



231 NE Fifth Street • McMinnville, Oregon 97128 • www.mcminnvilleoregon.gov

September 19, 2017

Ray Kulback
RB&R Contractors Inc.
737 NW Adams Street
McMinnville, OR 97128

RE: ZC 9-17 and ZC 10-17

Dear Mr. Kulback:

This is to advise you that, at a meeting of the McMinnville City Council on Tuesday, September 12, 2017, your applications for a zone change (ZC 9-17) from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential) and a planned development amendment (ZC 10-17) were presented and considered. The subject site is located at 1730 SW 2nd Street and is more specifically described as Tax Lots 101 and 100, Section 20CB, T. 4 S., R. 4 W., W.M.

Based on the material submitted, testimony received, and the review criteria in Section 17.74.020 and Section 17.74.070 of the McMinnville Zoning Ordinance, the City Council voted to **APPROVE** your zone change and planned development requests (ZC 9-17 and ZC 10-17). Enclosed for your records is a copy of Ordinance No. 5036, which was adopted by the City Council on September 12, 2017, and includes your land use decision with the Findings of Fact and Conditions of Approval.

We have also outlined the conditions of approval below:

1. That the development plan, to include appropriate open space amenities and recreational facilities, shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

2. Side yards setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.
3. Buffering along the western and eastern boundaries of this site shall be required and shall utilize methods for the express purpose of mitigating noise, headlight glare, and visual intrusion from this site onto the neighboring properties located to the west and east of this site and shall include a mix of vertical and horizontal vegetation, fencing and/or berms. A landscape plan for the site, which includes proposed plant material to provide the required buffering, shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to the issuance of building permits for the site.
4. The current development plan includes one duplex unit that would be constructed over the existing common property line between the subject parcels. To prevent a duplex unit from being constructed over a common property line, the applicant shall submit a property line adjustment application to the Planning Department to either eliminate the common property line between the subject parcels, or to adjust the common property line to allow for the construction of each duplex unit on an individual lot of record. The property line adjustment shall be recorded, as approved by the Planning Director, with the Yamhill County Clerk's office prior to the issuance of building permits for the site.
5. That the applicant shall submit shared parking and access agreements or easements to the Planning Department for review. The shared parking and access agreements or easements shall be recorded, as approved by the Planning Director, with the Yamhill County Clerk's office prior to the issuance of building permits for the site.
6. That the applicant shall dedicate 18 (eighteen) feet of right-of-way along the site's SW 2nd Street frontage to provide the necessary right-of-way for the roadway as it is classified in the Transportation System Plan.
7. That the applicant shall dedicate a 10 (ten) foot public utility easement along the site's SW 2nd Street frontage.
8. That driveway and sidewalk improvements within the site and adjacent to the site shall be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG).
9. That the applicant shall provide onsite stormwater detention and storm system improvements that satisfy the requirements of the City of McMinnville Storm Drainage Master Plan.
10. That the planned development amendment approval shall be terminated if the proposed improvements do not commence within two years of the effective date of this approval, and if the proposed improvements are not complete with seven years of the effective date of this approval.
11. That Ordinance No. 4097 is repealed in its entirety.
12. That this Ordinance shall take effect 30 days after its passage by the City Council.

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Pursuant to the Zoning Ordinance of the City of McMinnville, an action or ruling of the City Council may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of the decision is mailed. If no notice of intent to appeal to LUBA is submitted by October 10, 2017, the decision of the City Council will become final.

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

Sincerely,



Chuck Darnell
Associate Planner

CD:sjs

c:

Bill Bordeaux, 1724 NW 3rd Court, McMinnville, OR 97128
Dick & Linda Donahoo, 1680 NW Jennifer Court, McMinnville, OR 97128
FHCO c/o Louise Dix, 1221 SW Yamhill Street - Suite 305, Portland, OR 97205
HLA c/o Jennifer Bragar, 121 SW Morrison Street – Suite 1850, Portland, OR 97204

Enclosures:

Ordinance No. 5036