



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR A MEMORY CARE FACILITY AT 235 NE DUNN PLACE

- DOCKET:** CU 3-19 (Conditional Use)
- REQUEST:** Application for a Conditional Use to allow for the development of a memory care facility with 44 beds for residence by elderly individuals who suffer from Alzheimer's dementia, and other age-related mental ailments.
- LOCATION:** 235 NE Dunn Place. The property is more specifically described as Parcel 1, Partition Plat 2004-33. The property is also identified as Tax Lot 1700, Section 22CD, T. 4 S., R. 4 W., W.M.
- ZONING:** R-4 PD (Multiple Family Residential Planned Development) and F-P (Flood Plain)
- APPLICANT:** Sam Thomas, on behalf of owner McMinnville Senior Living, LLC
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** July 17, 2019
- DECISION MAKING BODY & ACTION:** The McMinnville Planning Commission makes the final decision, unless the Planning Commission's decision is appealed to the City Council.
- DECISION DATE & LOCATION:** September 19, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- PROCEDURE:** An application for a Conditional Use Permit is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.
- CRITERIA:** The applicable criteria for a Conditional Use Permit are specified in Section 17.74.030 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.

APPEAL: As specified in Section 17.72.180 of the Zoning Ordinance, the Planning Commission’s decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed. The City’s final decision is subject to the 120 day processing timeline, including resolution of any local appeal.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **APPROVES** the Conditional Use Permit (CU 3-19), **subject to the conditions of approval provided in Section II of this document.**

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DECISION: APPROVAL WITH CONDITIONS
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Planning Commission: Roger A. Hall Date: 9/19/19
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: [Signature] Date: 9/27/19
Heather Richards, Planning Director

I. APPLICATION SUMMARY:***Subject Property & Request***

The proposal is an application for a Conditional Use Permit (CU 3-19) to allow for the construction of a new memory care residential facility. The memory care facility would be a single story building that contains 44 resident beds, and would provide residential facilities for elderly individuals who suffer from Alzheimer's, dementia, and other age-related mental ailments. The subject site is located at 235 NE Dunn Place and is more specifically described as Parcel 1, Partition Plat 2004-33. The property is also identified as Tax Lot 1700, Section 22CD, T. 4 S., R. 4 W., W.M.

The subject property is located on the west side of NE Dunn Place between NE Cumulus Avenue and NE Aaron Drive. The subject property is zoned R-4 PD (Multiple Family Residential Planned Development), and is subject to a Planned Development Overlay District adopted by Ordinance 4956. A portion of the property is also zoned F-P (Flood Plain). The surrounding properties have a variety of zoning designations, including R-2 PD (Single Family Residential Planned Development) to the west, C-3 PD (General Commercial Planned Development) to the south, and R-1 PD (Single Family Residential Planned Development) to the north and east. The areas to the west and south are subject to a Planned Development Overlay District adopted by Ordinance 4719, which also included the subject site before it was included in a later Planned Development Overlay District adopted by Ordinance 4956. Uses on the surrounding properties include single family residential to the west, office and medical uses to the south, and single family residential to the north and east.

See Vicinity Map (Figure 1), Zoning Map (Figure 2), and Applicant's Proposed Site Plan & Rendering (Figure 3) below.

Attachments :

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Figure 1. Vicinity Map

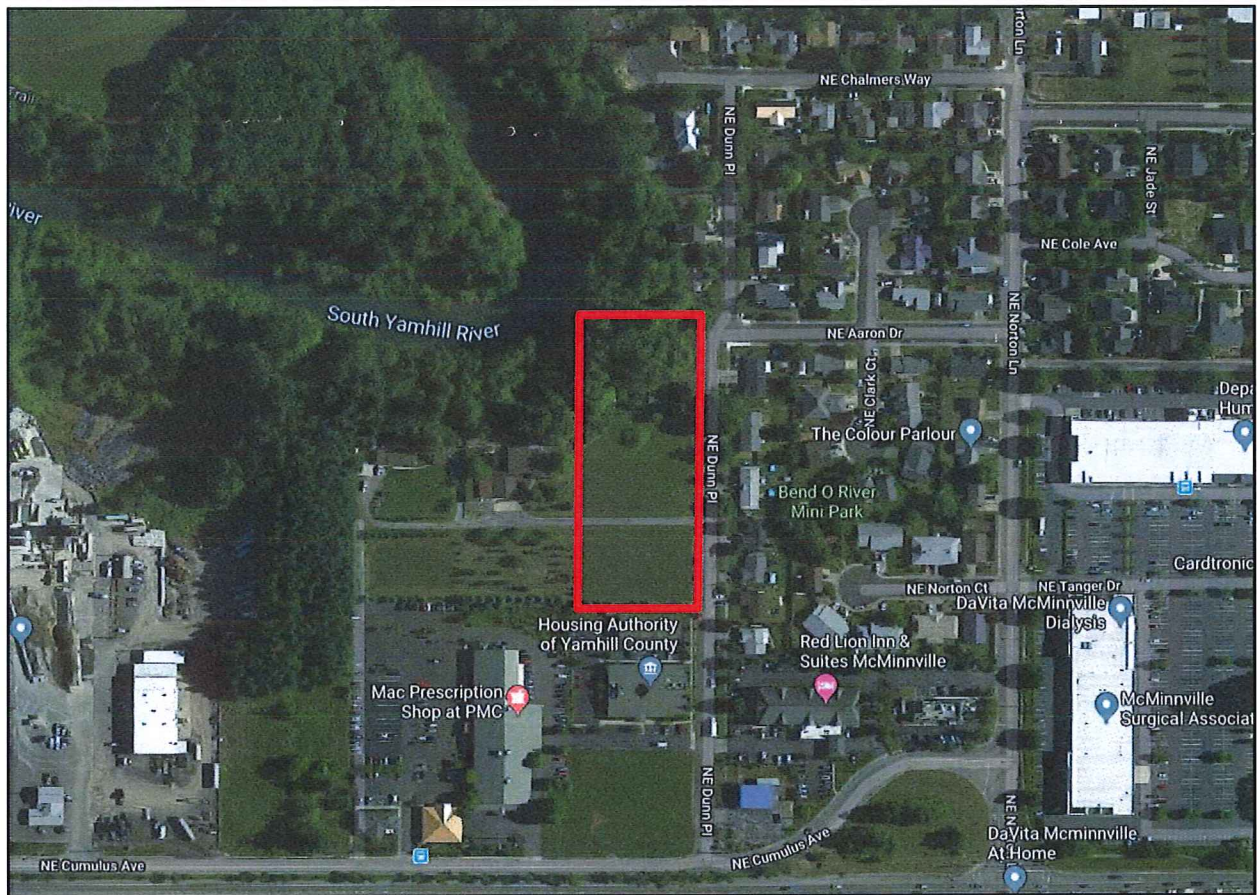


Figure 2. Zoning Map

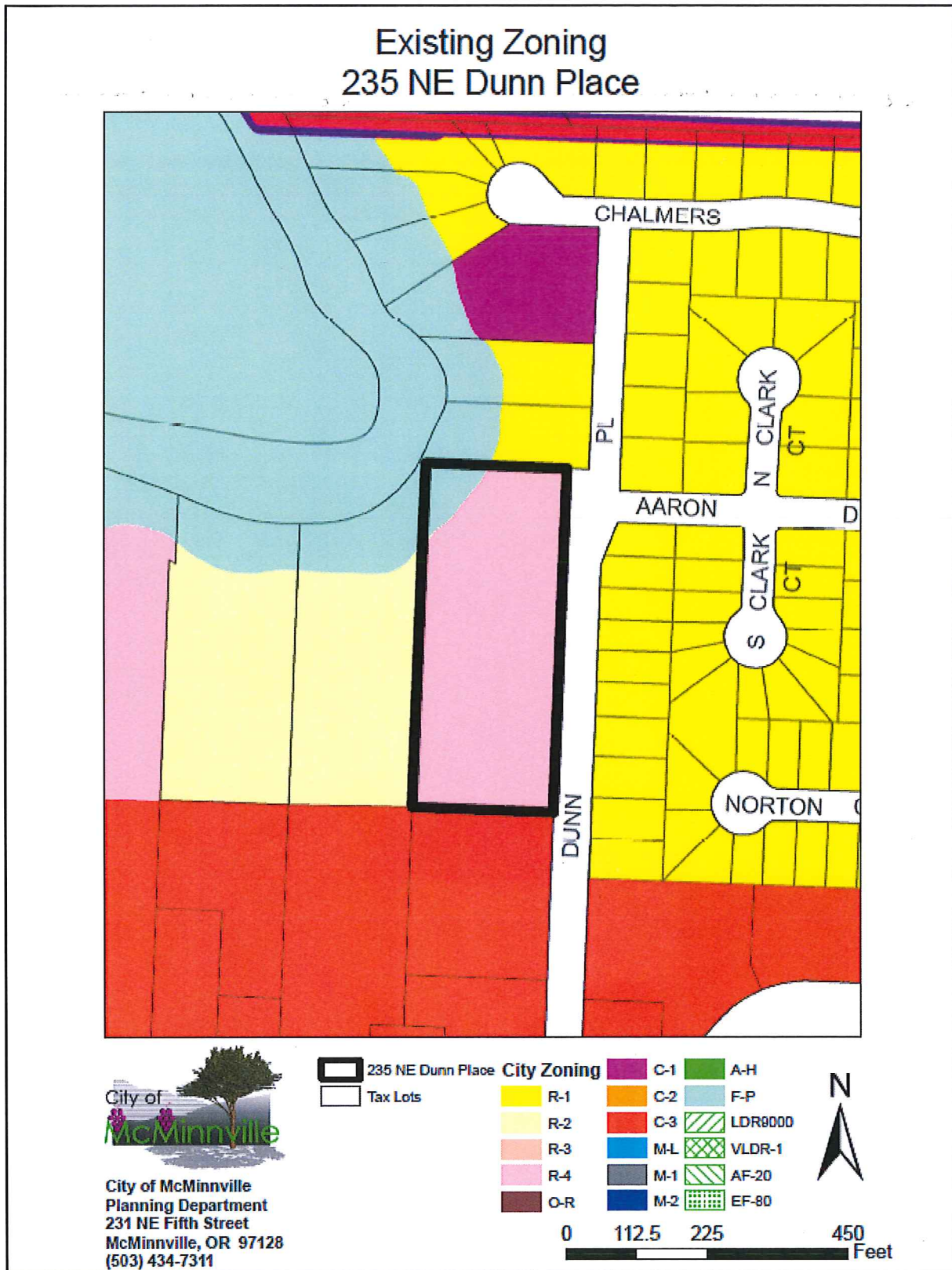
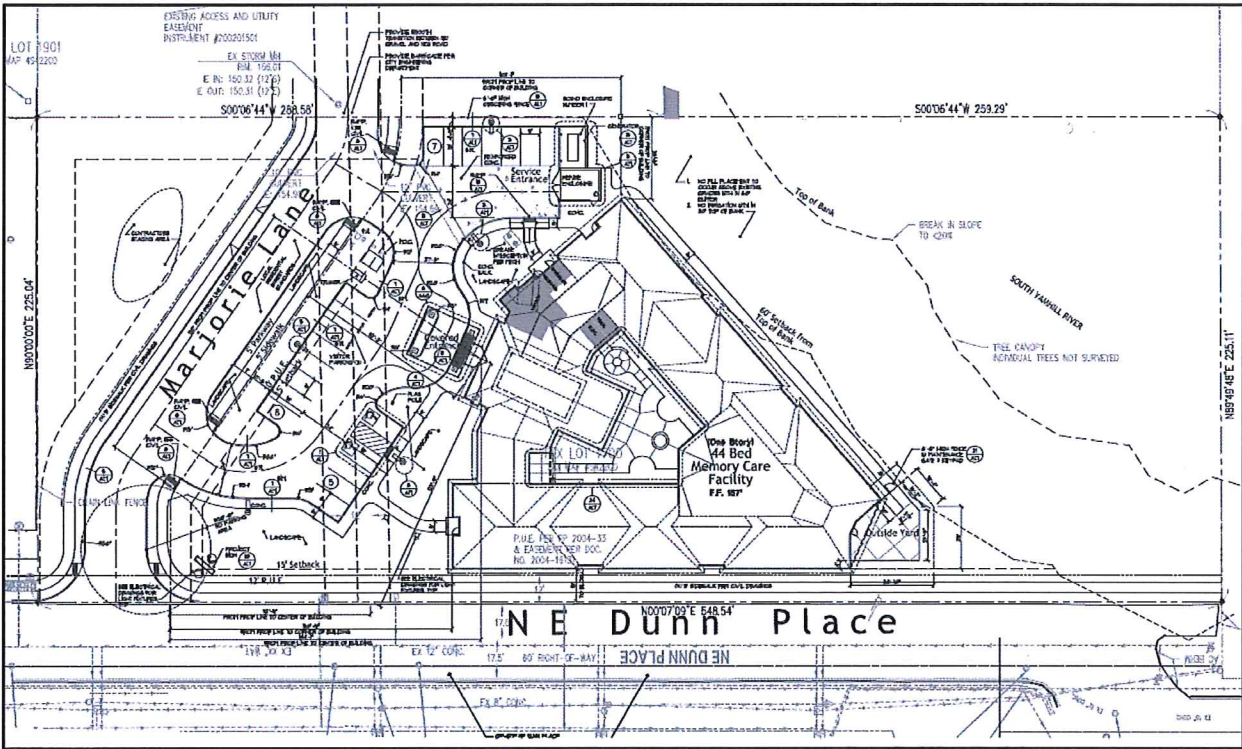


