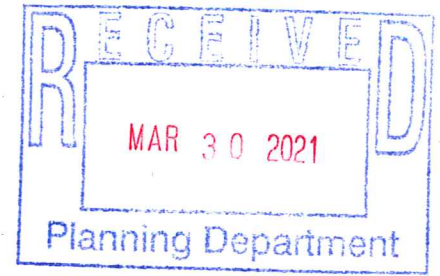


**Kimco McMinnville, LLC
15 Southgate Ave, Suite 201
Daly City, CA 94015**



March 29, 2021

Tom Schauer
Senior Planner
City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97218

**Re: Response to CPA 2-20 and ZC 3-20 Application Completeness Review Letter
3310 SE Three Mile Lane, Map & Tax Lot R4426 00700**

Dear Tom:

Thank you for your January 20, 2021 completeness review of the above referenced application. This packet provides the information identified as completeness items, responds to the discussion of the Planned Development Overlay in the "Background Information" section of your letter, and requests that our application be deemed complete.

Completeness Items

1. Acreage and Right-of-Way Dedication Clarifications

We request that the 4.25-acre right-of-way dedication be included as a part of our request for a Comprehensive Plan Amendment from Industrial to Commercial and a Zone Change from M-2 to C-3 PD, as depicted on the updated Exhibit 1. We also request that a condition of approval be imposed and/or findings be included that explain that this 4.25-acre area is intended to be dedicated as a public right-of-way at the time of development.

With the additional 4.25-acre area, the total land area subject to the Comprehensive Plan Amendment and Zone Change is 37.74 acres. Because the additional 4.25 acres will be used exclusively for right-of-way purposes, it is not necessary to change to the application's assumptions about the future development of approximately 33.49 acres, such as traffic impacts or satisfying the existing commercial land deficiency with surplus industrial land.

2. Conflict Between Pages 3 and 4 of Attachment 1

We have consolidated the diagrams showing our Comprehensive Plan Amendment and Zone Change request into one exhibit to eliminate any inconsistencies in our application. This should add clarity to the precise land areas within our parcel that will be redesignated and rezoned through approval of this application. Please see **Exhibit 1** attached.

3. Dimensions

To further affirm the land areas included on the diagram as shown within **Exhibit 1**, we have attached legal descriptions that lend support to the dimensions intended for each land use designation and zone area. Please see **Exhibits 2, 3, and 4** attached containing these descriptions.

Background Item: Planned Development Overlay Options and Requirements

As noted in your completeness review letter, we have proposed a Planned Development Overlay designation using the provisions in Section 17.51.010(B) of the Zoning Ordinance, which means no development plan must be submitted at this time. Instead, a development plan will be proposed once the redevelopment of the property is more certain.

The letter of incompleteness noted that additional analysis was needed to explain the unique conditions that support deferring submittal of the development plan (Subsection (B)(1)) and items that must be addressed when final plans are submitted (Subsection (B)(2)).

(B)(1) A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the Council or the Planning Commission shall address itself to the purposes set forth herein.

The primary rationale for allowing a deferred submittal of the development plan under the proposed PD designation is to ensure that development that is proposed on the property is consistent with and implements the future Three Mile Lane Area Plan (TMLAP).

Your letter provided an excellent summary of this unique condition: "It is reasonable to conclude there are unique conditions to allow deferred submittal of a final plan to ensure consistency and coordination of the design and development standards, circulation plan, and other considerations with a future Three Mile Lane Area Plan (TMLAP) given the sale of that plan as well as the scale of the potential development on the subject property."

(B)(2) The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plans are submitted.

We understand that the review process will identify areas of potential concerns and proposed conditions and standards to address those concerns that will need to be included in the development plan that is submitted.

We agree with the categories of items to be included outlined in your January 20, 2021 completeness letter (with the clarifications described below), and that the TMLAP will provide important guidance on the design and development standards that will be expected of future development on the property. However, because no development is under consideration at this time, we request that the conditions and standards identified during this process be flexible so that further refinement can occur once more is known about feasible development.

