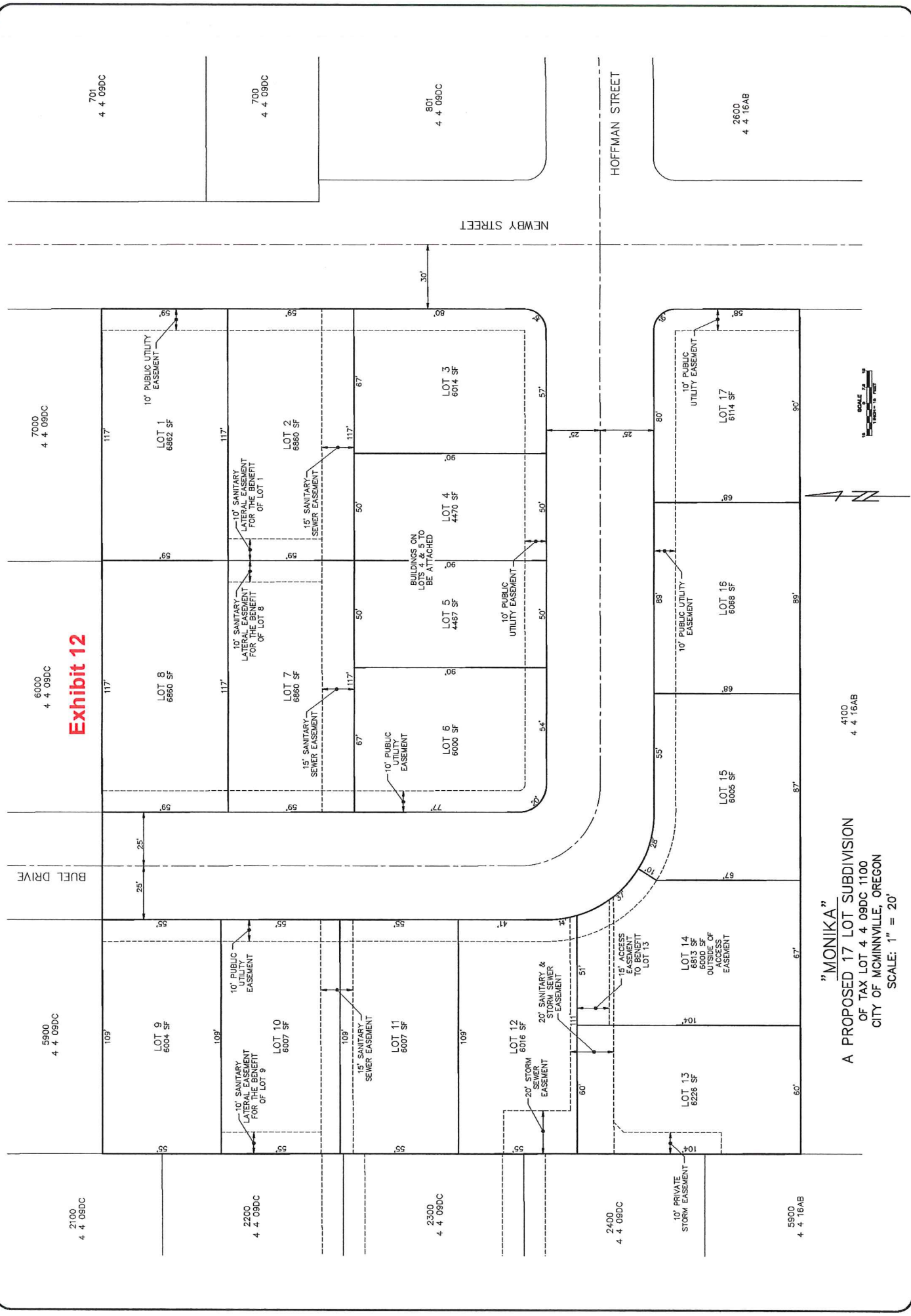
Exhibit 11



Proposed Zoning



**Exhibit 12**



**"MONIKA"**  
 A PROPOSED 17 LOT SUBDIVISION  
 OF TAX LOT 4 4 09DC 1100  
 CITY OF McMinnville, OREGON  
 SCALE: 1" = 20'