Figure 3. Applicant’s Proposed Site Plan & Rendering



The applicant provided the following background information on the property and the proposed use:

“The residence is designed for elderly individuals who suffer from Alzheimer’s, dementia, and other age-related mental ailments. This use does not include hospital or nursing home levels of care. None of the residents would be permanently bed-ridden.

The proposed use is defined as a “Nursing/convalescent home” under the McMinnville Zoning Ordinance. This proposed use requires review and approval under a conditional use, partition, design review, landscape plan review, and the various building and trade permits related to on-site and off-site improvements.

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The site improvements will include a new public road, proposed to be named “Marjorie Lane” that will be developed according to City street standards. The road will create a remainder parcel approximately 0.2-acre in size that could be developed with allowed uses described in the R4 zone under the City of McMinnville Zoning Ordinance. [...]

Memory Care residences are designed for elderly people who suffer from Alzheimer’s, dementia, and other mental ailments. The typical resident is single and in their 70’s or 80’s. Residents require personal assistance with their daily routine including meal preparation, bathing, and taking medication.”

In August 2012, Ordinance 4956 was approved, establishing the Planned Development Overlay for subject property and rezoning the property to R-4 PD (Multiple Family Residential Planned Development). Condition #2 of Ordinance 4956 approved a master plan for the subject site, which included the partition of the subject site and the dedication of new public right-of-way between two new parcels as shown on the conditional use site plans. The same condition of approval from Ordinance 4956 required that the master plan become binding on the site. Therefore, much of the development of the site is controlled by that previously approved master plan that is binding on the site, such as the street alignment and building placement. The site plan proposed for the new memory care facility building and other site improvements is consistent with that binding master plan from the 2012 review and approval of the Planned Development Overlay District.

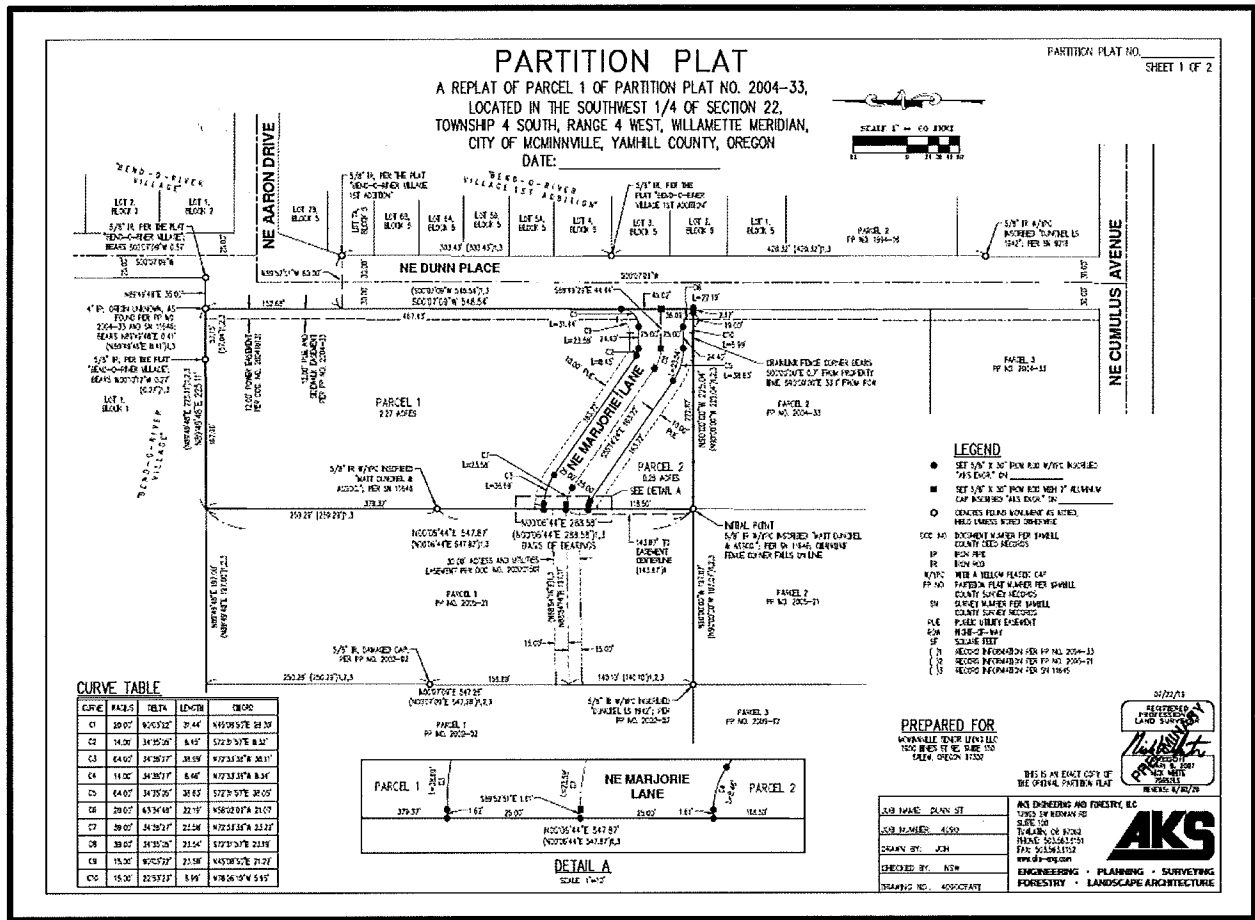
More recently, the property owners also submitted a tentative partition application to complete the partition and right-of-way dedication that are shown on the master plan that is binding on the site. The application was reviewed as docket number MP 4-19 in accordance with the procedures in Section 17.72.110 of the Zoning Ordinance, and was approved by the Planning Director with conditions. Most of the conditions of approval relate to required public infrastructure improvements and also that the site development comply with recommendations from a geotechnical report that was completed for the development of the site due to the steep slope and soil stability of the property. Some of the conditions of approval from the tentative partition will be discussed in more detail in the Conclusionary Findings in Section VII below, as they impact the development of the proposed memory care building on the subject site.

See MP 4-19 Tentative Partition Plan (Figure 4) below.

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Figure 4. MP 4-19 Tentative Partition Plan



Summary of Criteria & Issues

The application is subject to Conditional Use criteria in Section 17.74.030 of the Zoning Ordinance, which are intended to “weigh the appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the proposed location.” The Planning Commission may impose conditions it finds necessary “to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole.” The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The predominant issues with a conditional use of this scale relate to the interest of the surrounding area, often related to compatibility with nearby residential uses. Typical concerns associated with conditional uses in residential areas include compatibility with residential character, privacy, noise, parking, and traffic.

The specific review criteria for Conditional Uses in Section 17.74.030 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;

- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

The applicant has provided findings to support the request for a Conditional Use. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. Prior to the issuance of any Certificate of Occupancy for the memory care facility, the subject site shall be partitioned as approved by the tentative partition recently reviewed under docket number MP 4-19. All applicable conditions of approval from docket number MP 4-19 shall be satisfied.
2. Prior to the issuance of any building or development permits for the project, the applicant shall provide a current geotechnical report or statement produced and stamped by a registered professional geotechnical engineer, verifying that the conditions of approval based on the August 15, 2014 *Report of Geotechnical Site Investigation* by Strata Design, Inc. remain valid and that the proposed building site is stable and suitable for the proposed construction. Should the analysis return a finding that the setback should be increased to a distance greater than the 60 feet offered by the applicant, the Planning Director shall have the authority to approve minor modifications to the submitted plan consistent with those findings.
3. That a detailed storm drainage plan, which incorporates the requirements of the City's 2009 Storm Drainage Master Plan and the recommendations of the geotechnical report for the subject site dated August 15, 2014 by Strata Design, Inc., must be submitted to, and approved by, the City Engineering Department. Roof downspouts shall discharge into solid, smooth-walled drainage pipes to carry the collected water to an appropriate surface discharge point away from the crest of the slope. Water shall be directed away from the crest of the slope. Infiltration systems shall not be used for discharge of stormwater.