Clarification: Great Neighborhood Principles in the Comprehensive Plan. We agree that some of these principles should be incorporated into the development plan and project. We request that this process provide clarity about which principles are applicable. For example, the following are not applicable: Principles 11 and 12 are directed at housing, so are irrelevant to commercial development and Principle 10 is not applicable because the property is not located on the on the edge of the UGB.

Clarification: Land Division. We understand and agree that the portions of the property subject to the PD overlay cannot be divided or have portions sold prior to when the master plan is approved. However, the property subject to the to the proposed amendments is only a portion of a larger, undivided approximately 90.43-acre property. We anticipate that prior to when a master plan is approved, the 90.43-acre parcel may be partitioned so that the 37.74-acre commercial portion and remaining industrial areas are divided into separate lots that may be held in separate ownership. It is possible that this partition may require an access drive or street that connects the industrial parcel to SH 18. We request that the findings clarify that the land division limitation does not preclude dividing the parent parcel into a commercial lot and industrial lot(s) or related required access improvements, and that it is intended to limit divisions of the 37.74-acre area into smaller lots prior to when the master plan is approved.

Next Steps

This packet addresses each of the completeness items from the January 20, 2021 letter. We request that you deem our application complete.

We look forward to working with the City and public as our application proceeds through the public process.

Sincerely,



Michael Strahs
Authorized Agent
Kimco McMinnville, LLC

Attachments:

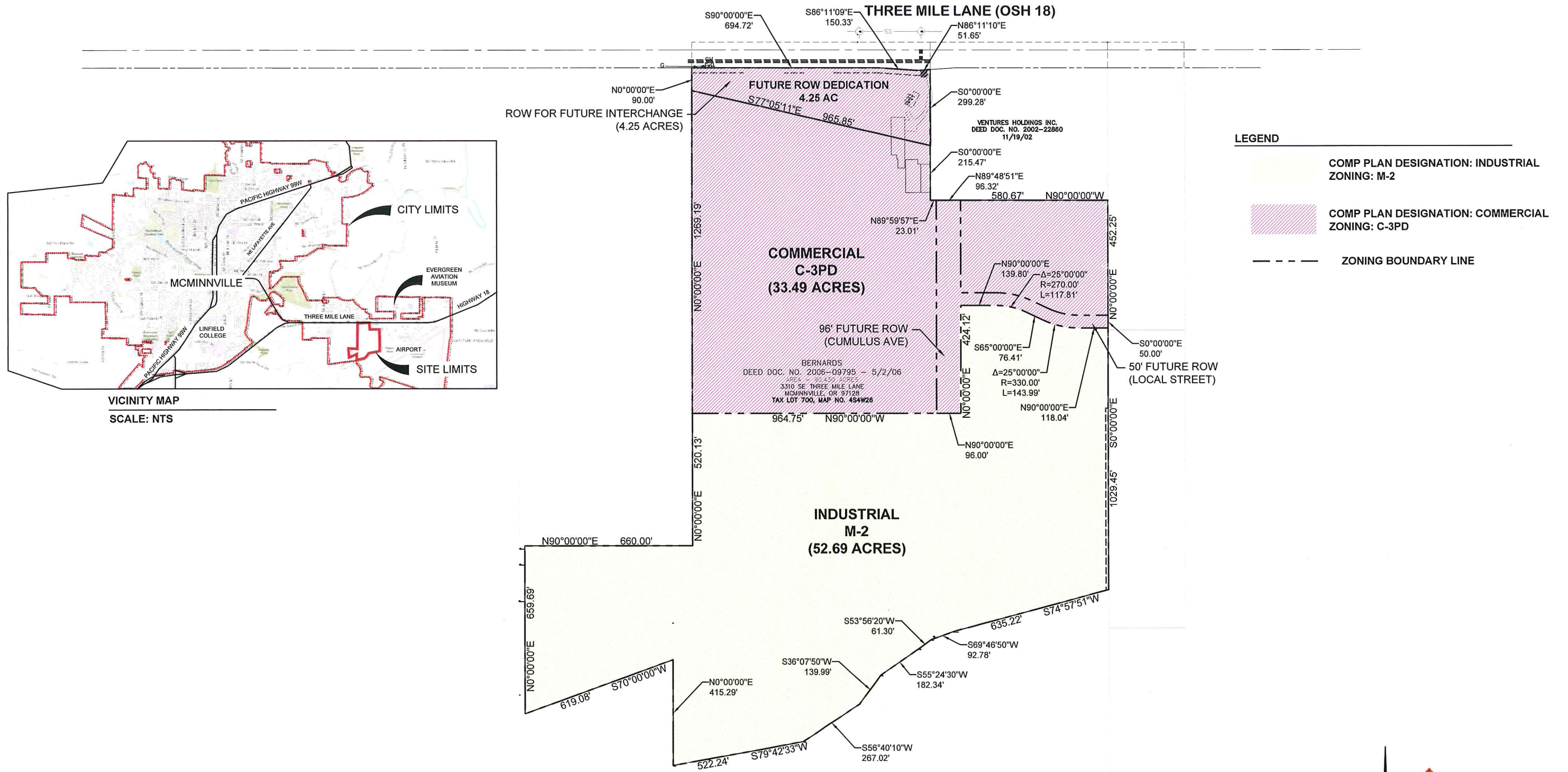
Exhibit 1: Proposed Comprehensive Plan Amendment and Zone Change