2100  
4 4 09DC

5900  
4 4 09DC

6000  
4 4 09DC

7000  
4 4 09DC

701  
4 4 09DC

2200  
4 4 09DC

700  
4 4 09DC

2300  
4 4 09DC

801  
4 4 09DC

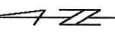
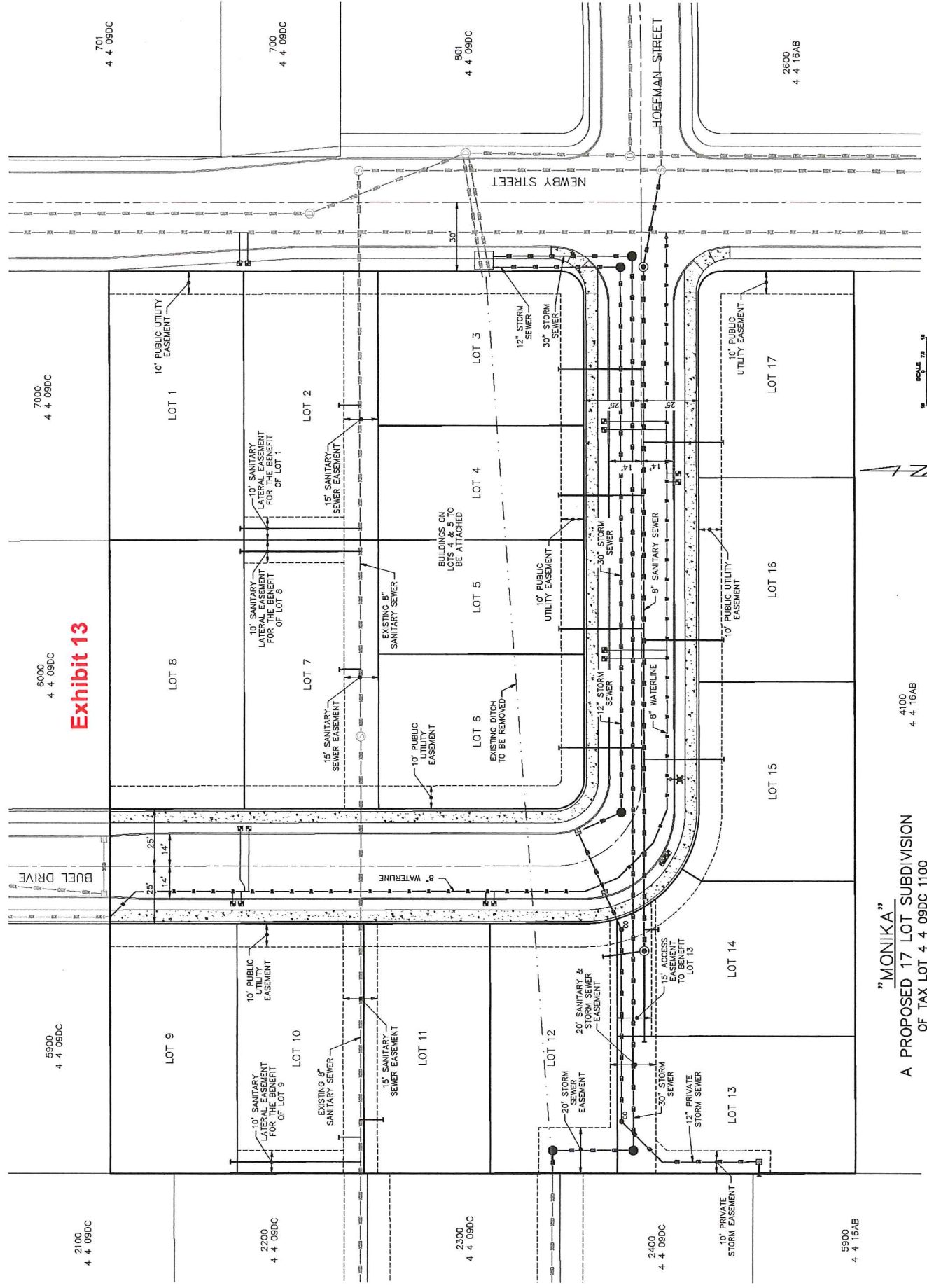
2400  
4 4 09DC

