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September 25, 2019

Sam Thomas
Lenity Architecture
3150 Kettle Court SE
Salem, OR 97301

Re: 235 NE Dunn Place – Land Use Application Approvals

Dear Mr. Thomas:

This is to advise you that, at a meeting of the McMinnville Planning Commission on Thursday, September 19, 2019, your applications for a Conditional Use (CU 3-19) and Three Mile Lane Development Review (TML 2-19) were presented and considered. The subject property is located at 235 NE Dunn Place. The subject property is more specifically described as Parcel 1, Partition Plat 2004-33, and is also identified as Tax Lot 1700, Section 22CD, T. 4 S., R. 4 W., W.M.

Based on the material submitted, the review criteria in Sections 17.74.030 and 17.74.040 of the McMinnville Municipal Code, and the applicable criteria in Ordinance Nos. 4131 and 4572, the Planning Commission voted to **APPROVE** the applications, **subject to conditions.**

Enclosed for your records are copies of the signed land use Decision Documents which include the Planning Commission's decisions with Findings of Fact, Conclusionary Findings, and Conditions of Approval.

The Conditional Use (CU 3-19) and Three Mile Lane Design Review (TML 2-19) approvals included conditions of approval, which are included in your land use Decision Documents. We have also outlined those conditions of approval below. Please note that we are providing the conditions of approval within this letter as a courtesy. The official Decision Document with the Findings of Fact, Conclusionary Findings and Conditions of Approval is a separate document and is enclosed with this letter for the applicant and is also on file with the Planning Department.

Conditional Use (CU 3-19) Conditions of Approval

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, 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 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.

Page 4

- 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.

Three Mile Lane Design Review (TML 2-19) Conditions of Approval

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. That the development and use of the site shall be consistent with the Conditional Use permit approved for the site under docket number CU 3-19. All applicable conditions of approval from docket number CU 3-19 shall be satisfied.

Pursuant to Section 17.72.180 of the McMinnville Zoning Ordinance, the Planning Commission's decision may be appealed to the City Council within 15 days of the date this written notice of the Planning Commission's decision is mailed to parties who participated in the local proceedings and are entitled to notice. If no appeal is filed on or before October 10, 2019, the decision of the Planning Commission will be final.

If you have any questions regarding this matter, please feel free to contact me at (503) 434-7330.

Sincerely,



Chuck Darnell
Senior Planner

CD:sjs

c: Doug Sproul, 1900 Hines St. SE - Suite 150, Salem, OR 97302
Mike Full, 165 NE Dunn Place, McMinnville, OR 97128
Nanette Pirisky, 135 NE Dunn Place, McMinnville, OR 97128
Julia Pirisky, 262 NE Dunn Place, McMinnville, OR 97128

Enclosures:

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)

Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of Three Mile Lane Development Review for New Development at 235 NE Dunn Place (Docket TML 2-19)