Exhibit 2: Legal Description for Commercial/C-3PD Land Area

Exhibit 3: Legal Description for Industrial/M-2 Land Area

Exhibit 4: Legal Description for future Public ROW Land Area

Exhibit 1



PROPOSED COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE - THREE MILE LANE

Address: 3310 SE Three Mile Lane (Map & Tax Lot R4426 00700)
 Applicant: Kimco McMinnville, LLC

03/25/2021
 SCALE IN FEET

DOWL

720 SW Washington Street, #750
 Portland, Oregon 97205
 971-280-8645

Project #: 2322.14783.01
 Contact: Mike Towle, PE
 503-679-1769

McMinnville, OR

Exhibit 2

S&F Land Services

4858 SW Scholls Ferry Rd, Ste A Portland, OR 97225
(503) 345-0328 - www.sflands.com

2021-014-63
3/22/21
TLB


LEGAL DESCRIPTION COMMERCIAL ZONE

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 26 AND THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, CITY OF MCMINNVILLE, OREGON, BEING A PORTION OF THAT PROPERTY CONVEYED TO KIMCO MCMINNVILLE LLC., PER WARRANTY DEED DOCUMENT NUMBER 2006-67470, YAMHILL COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3" BRASS DISK MARKING THE NORTHWEST CORNER OF SAID SECTION 26; THENCE NORTH 90°00'00" WEST 45.16 FEET; THENCE SOUTH 00°00'00" EAST 100.99 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF E SALMON RIVER HWY (OSH 18) (BEING 70.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO); THENCE ALONG THE WESTERLY LINE OF SAID DOCUMENT NUMBER 2006-67470, SOUTH 00°00'00" EAST 90.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING SOUTH 00°00'00" EAST 1269.19 FEET; THENCE LEAVING SAID WESTERLY LINE, NORTH 90°00'00" EAST 1060.75 FEET; THENCE NORTH 00°00'00" EAST 424.12 FEET; THENCE NORTH 90°00'00" EAST 139.80 FEET TO THE BEGINNING OF A 270.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG SAID CURVE 117.81 FEET, THROUGH A CENTRAL ANGLE OF 25°00'00" (THE LONG CHORD BEARING SOUTH 77°30'00" EAST, 116.88 FEET); THENCE SOUTH 65°00'00" EAST 76.41 FEET TO THE BEGINNING OF A 330.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE 143.99 FEET, THROUGH A CENTRAL ANGLE OF 25°00'00" (THE LONG CHORD BEARING SOUTH 77°30'00" EAST, 142.85 FEET); THENCE NORTH 90°00'00" EAST 118.04 FEET TO THE EASTERLY LINE OF SAID DOCUMENT NUMBER 2006-67470; THENCE ALONG SAID EASTERLY LINE, NORTH 90°00'00" EAST 502.57 FEET; THENCE NORTH 90°00'00" WEST 700.00 FEET; THENCE NORTH 00°00'00" EAST 215.16 FEET; THENCE LEAVING SAID EASTERLY LINE, NORTH 77°05'11" WEST 965.85 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,458,887 SQUARE FEET OR 33.491 ACRES, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR


Digitally signed by
Jered McGrath
Date: 2021.03.24
19:04:50 -07'00'

OREGON
JUNE 13, 2008
JERED MCGRATH
79419

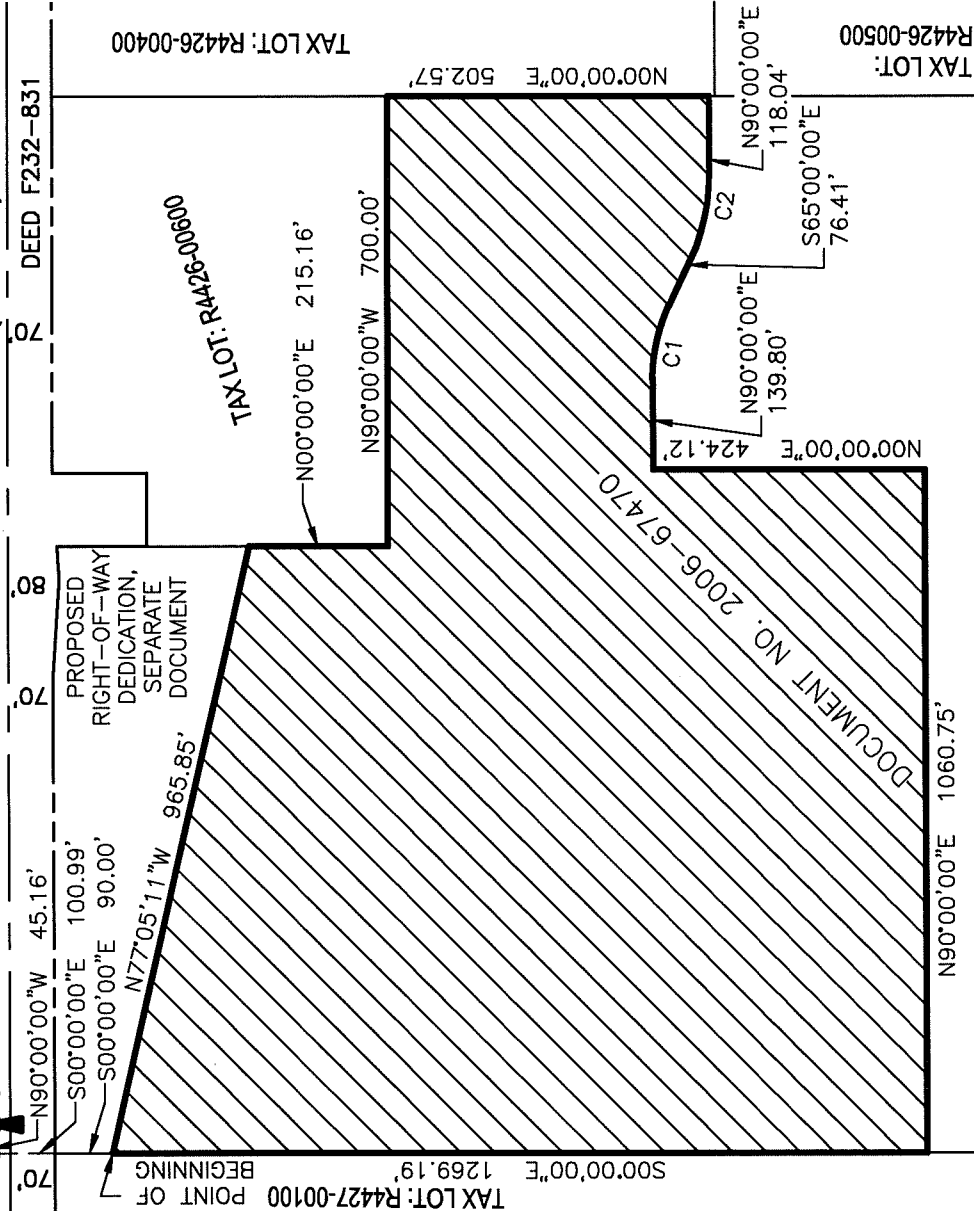
RENEWS: 12/31/2021

POINT OF COMMENCEMENT A FD. 3" BRASS DISK
IN MON. BOX INSCRIBED "YAMHILL CO. SURVEYOR
1986 22/23/27/26 T4S R4W" MARKING THE NW
CORNER OF SECTION 26, T4S, R4W - HELD