10' PRIVATE  
STORM EASEMENT

5900  
4 4 16AB

2600  
4 4 16AB

# Exhibit 13



SCALE: 1" = 20'

"MONIKA"  
 A PROPOSED 17 LOT SUBDIVISION  
 OF TAX LOT 4 4 09DC 1100  
 CITY OF MCMINNVILLE, OREGON  
 SCALE: 1" = 20'

**Exhibit 14**

Examples of homes built by the  
1/29/2019 Neighborhood Meeting.

Developer displayed at the









**Exhibit 15**

**NEIGHBORHOOD MEETING  
- MONIKA Residential Subdivision -**

LEONARD JOHNSON  
3375 NW Westside Road  
MCMINNVILLE, OR 97128

503-472-4848

**SIGN-IN SHEET**

Date: January 29, 2019  
Time: 6:00 p.m.  
Location: Adventure Christian Church

NAME (Please Print)	Please provide your mailing address
JOHN NEUSCHWANGER	2910 NE REDWOOD DRIVE MCMINNVILLE OR 97128
ALSON SEILER	1433 NE KRISTIN COURT.
Patricia McLeod	2971 N.E. Newby St.
Judy Dale Turner	1784 NE Coburn DR
Karen Barnards	8045 Donnelly
DAVID PILATK	2842 NE NEWBY
Joan Buzzard	3551 NE Joel ST
Vanessa Hadick	3017 NE BUEL
Barbara & Jaysa Gethman	2950 NE Newby St
JIM & KRIS GULLO	2926 NE Redwood Dr.
ROBERTO GONZALEZ	2997 NE NEWBY ST.
Jolene & Kelly Bird	2920 NE Redwood Dr.
Pauline Edel	1442 NE Kristen Ct
Leslie Taylor	1533 NE Hoffman Dr
Gary & Jill Christensen	1480 NE Hoffman Dr.
Brian & Kara DeMaseo	3008 NE Buel Drive
Erik Neilson	<del>1008</del> 2831 NE Newby St.,



## Exhibit 16

A Neighborhood Meeting was held on Tuesday, January 29, 2019 from 6:00 p.m. to 7:30 p.m. in the Fellowship Hall of the Adventure Christian Church located at 2831 NE Newby Street in order to publicly present a Zone Change proposal to amend the zone of the subject site from R-1 (Single-Family Residential) to R-3 (Two-Family Residential) and a 17-lot residential Subdivision proposal and to provide an opportunity and invitation for the public to view the tentative subdivision plan and other exhibits and to ask questions, voice concerns and to engage in a conversation on the proposal. At this meeting, the applicant, Leonard Johnson, was present as well as the applicant's consultants, Ron Pomeroy (Navigation Land Use Consulting, LLC) and Mart Storm (R A Storm and Company).

The format for the Neighborhood Meeting included presenter introductions and a description of the forthcoming applications and the main components of the proposal leaving the majority of the time spent in an open dialogue with those in attendance.

The main topics verbally shared by attendees of this Neighborhood Meeting are generally summarized as follows as required by McMinnville Zoning Ordinance 17.72.095(G)(5)(e). No written public testimony were provided at that meeting. Although not required by McMinnville Zoning Ordinance 17.72.095(G)(5), brief responses are provided below which characterize those provided at the Neighborhood Meeting.

- Duplexes – The construction of duplexes within the proposed neighborhood is not generally desirable.