Additionally, the applicant shall provide an engineered capacity analysis of the existing public storm drainage system downstream of the subject site documenting the system's ability to accommodate the subject development and other properties that it serves. If there is not adequate capacity in the existing system, the developer will be required to either design and construct sufficient improvements to the existing system, or to design and construct an alternate system to empty into the South Yamhill River. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such must be private rather than public,

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and private maintenance agreements must be approved by the City for them. Calculations for any onsite, private detention systems shall be submitted to the City Engineer and Building Official for review and approval. Any utility easements needed to comply with the approved plan must be reflected on the final partition plat.

4. That the proposed development is subject to the following conditions, based on the recommendations of the August 15, 2014 *Report of Geotechnical Site Investigation* by Strata Design, Inc., or as may otherwise be modified by subsequent studies (see Condition No. 3):
 - A. All new buildings and structural improvements shall be set back at least 60 feet from the crest of the slope (the “60-foot buffer zone”), consistent with the surveyed topographic plan required as part of the tentative partition for the subject site, unless construction practices as prescribed by a registered professional geotechnical engineer are followed. All building permit applications for construction within this buffer zone shall be accompanied by a report or statement produced and stamped by a registered professional geotechnical engineer, verifying that the building site is stable and suitable for the proposed construction.
 - B. No fill placement shall occur above existing grades within the 60-foot buffer zone.
 - C. No irrigation systems shall be placed within 30 feet of the crest of the slope.
 - D. All building and construction layout shall be designed under the purview of a registered professional geotechnical engineer, to assure appropriate setbacks and drainage systems.
5. That prior to issuance of any building permits for construction within the northern 150 feet of the subject site, the applicant shall submit a report or statement produced and stamped by a registered professional geotechnical engineer, confirming that the buried trash pit referenced in the March 14, 2005, geotechnical report (p. 2) has been removed and the resulting hole filled and compacted.
6. That all applications for building permits within the 60-foot buffer zone noted in the August 15, 2014 *Report of Geotechnical Site Investigation* by Strata Design, Inc., shall be accompanied by a report or statement produced and stamped by a registered professional geotechnical engineer, verifying the appropriate setback, and confirming the drainage system design to be in accordance with the conditions of approval of this file.
7. That the applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits, including a 1200C permit, prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
8. That all existing trees on the steep slope on the northwest portion of the site and within the 60 foot setback area between the top of slope and the memory care building shall be preserved. Trees within these areas shall not be removed without prior review and approval of the Planning Director.
9. Based on the proposed use of the building as a memory care facility and the fact that the residents of the facility will not operate motor vehicles, the required number of off-street parking spaces on the site shall be reduced to 20 spaces for the 44 bed facility.
10. That the applicant shall submit a landscape plan and Landscape Plan Review application to the McMinnville Landscape Review Committee for their review and approval prior to the issuance

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of building permits for the memory care facility. All landscaping on the site shall be installed as approved by the Landscape Review Committee prior to final building permit inspections being completed.

11. That the applicant shall plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the partition area as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.
 - A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
 - B. Each year the applicant shall install street trees, from October 1 to April 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees.
 - C. It shall be the applicant's responsibility to relocate street trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting.

12. That the monument sign proposed for the memory care facility shall be allowed to be illuminated as proposed by the applicant in the memorandum and drawings dated September 18, 2019.

III. ATTACHMENTS:

1. CU 3-19 Application and Attachments (on file with the Planning Department)
2. Public Testimony Received (on file with the Planning Department)
 - a. Nanette and Julia Pirisky, 262 NE Dunn Place and 135 NE Dunn Place, Email received on August 16, 2019 (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. The following comments were received:

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- McMinnville Engineering Department

These conditions will apply to the project. They were included in the prior conditional use approval letter, and have been updated as appropriate. (Note – the conditions suggested by the Engineering Department are included in the conditions in Section II above.)

- McMinnville Water and Light

Street tree spacing on “Planting Plan” (A1.3) may need to be revisited to ensure that street trees comply with required spacing from streetlights. This project will require an Extension Agreement between McMinnville Water & Light and the owner of the property. Please contact McMinnville Water & Light for details.

Public Comments

Notice of this request was mailed to property owners located within 100 feet of the subject site. One item of public testimony was received by the Planning Department.

- Nanette and Julia Pirisky, 262 NE Dunn Place and 135 NE Dunn Place,
 1. Email received on August 16, 2019 – expressing opposition to the development of the subject site with an assisted living facility, traffic impacts on the surrounding neighborhood, and loss of natural area and wildlife habitat.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Sam Thomas, on behalf of owner McMinnville Senior Living, LLC, held a neighborhood meeting on June 11, 2019.
2. The applicant submitted the Conditional Use application (CU 3-19) on June 12, 2019.
3. The application was deemed incomplete on July 1, 2019. A revised application submittal, including items that were requested by the Planning Department to deem the application complete, was provided on July 15, 2019.
4. The application was deemed complete on July 17, 2019. Based on that date, the 120 day land use decision time limit expires on November 14, 2019.
5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas.

Comments received from agencies are addressed in Section IV of the Decision Document.

6. Notice of the application and the September 19, 2019 Planning Commission public hearing was mailed to property owners within 200 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.

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7. Notice of the application and the September 19, 2019 Planning Commission public hearing was published in the News Register on Tuesday, September 10, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
One item of public testimony was submitted to the Planning Department prior to the Planning Commission public hearing. That item of testimony is provided in the Attachments in Section III and discussed in Comments in Section IV.
8. On September 19, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 235 NE Dunn Place (Tax Lot 1700, Section 22CD, T. 4 S., R. 4 W., W.M.)
2. **Size:** 2.83 acres (total existing site); 2.27 acres (Parcel 1 from recently reviewed (Docket Number MP 4-19) tentative partition) will be the site of the memory care facility
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-4 PD (Multiple Family Residential Planned Development) and F-P (Flood Plain)
5. **Overlay Zones/Special Districts:** Planned Development Overlay Ordinance 4956, Planned Development Overlay Ordinance 4719, Three Mile Lane Planned Development Overlay District (Ordinances 4131 and 4572)
6. **Current Use:** Existing vacant single-family dwelling
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** The northwest portion of the site is located within Zone AE of the floodway and 100-year floodplain of the South Yamhill River, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels.
8. **Other Features:**
 - a. **Slopes:** A majority of the site is relatively flat, but a steep slope exists in the northwest portion of the site. The property slopes steeply at approximately 60 percent, dropping approximately 25 vertical feet from the flat portion of the site downward toward the edge of the South Yamhill River.
 - b. **Easements and Utilities:** Partition Plat 2004-33 identifies a 30 foot wide access and utility easement (identified as Instrument #200201501) that is improved with an existing gravel driveway providing access to the two existing parcels to the west. The existing conditions plan also identifies an existing storm sewer line and sanitary sewer line that run through the easement area, likely providing utilities to properties to the west.
9. **Utilities:**
 - a. **Water:** The property is served by a water main in NE Dunn Place. A recently reviewed tentative partition includes the dedication of a public right-of-way for a new street, which would include an extension of a water main within the new public right-of-way. The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** The property is served by an 8" sewer main in NE Dunn Place. A recently reviewed tentative partition includes the dedication of a public right-of-way for a new street, which would include an extension of a sanitary sewer main within the new public right-of-way. A private utility plan for the development of the site identifies that the sanitary sewer main

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- extension would serve the two new parcels created by the partition. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
- c. **Stormwater:** Storm water in NE Dunn Place is conveyed by curb and gutter to catch basins and storm drains in NE Dunn Place. A recently reviewed tentative partition includes the dedication of a public right-of-way for a new street, which would include an extension of a storm sewer main within the new public right-of-way. A private utility plan for the development of the site identifies that the storm sewer main extension would serve the two new parcels created by the partition.
 - d. **Other Services:** Other services are available to the property. No overhead utilities are present on either side of NE Dunn Place.
10. **Transportation:** NE Dunn Place is classified as a Local Residential Street in the Transportation System Plan (TSP). The existing right-of-way is 60 feet wide, with improved street surface of approximately 36 feet in width that is not centered within the right-of-way. No sidewalks exist on the west side of NE Dunn Place along the subject site's frontage. To accommodate public sidewalk improvements, a 12 foot wide sidewalk easement along the subject site's frontage on NE Dunn Place was recorded on Partition Plat 2004-33 for the purposes of providing sidewalks, planter strips, and curbs. The east side of NE Dunn Place is improved with curb and gutter, sidewalk and planter strip. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Conditional Use are specified in Section 17.74.030 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.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this 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, policies, 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.

Land

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

Policy 3.00 The City of McMinnville shall review any identified mineral and aggregate resource locations to determine the quality of the material, the likelihood that it will be extracted and the compatibility of the site with surrounding land uses. The City shall seek to resolve any

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conflicts between aggregate resource locations and surrounding land uses, and shall protect, whenever possible, mineral and aggregate resources from future encroachment by incompatible uses, especially residential uses.

APPLICANT’S RESPONSE: The proposed development is located within the boundaries of the City of McMinnville. The proposed development is located near the South Yamhill River and would maintain a building setback of 60 feet to minimize impacts to natural areas. The site does not contain any known mineral or aggregate resources to the best of our knowledge. The application complies with the above policies.

FINDING: SATISFIED WITH CONDITIONS #2, 4, 5, 6 AND 7. The City concurs with the applicant’s findings. A geotechnical report was provided with the application materials that analyzed the site in terms of soil content and slope stability. The geotechnical report was completed in 2014, therefore a condition of approval is included to require that the geotechnical report be verified by a registered professional geotechnical engineer to ensure that the findings and recommendations in the 2014 geotechnical report are still valid. Other conditions of approval are included to require that the development of the site be consistent with the recommendations of the geotechnical report, as may be updated based on the re-verification of that report, that any building permits within the required setback area be stamped by a registered professional geotechnical engineer, that the applicant provide evidence that the buried trash pit on the site has been remediated, and that the applicant secure applicable storm runoff and site development permits from the Oregon Department of Environmental Quality (DEQ).

