

**Planning Commission
Thursday, August 18, 2022
6:30 PM Regular Meeting**

HYBRID Meeting

IN PERSON – McMinnville Civic Hall, 200 NE Second Street, or ZOOM Online Meeting

Please note that this is a hybrid meeting that you can join in person at 200 NE Second Street or online via Zoom

ZOOM Meeting: You may join online via the following link:

<https://mcminnvilleoregon.zoom.us/j/82854218035?pwd=MIRDUGpZZXpydDN0ZFR5WEsvUVJ3Zz09>

Meeting ID: 828 5421 8035 Meeting Password: 847364

**Or you can call in and listen via zoom: 1 253 215 8782
ID: 828 5421 8035**

Public Participation:

Citizen Comments: If you wish to address the Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."

Public Hearing: To participate in the public hearings, please choose one of the following.

- 1) **Email in advance of the meeting** – Email at any time up to 12 p.m. the day before the meeting to heather.richards@mcminnvilleoregon.gov, that email will be provided to the planning commissioners, lead planning staff and entered into the record at the meeting.
- 2) **By ZOOM at the meeting** - Join the zoom meeting and send a chat directly to Planning Director, Heather Richards, to request to speak indicating which public hearing, and/or use the raise hand feature in zoom to request to speak once called upon by the Planning Commission chairperson. Once your turn is up, we will announce your name and unmute your mic.
- 3) **By telephone at the meeting** – If appearing via telephone only please sign up prior to the meeting by emailing the Planning Director, Heather.Richards@mcminnvilleoregon.gov as the chat function is not available when calling in zoom.

----- **MEETING AGENDA ON NEXT PAGE** -----

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

*Please note that these documents are also on the City's website, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.

Commission Members	Agenda Items
Sidonie Winfield, Chair	6:30 PM – REGULAR MEETING
Gary Langenwalter Vice - Chair	1. Call to Order
Robert Banagay	2. Citizen Comments
Matthew Deppe	3. Minutes: <i>None</i>
Sylla McClellan	4. Public Hearings
Brian Randall	A. <u>Quasi-Judicial Hearing: Variance (VR 1-22)</u> - (<i>Exhibit 1</i>)
Beth Rankin	Request: An application for variance to the setback standards of the R-1 Zone in Chapter 17.12.030 of the McMinnville Zoning Ordinance in order to build a garage in their back yard for the storage of lawn equipment and vehicles.
Lori Schanche	Location: 935 NW 19 th Street, Tax Lot R4417DB 06600
Dan Tucholsky	Applicant: Mike and Kim Morris
	B. <u>Quasi-Judicial Hearing: Planning Development (PD 1-22) and Subdivision Tentative Plan (S 1-22)</u> – (<i>Exhibit 2</i>)
	Request: An application for a Planned Development (PD 1-22) to redesignate the property from R-to R-3 PD (R-3 with a Planned Development Overlay) including requested modifications to certain lot layout and development standards, and an application for a Subdivision Tentative Plan (S 1-22) to allow a 16-lot subdivision for a property of approximately 2.93 acres.
	Location: NE Newby Street (south of NE Buell Dr. and west of NE Hoffman Dr.), Tax Lot R4409DC 01100
	Applicant: Monika Development LLC c/o Lori Zumwalt
	5. Action Items
	6. Commissioner/Committee Member Comments
	7. Staff Comments
	8. Adjournment

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EXHIBIT 1 - STAFF REPORT

DATE: August 18, 2022
TO: Planning Commission
FROM: Adam Tate, Associate Planner
SUBJECT: Public Hearing - VR 1-22 for a Variance on setbacks for 935 NW 19th St.

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider an application for a variance on setbacks for a 9,500 SF lot at 935 NW 19th St. (Tax Lot R4417-DB-06600). The applicant is requesting a variance from the yard size/setback requirements of MMC 17.12.04 in order to build a new garage.

The Planning Commission will make a final decision on the application. A final decision of the Planning Commission may be appealed to the City Council as provided in Section 17.72.180 of the Zoning Ordinance. The Planning Commission hearing is conducted in accordance with quasi-judicial hearing procedures, and the application is subject to the 120-day processing timeline. The application was deemed complete on July 11, 2022.

Background:

The subject property is a 9,500 Square Foot lot located at 935 NW 19th Street. It is more specifically described as Tax Lot R4417-DB-06600. The property is zoned R-1 (Single-Family Residential Zone) and serves as lot for a private home. For reference, the setbacks of the R-1 Zone are 20 feet for the front and rear yards and 10 feet for the side yard as per MMC Section 17.12.040 Yard Requirements.