Response: The applicant is not proposing the creation of duplex lots or proposing to construct duplex dwellings. The difference between duplex housing and single-family attached housing was discussed. The minimum lot size for a duplex lot compliant with R-3 standards is 8,000 square feet. None of the proposed lots meet this minimum lot size requirement so duplex development would not be permitted anywhere within this subdivision. To enable the construction of duplex residences on this site would require the submitted tentative subdivision plan to be amended which would require additional land use review.

- Cul-de-sacs – The proposed street should not be a through street. Rather, the generally preferred street design for this site would include a cul-de-sac street.

Response: The McMinnville Transportation System Plan (TSP) and numerous policies and requirements of Volumes II and III of the McMinnville Comprehensive Plan demonstrate the City's required connectivity of local residential streets where possible. The original concept plan for this site proposed NE Buel Drive extending southward to then terminate in a cul-de-sac. Initial discussions with City staff indicated that NE Buel Drive should extend southward from its temporary terminus into the site and then extend eastward to connect with NE Newby Street at its intersection with NE Hoffman Street. The

current tentative subdivision plan incorporates that design and complies with the City's policies and requirements regarding local street connectivity.

- Traffic – Development of this site with a through street would exacerbate existing unsafe vehicle movement conditions on nearby streets. Noted unsafe traffic situations were identified as being located along NE Grandhaven Street and at the intersection of NE Grandhaven Street and NE Buel Drive and included concerns regarding excessive travel speeds, improperly designed and unsafe curvature of NE Grandhaven Street adjacent to Grandhaven Elementary School, inadequate vehicle sight distances, and the possible need for installation of speed bumps to address one or more of these concerns.

Response: These observations shared at the Neighborhood Meeting all relate to existing public streets and lie beyond the subject site and the applicant's responsibility or ability to modify and, with regard to the described excessive travel speed along NE Grandhaven Street, is not within the applicant's ability to prevent. While residential development of this site with either a local through street or a cul-de-sac street will add additional trips to both NE Newby Street and NE Buel Drive, both of these streets will still remain under their design vehicle carrying capacities. The City's adopted policies, standards and plans indicate that this site should be served by a through street connecting NE Newby Street at its intersection with NE Hoffman Street with the temporary southerly terminus of NE Buel Drive and that is what has been designed by the applicant for this current proposal.

- Surface stormwater should not run toward existing homes adjacent to NE Buel Drive.

Response: From the southern edge of the portion of the Grandhaven subdivision that abuts this site, the grade generally slopes southward toward the east-west drainage ditch that currently traverses the site. Surface stormwater will correspondingly continue to flow in that direction upon final buildout.

- The effect of the intended stormwater conveyance through the site on the existing drainageway and the open creek located further to the east (across NE Newby Street and north of Hoffman Street) in the Hoffman Addition subdivision and beyond.

Response: An open-ended 30-inch pipe currently dumps stormwater from other residential development west of the site into an open ditch at the western edge of the subject site. It is proposed to capture this stormwater within an underground extension of the 30-inch wide storm pipe and convey the flow to an existing underground storm culvert located within the NE Newby Street right-of-way. This water from the open ditch currently enters the City's existing underground storm drainage system at NE Newby Street. It is proposed that the open ditch would be filled and the proposed culvert would be largely constructed within the proposed public street right-of-way in a similar manner to that which has occurred in other nearby neighborhoods. A sufficient storm sewer design meeting all applicable requirements will be provided to the City Engineering Department along with verification of compliance with the requirements of other agencies, inclusive of a jurisdictional wetland delineation and concurrence from the Department of State Lands (DSL), prior to Engineering Department permit issuance for construction of this portion of the proposed storm drainage system. Additionally, a joint fill permit would also likely be required by DSL and the Army Corps of Engineers. Should mitigation be required, the developer would comply with such applicable requirements. Additionally, a second, 12-inch, storm sewer is also proposed to be constructed to accommodate and convey all other storm flow resulting from the proposed development to the existing system located within the NE Newby Street right-of-way as shown on the Overall Utility Plan provided for

viewing at the neighborhood meeting.