E SALMON RIVER HWY (OSH 18)

**EXHIBIT B
COMMERCIAL ZONE**

NW 1/4 SECTION 26 & NE 1/4 SECTION
27, T4S, R4W, W.M., CITY OF
MCMINNVILLE, YAMHILL COUNTY,
OREGON



1 INCH = 300 FEET

LEGEND:

AREA OF COMMERCIAL ZONE
1,458,887 SQUARE FEET OR
33.491 ACRES MORE OR LESS

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD LEN
C1	25°00'00"	270.00'	117.81'	S77°30'00"E	116.88'
C2	25°00'00"	330.00'	143.99'	S77°30'00"E	142.85'

S&F Land Services

Date: 3/22/21
Proj No: 2021-014-63
4858 SW SCHOLLS FERRY ROAD, SUITE A
PORTLAND, OR 97225
www.sflands.com
info@sflands.com
503-345-0328

Exhibit 3

S&F Land Services

4858 SW Scholls Ferry Rd, Ste A Portland, OR 97225
(503) 345-0328 - www.sflands.com

2021-014-63

3/22/21

TLB

LEGAL DESCRIPTION INDUSTRIAL ZONE

A TRACT OF LAND SITUATED IN THE WEST HALF OF SECTION 26 AND THE EAST HALF OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, CITY OF MCMINNVILLE, OREGON, BEING A PORTION OF THAT PROPERTY CONVEYED TO KIMCO MCMINNVILLE LLC., PER WARRANTY DEED DOCUMENT NUMBER 2006-67470, YAMHILL COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3" BRASS DISK MARKING THE NORTHWEST CORNER OF SAID SECTION 26; THENCE NORTH 90°00'00" WEST 45.16 FEET; THENCE SOUTH 00°00'00" EAST 100.99 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF E SALMON RIVER HWY (OSH 18) (BEING 70.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO); THENCE ALONG THE WESTERLY LINE OF SAID DOCUMENT NUMBER 2006-67470, SOUTH 00°00'00" EAST 1359.19 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID WESTERLY LINE, NORTH 90°00'00" EAST 1060.75 FEET; THENCE NORTH 00°00'00" EAST 424.12 FEET; THENCE NORTH 90°00'00" EAST 139.80 FEET TO THE BEGINNING OF A 270.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG SAID CURVE 117.81 FEET, THROUGH A CENTRAL ANGLE OF 25°00'00" (THE LONG CHORD BEARING SOUTH 77°30'00" EAST, 116.88 FEET); THENCE SOUTH 65°00'00" EAST 76.41 FEET TO THE BEGINNING OF A 330.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE 143.99 FEET, THROUGH A CENTRAL ANGLE OF 25°00'00" (THE LONG CHORD BEARING SOUTH 77°30'00" EAST, 142.85 FEET); THENCE NORTH 90°00'00" EAST 118.04 FEET TO THE EASTERLY LINE OF SAID DOCUMENT NUMBER 2006-67470; THENCE ALONG SAID EASTERLY LINE, SOUTH 90°00'00" EAST 1029.45 FEET TO THE SOUTHERLY LINE OF SAID DOCUMENT NUMBER 2006-67470; THENCE ALONG SAID SOUTHERLY LINE, SOUTH 74°57'51" WEST 635.22 FEET; THENCE SOUTH 69°46'50" WEST 92.78 FEET; THENCE SOUTH 53°56'20" WEST 61.30 FEET; THENCE SOUTH 55°24'30" WEST 182.34 FEET; THENCE SOUTH 36°07'50" WEST 139.99 FEET; THENCE SOUTH 54°57'51" WEST 267.02 FEET; THENCE SOUTH 79°40'40" WEST 384.74 FEET; THENCE SOUTH 79°47'50" WEST 137.50 FEET TO THE WESTERLY LINE OF SAID DOCUMENT NUMBER 2006-67470; THENCE ALONG SAID WESTERLY LINE, NORTH 00°00'00" EAST 415.29 FEET; THENCE SOUTH 70°00'00" WEST 619.08 FEET; THENCE NORTH 00°00'00" EAST 660.00 FEET; THENCE NORTH 90°00'00" EAST 660.00 FEET; THENCE NORTH 00°00'00" EAST 519.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,295,098 SQUARE FEET
OR 52.688 ACRES, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