The angles of the property lines and the setbacks of the R1 zone make it difficult to add accessory structures in their back yard for the storage of vehicles, lawn equipment, and recreational items. Instead of building two, smaller accessory structures for these purposes, the applicant wants to build a garage that will match the style and design of the home that will provide a more attractive and practical storage solution.

The applicant is requesting a change of the setbacks for the lot. They are requesting the rear setback be changed from 20 feet to 10 feet, and for the side setback to be changed from 10 feet to three (3) feet. The variance is appropriate under the applicable criteria because the variance is necessary for the preservation of a property right of the owners of the property to safely store vehicles, lawn equipment and other household items on the premises in a detached, accessory structure which is allowed in the R-1 zone. Other neighborhoods in the city have three (3) feet side setbacks, so this is not unusual.

Public Comments

Notice of the proposed application was mailed to property owners and published in the newspaper. As of the date of this Staff Report, no public comments were received.

Agency Comments

Notice of the proposed application was sent to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Comments received are below:

Comcast

After review, Comcast has no conflict with this project.

McMinnville Building Division

No unique building code concerns.

McMinnville Engineering Department

No comments, but notes that once a building permit is submitted, engineering will review the permit to see if sidewalk, driveway, or sewer laterals need to be reviewed to ensure they meet city standards.

McMinnville Water & Light

MWL Power Service in the area. New structure is not permitted to be built over the electric service wire. Please call for locates to verify the location.

McMinnville Fire Department

FD has no issues with this request.

Recology

No concerns.

Planning Commission Options (for Quasi-Judicial Hearing):

- 1) **APPROVE** of the application as proposed by the applicant with the conditions recommended in the attached Decision Document, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.

Attachments:

Attachment A: VR 1-22 Decision Document

- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

Staff Recommendation:

Staff has reviewed the proposal for consistency with the applicable criteria. Absent any new evidence or findings to the contrary presented during the hearing, staff finds that, the application submitted by the applicant and the record contain sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the application.

Suggested Motions:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE THE VARIANCE APPLICATION VR 1-22.