Air

Policy 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.

Policy 6.00 The City of McMinnville shall cooperate with the Oregon Department of Environmental Quality to insure that applications for air quality related permits are examined for compatibility with the City’s comprehensive plan.

Policy 7.00 Land use decisions involving new major emission sources or expansion of existing sources shall be reviewed for the effects the emission source will have on the local and regional airshed. Maintenance of the quality of the air resources, within established federal and state standards, shall be a criterion for approval of these land use decisions.

APPLICANT’S RESPONSE: The proposed development does not include applications for air quality permits. The proposed development would not create a major source of air emissions. The application complies with the above policies.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Water

Policy 8.00 The City of McMinnville shall continue to seek the retention of high water quality standards as defined by federal, state, and local water quality codes, for all the water resources within the planning area.

Policy 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.

Policy 10.00 The City of McMinnville shall cooperate with the Oregon Department of Environmental Quality, the Mid-Willamette Valley Council of Governments, and other appropriate agencies and interests to maintain water quality and to implement agreed upon programs for management of the water resources within the planning area.

Policy 11.00 The City of McMinnville shall cooperate with McMinnville Water and Light, the Bureau of Land Management, and Yamhill County to insure that the land use development actions allowed in and around the municipal watershed do not lessen the water quality of the municipal water system below acceptable federal, state, and local standards.

APPLICANT’S RESPONSE: The subject property includes a portion within the 100-year floodplain of the South Yamhill River on the northwest corner of the property. All proposed site improvements, including buildings, vehicle use, areas, and pedestrian areas would be located outside the mapped floodplain and floodway as indicated on the Yamhill County Maps Public ArcGIS Application, accessed July 9, 2019. The proposed development would not lessen water quality. The application complies with the above policies.

FINDING: SATISFIED WITH CONDITIONS #3 AND 7. The City concurs with the applicant’s findings, but clarifies that the northwest portion of the site is located within Zone AE of the floodway and 100-year floodplain of the South Yamhill River, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels. In addition, conditions of approval are included to require that a detailed storm drainage plan, which incorporates the requirements of the City’s 2009 Storm Drainage Master Plan and the recommendations of the geotechnical report for the subject site dated August 15, 2014 by Strata Design, Inc., be submitted for review and approval by the City Engineering Department, and that the applicant secure applicable storm runoff and site development permits from the Oregon Department of Environmental Quality (DEQ).

Noise

Policy 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.

APPLICANT’S RESPONSE: The proposed development would be compatible with the existing noise levels of surrounding residential development and would cause a major increase in existing noise levels. The application complies with the above policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

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

APPLICANT’S RESPONSE: The proposed development for a memory care facility provides a housing option for elderly residents of the City of McMinnville and surrounding area. The proposed development adds variety to the housing types and density of the City of McMinnville. The application complies with the above policy.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF

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PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policy 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.

APPLICANT'S RESPONSE: The proposed memory care facility would be sited near an established residential community with access to city services. The proposed development creates a compact development. The application complies with the above policy.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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.

APPLICANT'S RESPONSE: The subject property is located near the South Yamhill River to the northwest corner of the property. A building setback of 60 feet will be maintained to preserve the riparian and wooded area along the river back. The application complies with the above policy.

FINDING: SATISFIED WITH CONDITION #8. The City concurs with the applicant's findings, and adds that the setback area and steep slope will be preserved through various conditions of approval that require the development of the site to meet the geotechnical findings and recommendations that were submitted with the application materials (described in more detail above). In addition, a condition of approval is included to require that existing trees within the 60 foot setback area or the sloped area beyond the top of slope shall not be removed without prior review and approval of the Planning Director. Public testimony received (described in Section IV) expressed concern with the loss of the trees on the subject site as they provide natural wildlife habitat. The preservation of these trees is consistent with Policy 80.00 in that the existing natural features will remain intact on the undevelopable portions of the site.

Policy 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #1. A condition of approval is included to require that the subject property be partitioned as approved through the recently reviewed tentative partition application, which was reviewed under docket number MP 4-19. The condition of approval specifies that all applicable conditions of approval from docket number MP 4-19 shall be satisfied. One of the conditions of the tentative partition approval was that the final plat include the dedication of a public easement to allow for a multi-use trail to be developed by the City in the future.

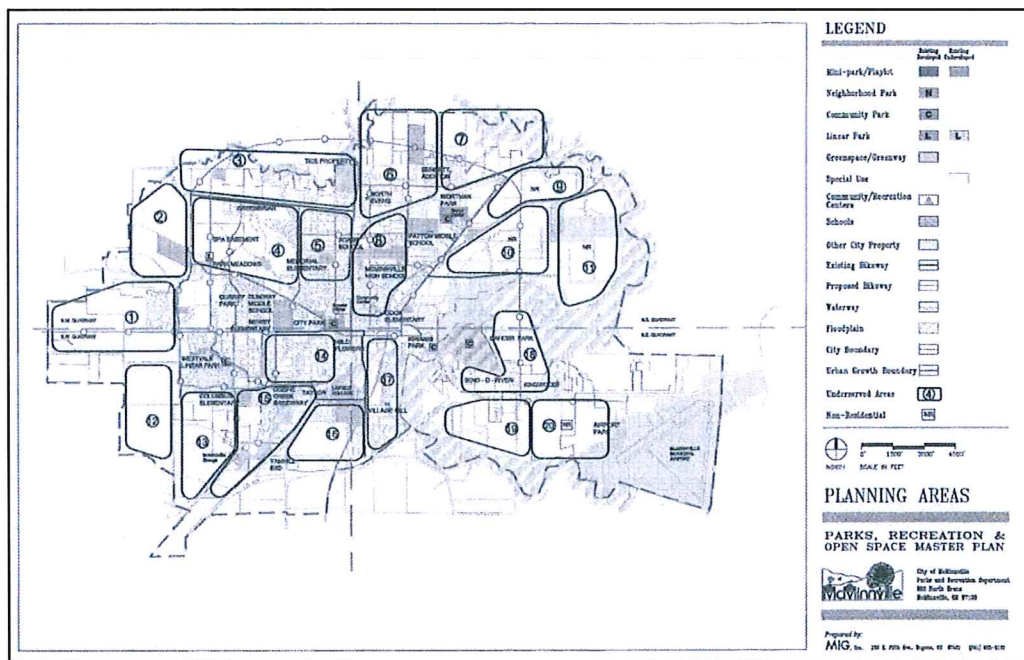
The City of McMinnville Parks, Recreation, and Open Space Master Plan (June 1999) includes a number of recommendations and actions related to recreation and open space facilities that are applicable to land within the subject site. Chapter 6 of the City of McMinnville Parks, Recreation, and Open Space Master Plan (Recommendations) includes the following recommendations:

- Protect natural areas and stream corridors by acquiring greenways along creeks and the Yamhill River.
- Provide public access to natural areas and trail-related recreation by developing trails through greenways and in natural areas.
- Provide an interconnected pedestrian and bicycle system that links McMinnville’s parks and open spaces and connects them to neighborhoods, work places, and schools.

In addition, Table 11 of the City of McMinnville Parks, Recreation, and Open Space Master Plan (Recreation Facility Action Plan – Southeast) includes the following actions:

- Greenspace/Greenways: Acquire Yamhill River greenway
- Trails and Connectors: Develop a pedestrian bridge from Bend-O-River Neighborhood to Dancer Park
- Trails and Connectors: Develop Yamhill River Greenway trail

The subject site is located within the Southeast quadrant of the City, as it was described in the City of McMinnville Parks, Recreation, and Open Space Master Plan. The subject site is also located within underserved area number 18, which would benefit from the completion of the recommendations and actions in the Master Plan that are described above. A map identifying these area from the Master Plan is provided below:



The subject site is adjacent to the Yamhill River. In order to develop the Yamhill River greenway and trail along the Yamhill River, as described in the City of McMinnville Parks, Recreation, and Open Space Master Plan, a condition of approval from docket number MP 4-19 requires that the final plat include a public easement to allow for the City to construct a greenway trail in the future. The condition of approval specifies that, prior to any construction activity on the site or the development of final plat mylars, the applicant shall develop a site plan identifying the location of the public easement for greenway trail purposes. The site plan including the location of the greenway trail will be reviewed and approved by the Planning Director, and the easement will be located in a reasonable location within the 60 foot setback buffer required between the top of the slope on the subject site and the memory care building being proposed with this conditional use request. The easement will connect between the new sidewalk to be constructed on the west side of NE Dunn Place and the western property line of proposed Parcel 1 (northern

parcel). At a minimum, the easement shall be 20 feet in width to accommodate a future 10 foot wide multi-use path with five foot buffers on each side.

Policy 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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #1. A condition of approval is included to require that the subject property be partitioned as approved through the recently reviewed tentative partition application, which was reviewed under docket number MP 4-19. The condition of approval specifies that all applicable conditions of approval from docket number MP 4-19 shall be satisfied. The partition includes the dedication of public right-of-way in the form of a new street, which is shown on the conditional use site plan. This new street will provide access to the existing parcels to the west, which are identified in the Comprehensive Plan for residential development. The dedication of the new street also results in a parcel on the south side of the new street within the existing subject site. A condition of approval from docket number MP 4-19 requires that the driveway access to the southern parcel be strategically placed to allow for flexibility in the placement of a building on the parcel, given its unique triangular shape.

Policy 92.03: Housing developments for the elderly shall, as far as possible, locate near community centers, parks, and shopping areas, or where transportation services can be provided to enable access to these activity areas.

APPLICANT'S RESPONSE: The subject property is located one (1) block from the Bend O River mini park, 2 blocks from a shopping center, and approximately ¼ mile from Willamette Valley Hospital. The application complies with the above policy.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the applicant has stated that residents of the memory care facility do not drive or operate vehicles. The applicant has also stated that, while the residents are not permanently bed-ridden, the individuals at the site require personal assistance with their daily routines. Therefore, the proximity to community centers and shopping areas is not as essential for the proposed facility as it would be for more mobile elderly populations. However, the site is located within walking distance of commercial services and a small park. In addition, the property will include in the future a trail along the Yamhill River Greenway, as described in more detail above.

Urban Policies

Policy 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)*

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5. Deleted as per Ord. 4796, October 14, 2003.

APPLICANT’S RESPONSE: A preliminary analysis of the existing utilities by the civil engineer for this project and discussions with utility providers indicates there are adequate sanitary, stormwater, and water available to serve this project. Connections to existing utilities would be developed concurrently with the memory care residence construction sequence. The proposed new street would be developed to current city standards. The application complies with the above policies.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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

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

APPLICANT’S RESPONSE: The proposed development would include the construction of a new public street, tentatively named “Marjorie Lane”, that would connect adjacent single-family homes to the west, the proposed memory care residence, and Dunn Place. The road would be development to City Standards to ensure safe and easy access to each parcel nearby. The application complies with the above policy.