Digitally signed by
Jered McGrath
Date: 2021.03.24
18:59:00 -07'00'

OREGON
JUNE 13, 2008
JERED MCGRATH
79419

RENEWS: 12/31/2021

POINT OF COMMENCEMENT
 A FD. 3" BRASS DISK IN
 MON. BOX INSCRIBED
 "YAMHILL CO. SURVEYOR
 1986 22/23/27/26 T4S
 R4W" MARKING THE NW
 CORNER OF SECTION 26,
 T4S, R4W - HELD

E SALMON RIVER HWY (OSH 18)

N90°00'00"W 45.16' R
 S00°00'00"E 100.99' PROPOSED
 S00°00'00"E 1359.19' RIGHT-OF-WAY
 DEDICATION
 N90°00'00"E 1060.75'

POINT OF BEGINNING
 N00°00'00"E 519.82'

TAX LOT: R4427-00200

N90°00'00"E 660.00'

TAX LOT: R4427-00200

S70°00'00"W 919.08'
 N00°00'00"E 415.29'

N90°00'00"E 139.80'
 C1
 S65°00'00"E 76.41'
 N90°00'00"E 118.04'
 C2
 N00°00'00"E 424.12'

TAX LOT: R4426-00500

S00°00'00"E 1029.45'

DOCUMENT NO. 2006-67470



1 INCH = 300 FEET

LEGEND:



AREA OF INDUSTRIAL ZONE
 2,295,098 SQUARE FEET OR
 52.688 ACRES MORE OR LESS

**EXHIBIT B
 INDUSTRIAL ZONE**

W 1/2 SECTION 26 & E 1/2 SECTION 27,
 T4S, R4W, W.M., CITY OF MCMINNVILLE,
 YAMHILL COUNTY, OREGON

TAX LOT: R4426-00701

S69°46'50"W 92.78'
 S53°56'20"W 61.30'
 S55°24'30"W 182.34'
 S36°07'50"W 139.99'

S56°40'10"W 267.02'
 S79°40'40"W 384.74'
 S79°47'50"W 137.50'

CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD LEN
C1	25°00'00"	270.00'	117.81'	S77°30'00"E	116.88'
C2	25°00'00"	330.00'	143.99'	S77°30'00"E	142.85'



Date: 3/22/21
 Proj No: 2021-014-63
 4858 SW SCHOLLS FERRY ROAD, SUITE A www.sflands.com
 PORTLAND, OR 97225 info@sflands.com
 503-345-0328

Exhibit 4

EASEMENT FOR RIGHT-OF-WAY PURPOSES

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 26 AND THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, CITY OF MCMINNVILLE, OREGON, BEING A PORTION OF THAT PROPERTY CONVEYED TO KIMCO MCMINNVILLE LLC., PER WARRANTY DEED DOCUMENT NUMBER 2006-67470, YAMHILL COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 185,147 SQUARE FEET OR 4.250 ACRES, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



Digitally signed by
Jered McGrath
Date: 2021.03.24
18:50:30 -07'00'