Exhibit 1. Vicinity Map & Aerial Photo



Exhibit 2. Zoning Map

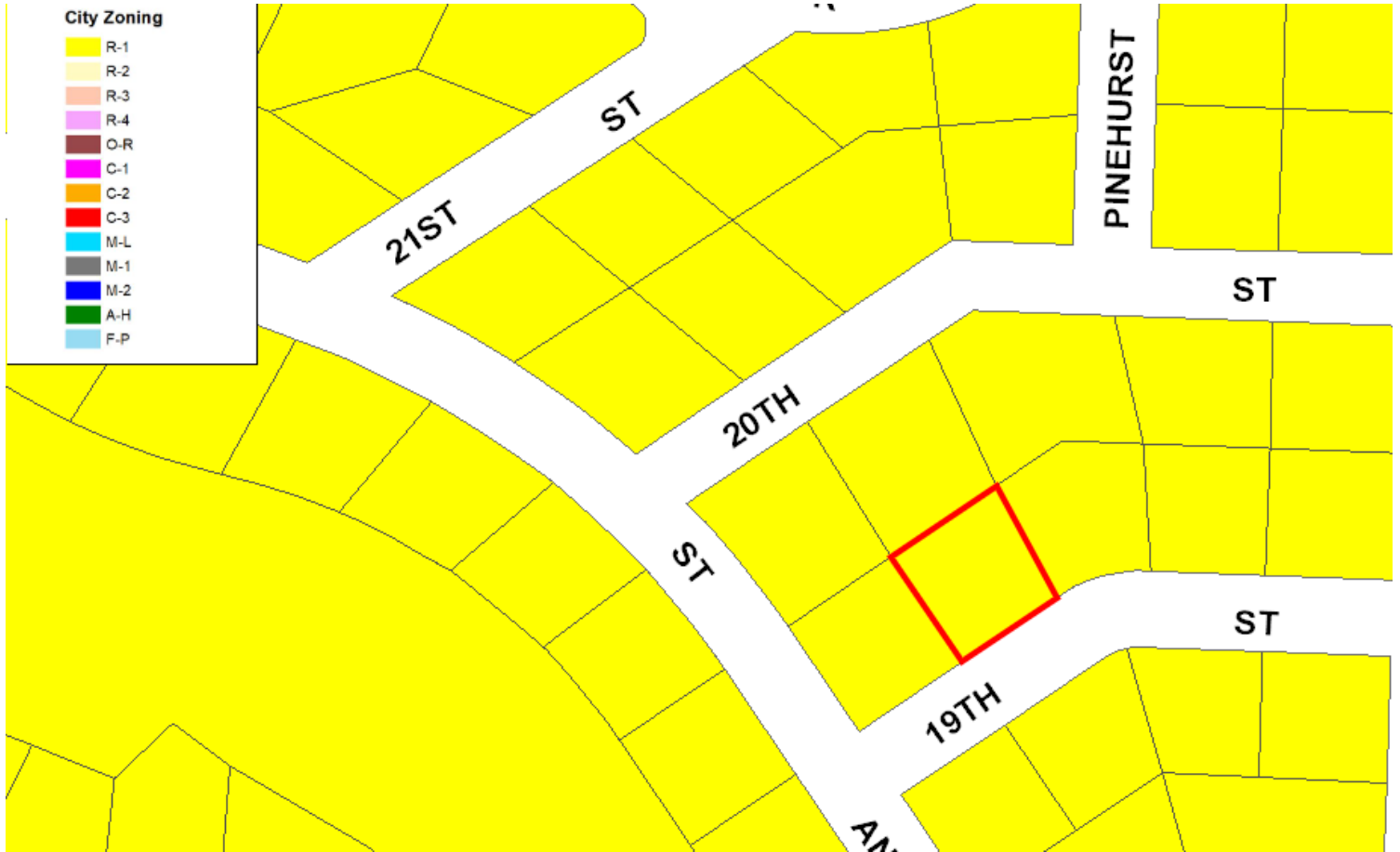
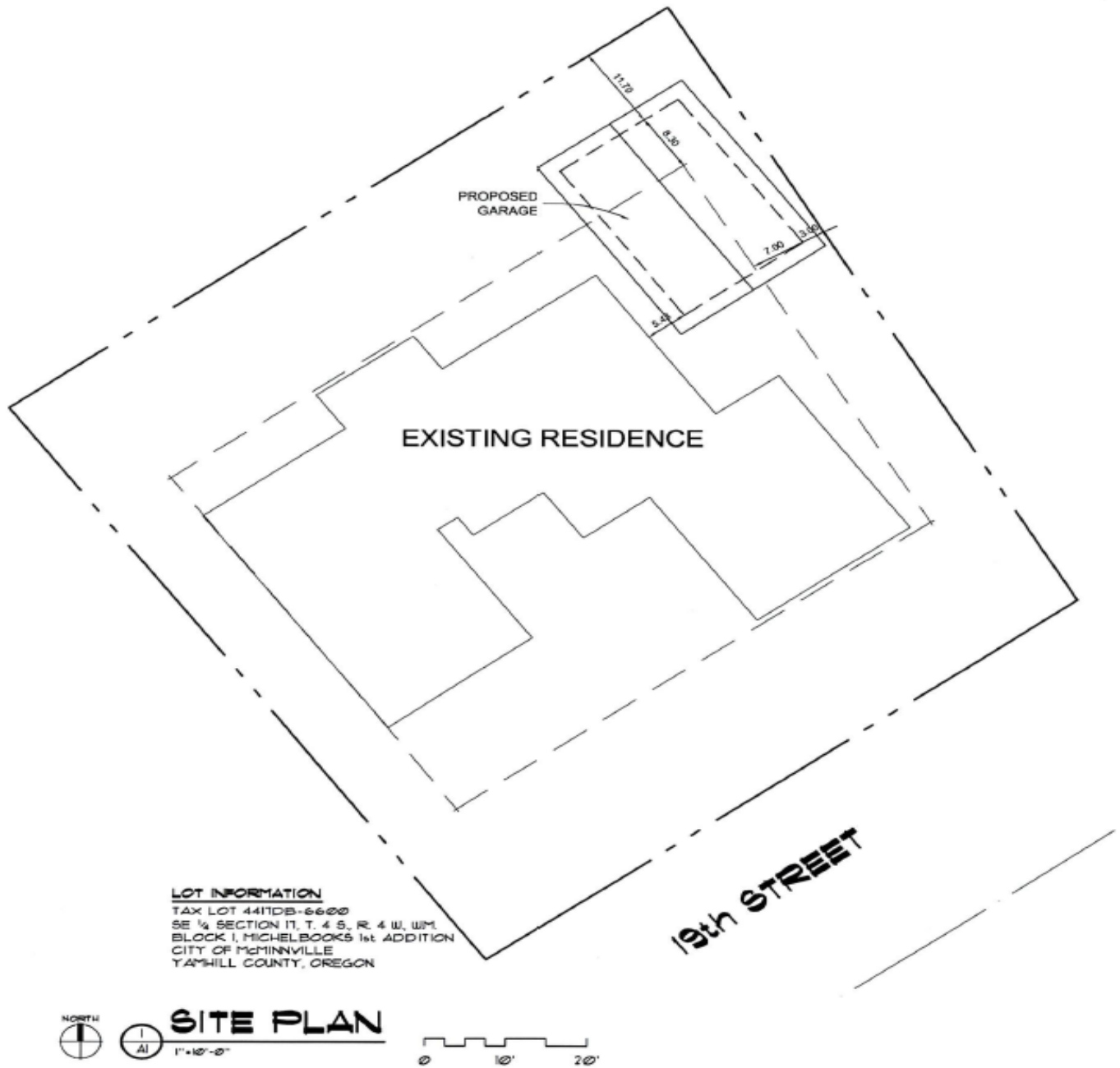