FINDING: SATISFIED WITH CONDITION #1. The City concurs with the applicant’s findings, and adds that a condition of approval is included to ensure that the new street is completed as required through the final partition process.

Policy 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)*

APPLICANT’S RESPONSE: The proposed road, Marjorie Lane, would be designed to meet city standards and would not exceed the minimum required width, reducing the amount of land dedicated to this purpose. The road would connect to two single-family homes to the west and allow the properties to have direct access to Dunn Place for ingress and egress. The road design includes a 50-foot wide right-of-way. The preliminary design includes a 5-foot wide sidewalk, 4 and ½ foot wide planter area, and 28-foot wide paved roadway with 2.5% slope away from the roadway centerline. A cul-de-sac street is not proposed as part of the proposed road design. The proposed development complies with Policy 118.00.

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FINDING: SATISFIED. The City concurs with the applicant's findings.

Policy 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.*
- Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
- Off-street parking should be encouraged wherever possible.*
- Landscaping should be required along public rights-of-way.*

APPLICANT'S RESPONSE: The proposed development would construct a new public road, tentatively named "Marjorie Lane". The roads functional classification would likely be a "local street". It would be designed to serve the two single-family homes to the west, the proposed memory care facility, and future development on the remainder lot that would be located south of Marjorie Lane. The street would be designed with a 50- foot wide right-of-way to allow for two-way traffic. The proposed memory care development would include off-street parking for employees and visitors. Memory care residents would not own or drive personal vehicles. Landscaping will be provided along Marjorie Lane and Dunn Place to City standards. The application complies with Policy 122.00.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Parking

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

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

APPLICANT'S RESPONSE: The proposed development would include 20 off-street parking spaces for employees and visitors to the memory care residence. Memory care residents would not drive personal motor vehicles for obvious safety reasons. An off-street parking reduction from the required 22 spaces to 20 spaces is being requested as part of this application due to the fact that memory care residents do not drive. A loading area for refuse bin servicing and deliveries is provided on the memory care site. The application complies with Policies 126.00 and 127.00 above.

Additional Applicant Response in Introduction Section of Application: As part of this conditional use application, the applicant is seeking a reduction to the number of parking spaces required from 22 to 20, a 9% reduction. The City of McMinnville Zoning Ordinance provides a parking ratio for the closest equivalent use as "Convalescent, hospital, nursing home, sanitarium, or rest home" which states..."one space per two beds for patients or residents" pursuant to Section 17.60.060(B)(4). Therefore, a 44-bed residence would require 22 parking spaces under the Zoning Ordinance.

Memory care residents would not own or operate motor vehicles, thereby reducing the need for on-site parking to visitors, staff, and occasional deliveries. Based on Mosaic's knowledge of

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operating similar facilities, the proposed number of parking spaces would adequately serve the proposed Memory Care residence.

FINDING: SATISFIED WITH CONDITION #9. The City concurs with the applicant's findings, and also concurs with the rationale to allow for the reduction in parking spaces on the site. This reduction is permitted through the provisions of Section 17.74.040(F) of the McMinnville Municipal Code, and will be described in the findings for that section below.

Complete Streets

Policy 132.24.00 The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Complete Streets policy is implemented:

1. *Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*
2. *Incorporate features that create a pedestrian friendly environment, such as:*
 - a. *Narrower traffic lanes;*
 - b. *Median refuges and raised medians;*
 - c. *Curb extensions (“bulb-outs”);*
 - d. *Count-down and audible pedestrian signals;*
 - e. *Wider sidewalks;*
 - f. *Bicycle lanes; and*
 - g. *Street furniture, street trees, and landscaping*
3. *Improve pedestrian accommodation and safety at signalized intersections by:*
 - a. *Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.*
 - b. *Timing signals to minimize pedestrian delay and conflicts.*
 - c. *Balancing competing needs of vehicular level of service and pedestrian safety.*

APPLICANT’S RESPONSE: The proposed development includes the construction of a new public road, tentatively name Marjorie Lane. The right-of-way will be developed to City Standards. The roadway features include new sidewalks along Marjorie Lane and Dunn Place along the entire frontage of the subject property. The exact details of the roadway improvements will be designed by a licensed civil engineer and submitted to the City of McMinnville for review and approval. The application complies with Policy 132.24.00.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the new street is being constructed to be consistent with the applicable Transportation System Plan standards through the final partitioning process.

Aesthetics

Policy 132.47.00 The City should update and maintain its street design standards to increase aesthetics of the street’s environment through landscaping and streetscape design.

APPLICANT’S RESPONSE: Street improvements along Dunn Place and Marjorie Lane would include sidewalks and a planting strip with street trees to comply with City Standards. Landscaping will be designed by an Oregon licensed landscape architect. The application complies with Policy 132.47.00.

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FINDING: SATISFIED. The City concurs with the applicant's findings.

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

Policy 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.

Policy 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.*

APPLICANT'S RESPONSE: Based on discussions with City staff, there is adequate capacity to serve the proposed development. The sanitary sewer system will be designed by an Oregon licensed civil engineer in accordance with applicable City of McMinnville development standards. The application complies with Policy 139.00.

FINDING: SATISFIED. The City concurs with the applicant's findings.

Storm Drainage

Policy 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.

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

APPLICANT'S RESPONSE: Based on discussions with City staff, there is adequate stormwater capacity to serve the proposed development. The storm system will be designed by an Oregon licensed civil engineer in accordance with applicable City of McMinnville development standards. The application complies with Policy 142.00.

FINDING: SATISFIED WITH CONDITIONS #3 AND 7. The City concurs with the applicant's findings, and adds that conditions of approval are included to require that a detailed storm drainage plan, which incorporates the requirements of the City's 2009 Storm Drainage Master Plan and the recommendations of the geotechnical report for the subject site dated August 15, 2014 by Strata Design, Inc., be submitted for review and approval by the City Engineering

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Department, and that the applicant secure applicable storm runoff and site development permits from the Oregon Department of Environmental Quality (DEQ).

Water System

Policy 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.

Policy 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.*

APPLICANT’S RESPONSE: Based on discussions with McMinnville Water and Light, there is adequate water available to serve the proposed development. The sanitary sewer system will be designed by an Oregon licensed civil engineer in accordance with applicable McMinnville Water and Light and City of McMinnville development standards. The application complies with Policy 145.00.

FINDING: SATISFIED. The City concurs with the applicants findings.

Police and Fire Protection

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

Policy 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.

APPLICANT’S RESPONSE: The proposed building will include security in form of fences, gates, and CCTV. At least 2 staff members are on duty 24 hours a day, 7 days a week. Fire protection equipment, such as fire alarms and fire sprinklers, will provided to meet building code requirements and enhance employee and resident safety. The application complies with Policy 153.00.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that emergency services departments were provided an opportunity to review the proposal, and offered no comments or objections to the proposed development of the conditional use on the subject site.

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.

Policy 159.00 The City of McMinnville’s Parks, Recreation, and Open Space Master Plan shall serve to identify future needs of the community, available resources, funding alternatives, and priority projects.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #1. A condition of approval is included to require that the subject property be partitioned as approved through the recently reviewed tentative partition application, which was reviewed under docket number MP 4-19. The condition of approval specifies that all applicable conditions of approval from docket number MP 4-19 shall be satisfied. One of the conditions of the tentative partition approval was that the final plat include the dedication of a public easement to allow for a multi-use trail to be developed by the City in the future.

As described in more detail above, the City of McMinnville Parks, Recreation, and Open Space Master Plan (June 1999) includes a number of recommendations and actions related to recreation and open space facilities that are applicable to land within the subject site. In order to develop the Yamhill River greenway and trail along the Yamhill River within the subject site, as described in the City of McMinnville Parks, Recreation, and Open Space Master Plan and in more detail above, a condition of approval from docket number MP 4-19 requires that the final plat include a public easement to allow for the City to construct a greenway trail in the future. The condition of approval specifies that, prior to any construction activity on the site or the development of final plat mylars, the applicant shall develop a site plan identifying the location of the public easement for greenway trail purposes. The site plan including the location of the greenway trail will be reviewed and approved by the Planning Director, and the easement will be located in a reasonable location within the 60 foot setback buffer required between the top of the slope on the subject site and the memory care building being proposed with this conditional use request. The easement will connect between the new sidewalk to be constructed on the west side of NE Dunn Place and the western property line of proposed Parcel 1 (northern parcel). At a minimum, the easement shall be 20 feet in width to accommodate a future 10 foot wide multi-use path with five foot buffers on each side.

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

Policy 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.

Policy 187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today’s technology and infrastructure, and can accommodate future technology and infrastructure.

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Policy 187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.

Policy 187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.

Policy 187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.

1. *Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*
 - a. *Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

APPLICANT'S RESPONSE: The subject property contains a portion of the South Yamhill River on the northwest corner of the property. The proposed memory care building and associated improvements would be set back 60 feet from the top of bank to minimize impacts to natural areas. This setback will allow for the natural area near the river to remain undisturbed. Trees along the riverbank and riparian area will be preserved. Some trees near the existing dwelling and outbuildings would need to be removed to allow demolition of the structures. A precise plan indicating which trees will be preserved is still under development. No development will occur near steep slopes along the riverbank.

FINDING: SATISFIED WITH CONDITIONS #2, 4, 5, 6, 7, AND 8. The City concurs with the applicant's findings, and adds that conditions of approval are included to ensure that the natural features on the site are preserved during the development of the site. A geotechnical report was provided with the application materials that analyzed the site in terms of soil content and slope stability. The geotechnical report was completed in 2014, therefore a condition of approval is included to require that the geotechnical report be verified by a registered professional geotechnical engineer to ensure that the findings and recommendations in the 2014 geotechnical report are still valid. Other conditions of approval are included to require that the development of the site be consistent with the recommendations of the geotechnical report, as may be updated based on the re-verification of that report, that any building permits within the required setback area be stamped by a registered professional geotechnical engineer, that the applicant provide evidence that the buried trash pit on the site has been remediated, and that the applicant secure applicable storm runoff and site development permits from the Oregon Department of Environmental Quality (DEQ). In addition, a condition of approval is included to require that existing trees within the 60 foot setback area or the sloped area beyond the top of slope shall not be removed without prior review and approval of the Planning Director. Public testimony received (described in Section IV) expressed concern with the loss of the trees on the subject site as they provide natural wildlife habitat. The preservation of these trees and the steep slopes on the subject site is consistent with Policy 187.50(1).