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RENEWS: 12/31/2022

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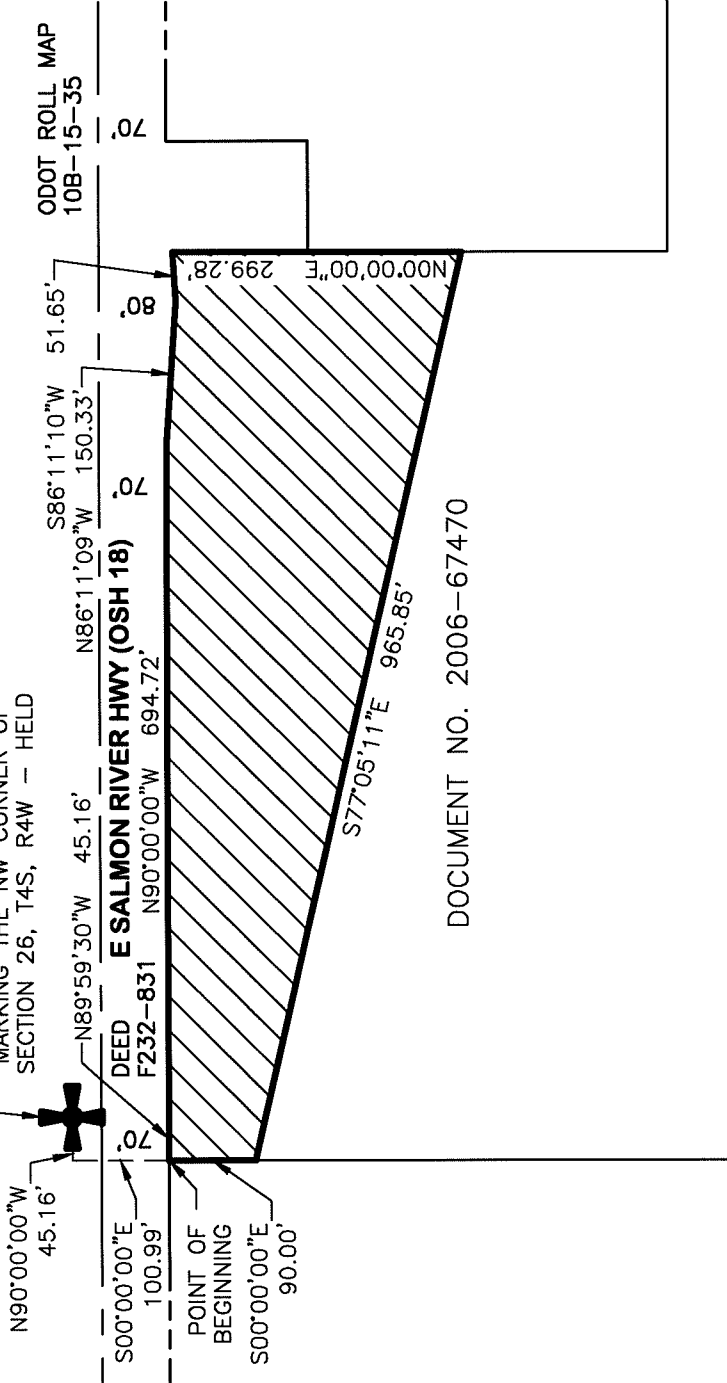
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2021-014-63
3/22/21
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EXHIBIT B

**EASEMENT FOR RIGHT-OF-WAY PURPOSES
NW 1/4 SECTION 26 & NE 1/4 SECTION 27, T4S, R4W,
W.M., CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON**

POINT OF COMMENCEMENT A FD.
3" BRASS DISK IN MON. BOX
INSCRIBED "YAMHILL CO. SURVEYOR
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MARKING THE NW CORNER OF
SECTION 26, T4S, R4W - HELD



ODOT ROLL MAP
10B-15-35

E SALMON RIVER HWY (OSH 18)
DEED F232-831

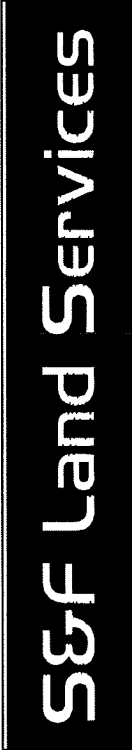
DOCUMENT NO. 2006-67470



1 INCH = 200 FEET

LEGEND:

- PARCEL - 1
- AREA OF RIGHT-OF-WAY
185,147 SQUARE FEET OR
4.250 ACRES MORE OR LESS.



Date: 3/24/21
Proj No: 2021-014-63
4858 SW SCHOLLS FERRY ROAD, SUITE A
PORTLAND, OR 97225
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503-345-0328