2. *Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*
 - a. *Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

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APPLICANT’S RESPONSE: The proposed memory care building will consist of single-story structure that is a maximum of 20 feet 9 1/8 inches in height. This lower building height will help preserve views to the north.

FINDING: SATISFIED. The City concurs with the applicant’s findings. The proposed memory care building will be a single story, and at just under 21 feet in height the structure will be well under the maximum height of 60 feet that is allowed in the R-4 zone. The building is also proposed to be located at least 60 feet, in some areas further, from the top of the steep slope that exists on the northwestern portion of the site. This setback area will preserve views of the South Yamhill River corridor from the surrounding land uses and from the public right-of-way along NE Dunn Place. As described in more detail above, a public trail easement will also be located in the 60 foot setback area. This public space will provide opportunities for the public to view the South Yamhill River corridor and the natural landscapes associated with it.

3. *Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*
 - a. *Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
 - b. *Central parks and plazas shall be used to create public gathering spaces where appropriate.*
 - c. *Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

APPLICANT’S RESPONSE: The proposed project does not include a proposal for new public parks or open space. However, the proposed development does include an indoor courtyard for resident enjoyment of the outdoors and secure, exterior courtyard facing the wooded area near the South Yamhill River. The nearest park is Bend O River mini park located between the cul-de-sacs of NE Clark Ct and NE Norton Ct one block away from the proposed development.

FINDING: SATISFIED WITH CONDITION #1. The City concurs with the applicant’s findings, but adds that a condition of approval is included to require that the subject property be partitioned as approved through the recently reviewed tentative partition application, which was reviewed under docket number MP 4-19. The condition of approval specifies that all applicable conditions of approval from docket number MP 4-19 shall be satisfied. One of the conditions of the tentative partition approval was that the final plat include the dedication of a public easement to allow for a multi-use trail to be developed by the City in the future, as described in more detail above. Therefore, additional park and open space, consistent with the City of McMinnville Parks, Recreation, and Open Space Master Plan, will be provided on the subject site in the future through the public trail easement that is being required through the partitioning process.

4. *Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*
 - a. *Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
 - b. *Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

APPLICANT’S RESPONSE: A 5-foot-wide sidewalk will be developed on each side of proposed Marjorie Lane providing pedestrian access to the site. Additionally, street improvements along NE Dunn Place will span the length of the subject property, including street trees and sidewalk on the west side of the street.

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FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the new street and sidewalk infrastructure is being constructed to be consistent with the applicable Transportation System Plan standards through the final partitioning process. All new sidewalks will be constructed with a planter strip between the sidewalk and the street. These planter strips will include street trees at a minimum, which will provide buffering for a more enjoyable and safe pedestrian experience. The new sidewalks will complete a gap in the sidewalk system along the west side of NE Dunn Place. Together with the future multi-use trail described in more detail above, the subject site will be vastly improved with pedestrian friendly features and will improve the pedestrian environment of the surrounding neighborhood.

5. *Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*
 - a. *Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
 - b. *Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

APPLICANT'S RESPONSE: The proposed project would develop a new public road, Marjorie Lane, with required sidewalk and planter strips for street trees. Due to the low traffic of this street, it would be bike friendly for employees who choose to commute by bicycle.

FINDING: SATISFIED. The City concurs with the applicant's findings. The subject site and the surrounding street network are not identified for further bike facilities in the existing Transportation System Plan. The multi-use trail described in more detail above will provide for an additional bike amenity within the neighborhood that will be off-street and therefore will be a more enjoyable and safe option for bicyclists than using the surrounding street network. The multi-use trail, when constructed, will also provide for increased connectivity between the surrounding residential neighborhoods, both existing and potential future neighborhoods.

6. *Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*
 - a. *Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
 - b. *Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

APPLICANT'S RESPONSE: The proposed project would develop a new public road, Marjorie Lane, with required sidewalk and planter strips for street trees.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the new street and sidewalk infrastructure is being constructed to be consistent with the applicable Transportation System Plan standards through the final partitioning process. The new street is aligned to allow for future extension to the west to serve future residential redevelopment as identified in the McMinnville Comprehensive Plan.

7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
 - a. *To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
 - b. *Design practices should strive for best practices and not minimum practices.*

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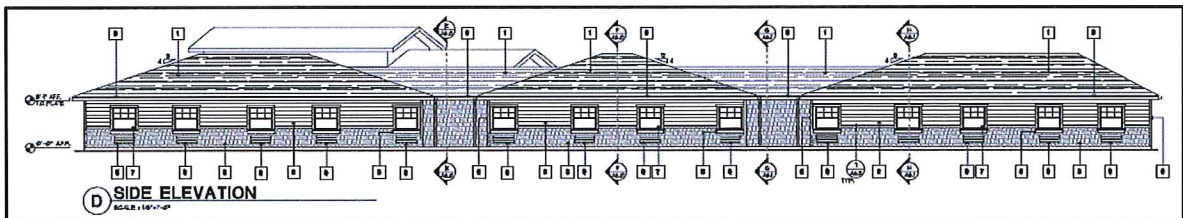
APPLICANT’S RESPONSE: Given the nature of the facility, there is special consideration and emphasis on the design of parking areas, walking paths, and buildings to make sure these features will be accessible for elderly individuals.

FINDING: SATISFIED. The City concurs with the applicant's findings.

8. *Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
 - a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
 - b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
 - c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

APPLICANT’S RESPONSE: The proposed building would be oriented toward a new public right-of-way, Marjorie Lane. The site will include generous landscaping, lighting in and around parking areas and walkways, and secure features such as fences and gates. Additionally, the residence will have staff available 24/7 to monitor activities of the building and grounds.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the proposed building is of a scale that is compatible with the surrounding built environment that is comprised of single family residential uses to the east and lower intensity commercial uses to the south. The building design also includes features that will be comfortable at a human scale. The entrance to the building is designed to be prominent and easily identifiable from the public right-of-way through the use of a taller gable roof feature and a covered drive through entrance. The covered drive through entrance provides for comfortability and ease of use for the primary future residents of the facility, who may require assistance with entering and exiting vehicles, and will be able to do so in an area that is protected from the elements. The most prominent building elevation will be the east elevation immediately adjacent to the NE Dunn Place public right-of-way. However, the east building façade includes a repetitive window pattern, windows with decorative finishes such as trim and windowsills, and varying roof heights and shapes. The east elevation can be seen below:



9. *Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*
 - a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
 - b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
 - c. *Neighborhoods are designed such that owning a vehicle can be optional.*

APPLICANT’S RESPONSE: There are many medical, recreational, and dining options near the vicinity of the proposed project with easy access from Highway 18. There are numerous medical facilities in the area. As mentioned previously, memory care residents do not drive. Employees would be able to access nearby services without having to drive a motor vehicle. It is expected that some employees would commute by bicycle.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the proposed memory care use introduces a new use to the surrounding neighborhood that already includes a variety of residential and commercial uses.

10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*

- a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

APPLICANT’S RESPONSE: The proposed project is a single-story building consisting of approximately 19,000 square feet. The memory care residence provides a soft transition from more intensive uses such as the commercial areas near Three Mile Lane, and single-family residential uses.

FINDING: SATISFIED. The City concurs with the applicant’s findings, but clarifies that the subject site is surrounded by other property that is also within the McMinnville Urban Growth Boundary. While rural uses are not adjacent to the site, a significant natural feature does exist adjacent to the site in the South Yamhill River corridor. As described in more detail above, the site is being designed to provide for setbacks from the steep slope on the northwest portion of the site, which will also provide for a transition between the developed portion of the site and the natural state of the South Yamhill River corridor.

11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*

- a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

APPLICANT’S RESPONSE: The subject property is zoned R4. The proposed memory care residence provides a specialized housing option for residents who need assistance with their daily routine. The proposed project adds to the diversity of housing in the City of McMinnville. As part of the proposed development, a remainder parcel would be created on the south side of the newly created Marjorie Lane. This parcel could be developed for residential use or other uses allowed under the R4 zoning district. There are currently no immediate plans to develop the remainder parcel.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*

- a. *Neighborhoods shall have several different housing types.*
 b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

APPLICANT’S RESPONSE: The subject property is zoned R4. As part of the proposed development, a remainder parcel would be created on the south side of the newly created Marjorie Lane. This parcel could be developed for residential use or other uses allowed under the R4 zoning district. There are currently no immediate plans to develop the remainder parcel.

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FINDING: SATISFIED. The City concurs with the applicant's findings.

13. *Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*
- a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
 - b. *Opportunities for public art provided in private and public spaces.*
 - c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.*

APPLICANT'S RESPONSE: The proposed development will be designed to meet building code standards for water and energy conservation. There are no current plans for public art. The pedestrian amenities of the site include street lights, parking lot lighting, pathway light bollards, landscaping, interior courtyard with raised beds, and a fountain, and fencing around an exterior courtyard. The design approach will integrate the form and function of these features with the main building design.

FINDING: SATISFIED. The City concurs with the applicant's findings.

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

Policy 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Conditional Use review provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

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

Chapter 17.03. General Provisions

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

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assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

Chapter 17.21 Multiple-Family Residential Zone

17.21.020 Conditional Uses. In an R-4 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74.030:: [...]

K. Nursing/convalescent home;

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The subject site is zoned R-4 PD (Multiple Family Residential Planned Development), which allows for the intended memory care facility use of the property as a conditional use. A memory care facility is consistent with the definition of “Nursing/convalescent home” in Section 17.06.015 of the McMinnville Municipal Code, which is “Any facility for the care, boarding, and housing of elderly persons or medical outpatients, including rest homes, homes for the aged, and similar uses operating under any name or as may be licensed by the State of Oregon.”

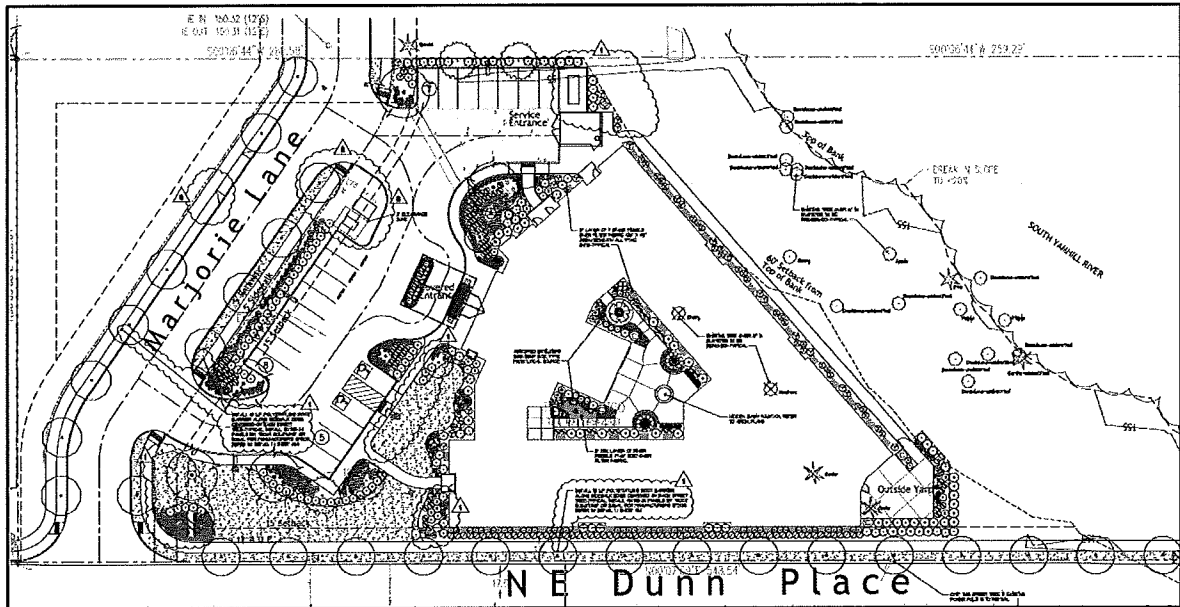
Chapter 17.57 Landscaping

17.57.030 Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

A. R-4 (Multiple-Family Residential zone, except the construction of Single-Family or Two-Family Residential unit);

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #10. A condition of approval is included to require that a landscape plan be submitted for review and approval by the Landscape Review Committee. The applicant does intend to include extensive landscaping throughout the subject site, as shown below in the submitted preliminary landscape plan:



Chapter 17.58 Trees

17.58.080 Street Tree Planting—When Required. All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #11. A condition of approval is included to require that street trees be planted within the planter strips adjacent to the subject site, and that the street tree planting plan be included in the landscape plan required to be reviewed and approved by the Landscape Review Committee.

Chapter 17.74 Review Criteria

17.74.030. Authorization to Grant or Deny Conditional Use.

A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

17.74.030(A). *The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;*

APPLICANT’S RESPONSE: The proposed Memory Care residence provides a needed housing option in the City of McMinnville for residents who may suffer from Alzheimer’s, dementia, and other mental ailments. The proposed development will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance. The only zoning code variance sought is for a reduction in the required number of parking spaces from 22 to 20, a 9% reduction,

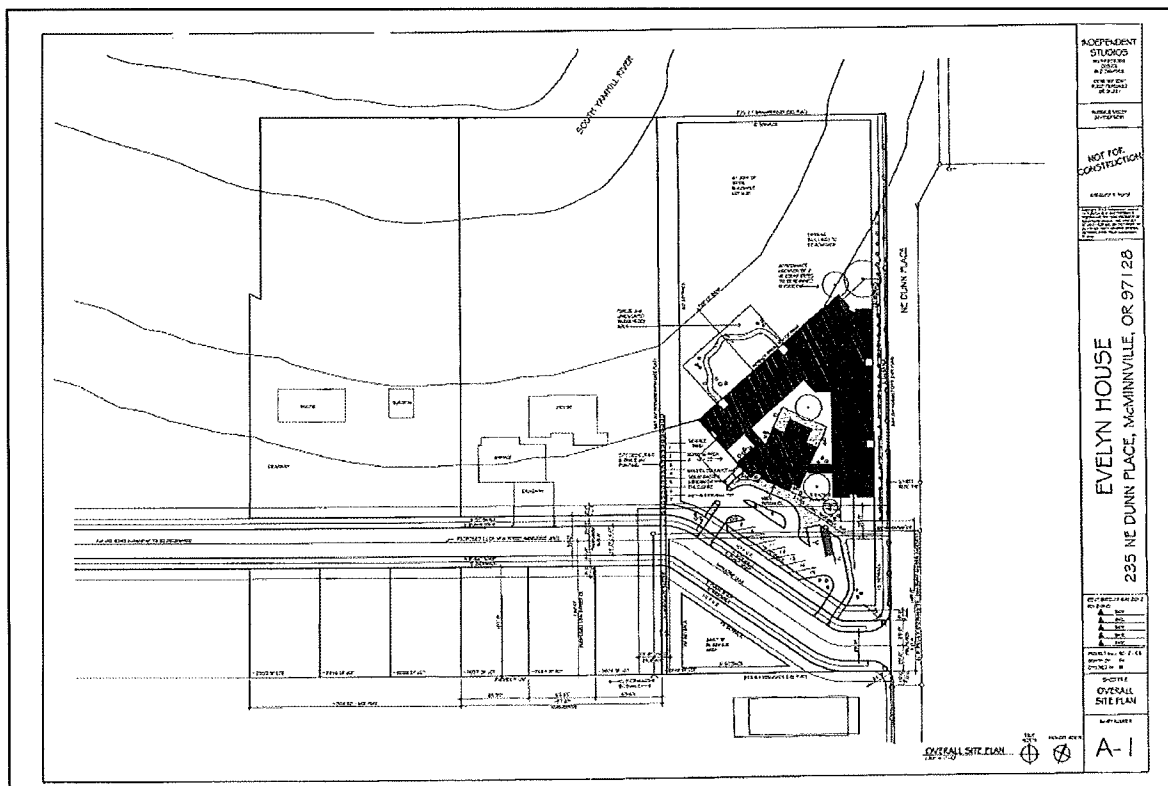
due to the fact that memory care residents do not own or drive personal motor vehicles. Based on Mosaic’s experience operating several similar facilities in Oregon, the proposed number of parking spaces would be adequate for this size of memory care residence.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and also refers to the findings provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusionary Findings) above.

17.74.030(B). *That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;*

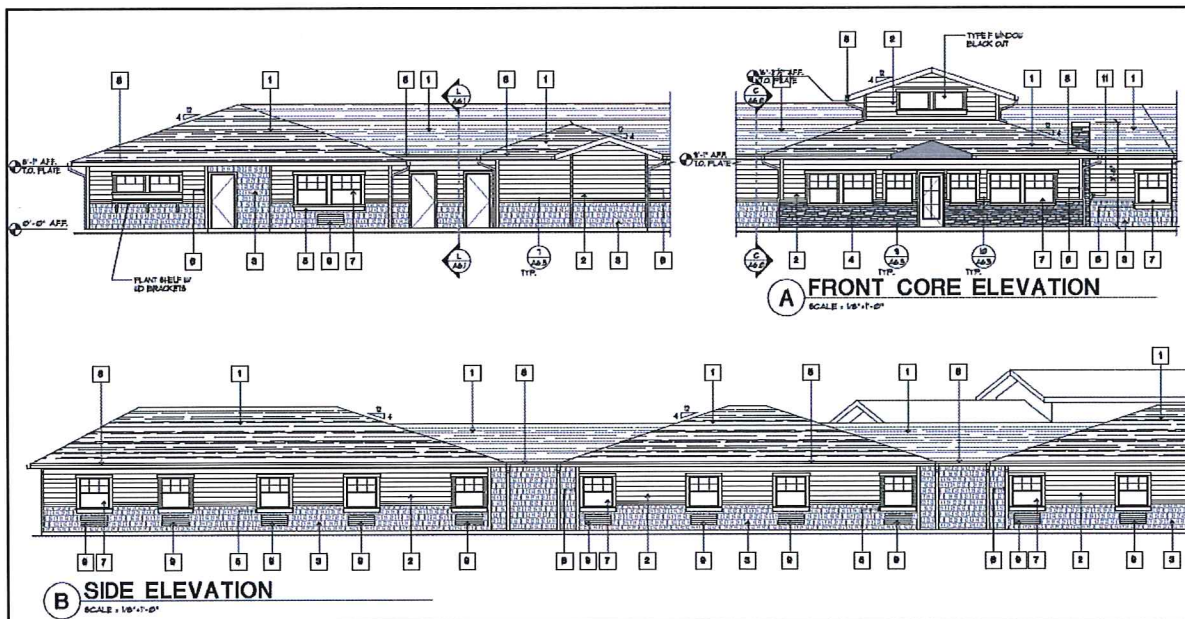
APPLICANT’S RESPONSE: The proposed memory care residence is primarily residential in nature and is located on a large lot. The proposed development will have a minimal impact to the surrounding neighborhood. The proposed development provides a good transition from single-family homes to commercial projects near Three Mile Lane.

FINDING: SATISFIED. The City concurs with the applicant’s findings. The City adds that the subject site is regulated by a Planned Development Overlay District adopted by Ordinance 4956, which included the approval of a master plan that became binding on the site. The master plan identifies the alignment of the new street, proposed to be constructed through a partition process as described in more detail above, and the location of the building and circulation areas on the site. Therefore, much of the site development is regulated and controlled by that binding master plan, and the site plan proposed is consistent with the binding master plan. The previously approved master plan can be seen below:



The proposed building is of a size that is compatible with the surrounding neighborhood and the scale of the existing development in the surrounding area. Single family residential development exists to the north and east, most of which is currently single story buildings although the maximum building height in the surrounding R-1 zone would allow up to 35 foot tall structures. The memory care building is also proposed to be only one story. The maximum height of the building is 20 feet 9 1/8 inches, which only occurs at the main entrance that has a more prominent and taller roofline. The remainder and majority of the building is only about 17 feet in height at the peak of the roofs, which is similar to and compatible with the existing development in the surrounding area.

The building does have a large footprint, but there are features of the building that help in reducing the massing. The building includes a variety of roof heights, sizes, and forms, including both gable ends and hipped roofs. The building facades that are oriented towards the surrounding single family residential development have hipped roofs with the peak running parallel to the building wall, which also reduces the massing and visual impact of the building as viewed from the surrounding public right-of-ways. These variations in building height and orientation can be seen in the front and side elevations below:



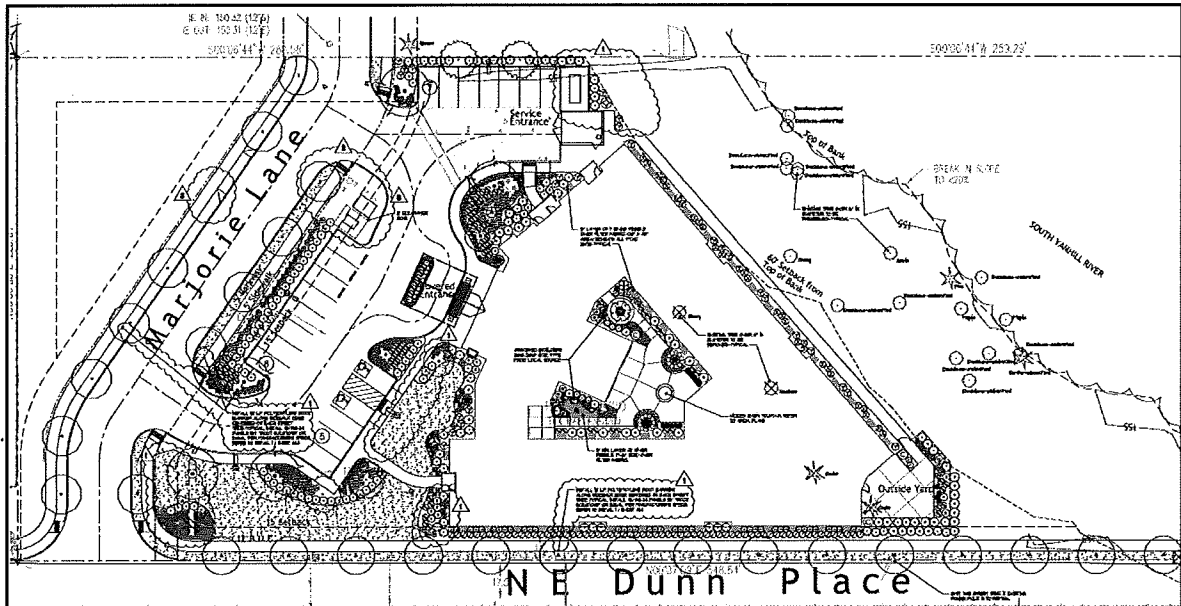
The design of the building also includes other features that will break up the façade and reduce the effect of the building massing, which can be seen in the front and side elevations above. Repetitive windows patterns, including windows with detailed trim and windowsills, are present on each façade. The building also has multiple exterior materials in what is described by the applicant as a northwest contemporary design with a mix of natural materials, including horizontal siding, shake siding, stone-wrapped columns, and wood beams.

The location of the building on the site includes a large rear yard setback, which is 60 feet from the top of the slope that exists on the northwest portion of the site. While the large setback is included for environmental reasons, as described in more detail above, it does reduce the lot coverage and preserves a portion of the site as open space to again reduce the scale and massing of the development. Conditions of approval are included to require that the development of the site be consistent with the recommendations of the geotechnical report, one of which is the 60 foot setback from the top of slope which will preserve this area and the natural features that exist on the site. The developed portion of the site is proposed to be extensively landscaped, including the planting of street trees within the public right-of-ways adjacent to the

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subject site. The proposed landscaping and trees will provide additional buffering and screening of the new building from surrounding uses. The preliminary landscape plan can be seen below:



Access to the site is proposed to be from a new street being dedicated through a partitioning process reviewed and approved under a recent tentative partition (docket number MP 4-19). Two access points are proposed into the site, which will allow for ingress and egress for emergency services vehicles and other larger transportation vehicles that may be required to provide transportation for residents of the facility. Off-street parking spaces are proposed in the same location, south of the building. The location of the parking and access points to the site will limit potential conflicts with single family uses and the multiple access points that exist along the east side of NE Dunn Place.

These design features of the proposed development result in a use of the site that is reasonably compatible with and has minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood.

17.74.030(C). *That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;*

APPLICANT'S RESPONSE: The proposed memory care residence will not cause significant adverse impacts on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to outright permitted uses. The bulk, scale, and mass of the proposed building is below the maximum density and height allowed within the R4 zone. The proposed memory care residence meets all required setbacks of the R4 zone.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the location, site, design, and operations of the substation facility will not cause any significant adverse impact on the livability, value, or appropriate development of abutting properties, based on the description of the location, site, design, and operations and the additional conditions of approval described in the finding for 17.74.030(B) above.

17.74.030(D). *The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;*

APPLICANT’S RESPONSE: The proposed development will be located near the middle of the subject property. The property will be generously landscaped. The architectural style of the building will be a northwest contemporary design with a mix of natural materials, including stone-wrapped columns and wood beam.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the location, site, design, and operations of the substation facility will be as attractive as the nature of the use and its setting warrant, based on the description of the location, site, design, and operations and the additional conditions of approval described in the finding for 17.74.030(B) above.

17.74.030(E). *The proposal will preserve environmental assets of particular interest to the community;*

APPLICANT’S RESPONSE: The subject property is located south of the South Yamhill River. The proposed Memory Care building would be set back 60 feet from the top of bank, limiting development near the river and riparian area.

FINDING: SATISFIED. The City concurs with the applicant’s findings. As discussed in more detail above, significant natural features on the site will be preserved, including the floodplain area, steep slope, and existing trees within the 60 foot setback area and on the steep slope.

17.74.030(F). *The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.*

APPLICANT’S RESPONSE: The proposed development is residential in nature, providing a safe, secure, and caring environment for persons suffering from Alzheimer’s, dementia, and other mental impairments. Mosaic Management has built and operated several similar residences in Oregon and one in New Mexico. The proposed development is a modern facility that will also provide jobs in the community. The proposed development will not artificially alter property values for speculative purposes.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

17.74.040. Placing Conditions on a Conditional Use Permit.

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;

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- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

APPLICANT’S RESPONSE: As part of this conditional use application, the applicant is seeking a reduction to the number of parking spaces required from 22 to 20, a 9% reduction. The City of McMinnville Zoning Ordinance provides a parking ratio for the closest equivalent use as “Convalescent, hospital, nursing home, sanitarium, or rest home” which states...”one space per two beds for patients or residents” pursuant to Section 17.60.060(B)(4). Therefore, a 44-bed residence would require 22 parking spaces under the Zoning Ordinance.

Memory care residents would not own or operate motor vehicles, thereby reducing the need for on-site parking to visitors, staff, and occasional deliveries. Based on Mosaic’s knowledge of operating similar facilities, the proposed number of parking spaces would adequately serve the proposed Memory Care residence.

The proposed development includes the installation of a single ground-mounted sign, with two sign faces, near the intersection of the future road, Marjorie Lane, and Dunn Place. The approximate total above ground sign size is 30 square feet. The applicant is requesting consideration of 2 ground-mounted light fixtures to illuminate the sign during hours of darkness.

As stated above, the proposed monument sign lighting provides a necessary function of site identification and wayfinding for visitors, potential residents, delivery drivers, service vehicles, and emergency responders. The proposed sign lighting will not cause light-spill beyond the property line. The granting of the exception will not be detrimental to community standards and the appearance of the city. The proposed lighting fixtures used to illuminate the sign are the minimum specification necessary to provide lighting during hours of darkness.

FINDING: SATISFIED WITH CONDITION #9 AND CONDITION #12. The City concurs with the applicant’s findings, and also concurs with the rationale to allow for the reduction in parking spaces on the site. The applicant has requested a reduction in the number of off-street parking spaces on the subject site, which can be allowed under the conditional use process through a condition of approval that designates the size of the parking areas pursuant to Section 17.74.040(F). Therefore, a condition of approval is included to allow for only 20 off-street parking spaces for the 44 bed facility. A condition of approval is also included to allow for the monument sign to be illuminated as proposed by the applicant.

Planned Development Ordinance

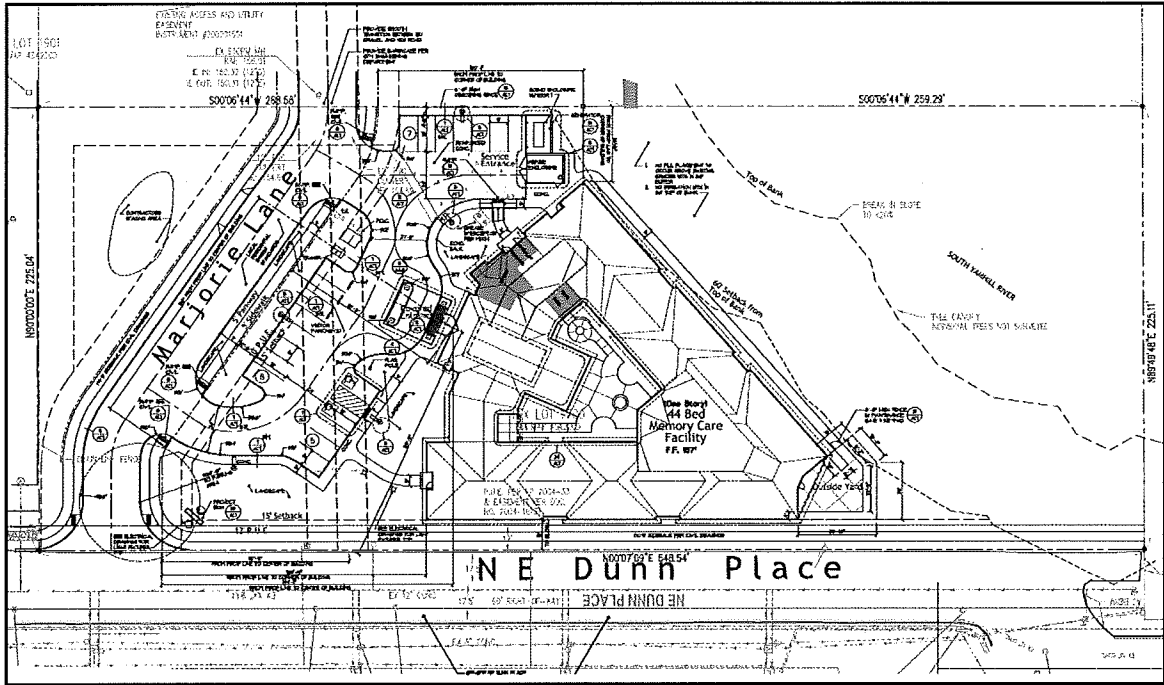
The following Sections of the Planned Development adopted by Ordinance 4956 provide criteria applicable to the request:

Section 2. *That the property described in “Exhibit A” is hereby rezoned from a City R-2 PD (Single-Family Residential, Planned Development) zone to a City R-4 PD (Multi-Family Residential Planned Development) zone, subject to the following conditions:*

1. *That all applicable requirements of McMinnville Planned Development Ordinance No. 4719 shall remain in effect.*
2. *That the Evelyn House master plan, submitted as part of this application, shall be placed on file with the Planning Department and become a part of the zone, and binding on the owner and developer. That the developer shall be responsible*

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