Exhibit 3. Site Plan of Proposed Garage and Setback Changes



DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A VARIANCE TO ALLOW A REDUCTION IN SETBACKS IN ORDER TO CONSTRUCT A GARAGE AT 935 NW 19TH ST.

- DOCKET:** VR 1-22 (Variance)
- REQUEST:** Application for a variance to allow a reduction in setbacks in order to build a garage on the property.
- LOCATION:** 935 NW 19th Street. Tax Lot R4417-DB-06600
- ZONING:** R-1 (Single-Family Residential Zone)
- APPLICANT:** Mike and Kim Morris
- STAFF:** Adam Tate, Associate Planner
- DATE DEEMED COMPLETE:** July 11, 2022
- HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes the final decision unless the Planning Commission's decision is appealed to the City Council.
- HEARING DATE & LOCATION:** August 18, 2022 at 6:30 PM. Zoom Online Meeting
<https://mcminnvilleoregon.zoom.us/j/82854218035?pwd=MIRDUGpZZXpydDN0ZFR5WEsvUVJ3Zz09>
ID: 828 5421 8035 Passcode: 847364
- PROCEDURE:** An application for a variance 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 variance for reducing setbacks to build a garage are provided as follows: Zoning Ordinance (Title 17 of the McMinnville Code): MMC Section 17.74.100. Variance – Planning Commission Authority; MMC Section 17.74.100. Conditions for Granting Variance; MMC Section 17.54.050 Yards. 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: **The Planning Commission’s decision is final unless appealed to the City Council.** Such an appeal must be filed within 15 calendar days of the date the written notice of decision is mailed.

If the Planning Commission’s decision is appealed to City Council, the City Council’s final decision may be appealed to the Oregon Land Use Board of Appeals as specified in State Statute. 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, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas.

DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied and **APPROVES** the variance (VR 1-22).

////////////////////////////////////
DECISION: APPROVAL
////////////////////////////////////

Planning Commission: _____
Sidonie Winfield, Chair of the McMinnville Planning Commission

Date: August 18, 2022

Planning Department:  _____
Heather Richards, Planning Director

Date: August 18, 2022

I. APPLICATION SUMMARY & BACKGROUND:

Subject Property & Request

The subject property is a 9,500 Square Foot lot located at 935 NW 19th Street. It is more specifically described as Tax Lot R4417-DB-06600. The property is zoned R-1 (Single-Family Residential Zone) and serves as lot for a private home. For reference, the setbacks of the R-1 Zone are 20 feet for the front and rear yards and 10 feet for the side yard as per MMC Section 17.12.040 Yard Requirements.

The angles of the property lines and the setbacks of the R1 zone make it difficult to add accessory structures in their back yard for the storage of vehicles, lawn equipment, and recreational items. Instead of building two, smaller accessory structures for these purposes, the applicant wants to build a garage that will match the style and design of the home that will provide a more attractive and practical storage solution.

The applicant is requesting a change of the setbacks for the lot. They are requesting the rear setback be changed from 20 feet to 10 feet, and for the side setback to be changed from 10 feet to three (3) feet. The variance is appropriate under the applicable criteria because the variance is necessary for the preservation of a property right of the owners of the property to safely store vehicles, lawn equipment and other household items on the premises in a detached, accessory structure which is allowed in the R-1 zone. Other neighborhoods in the city have three (3) feet side setbacks, so this is not unusual.

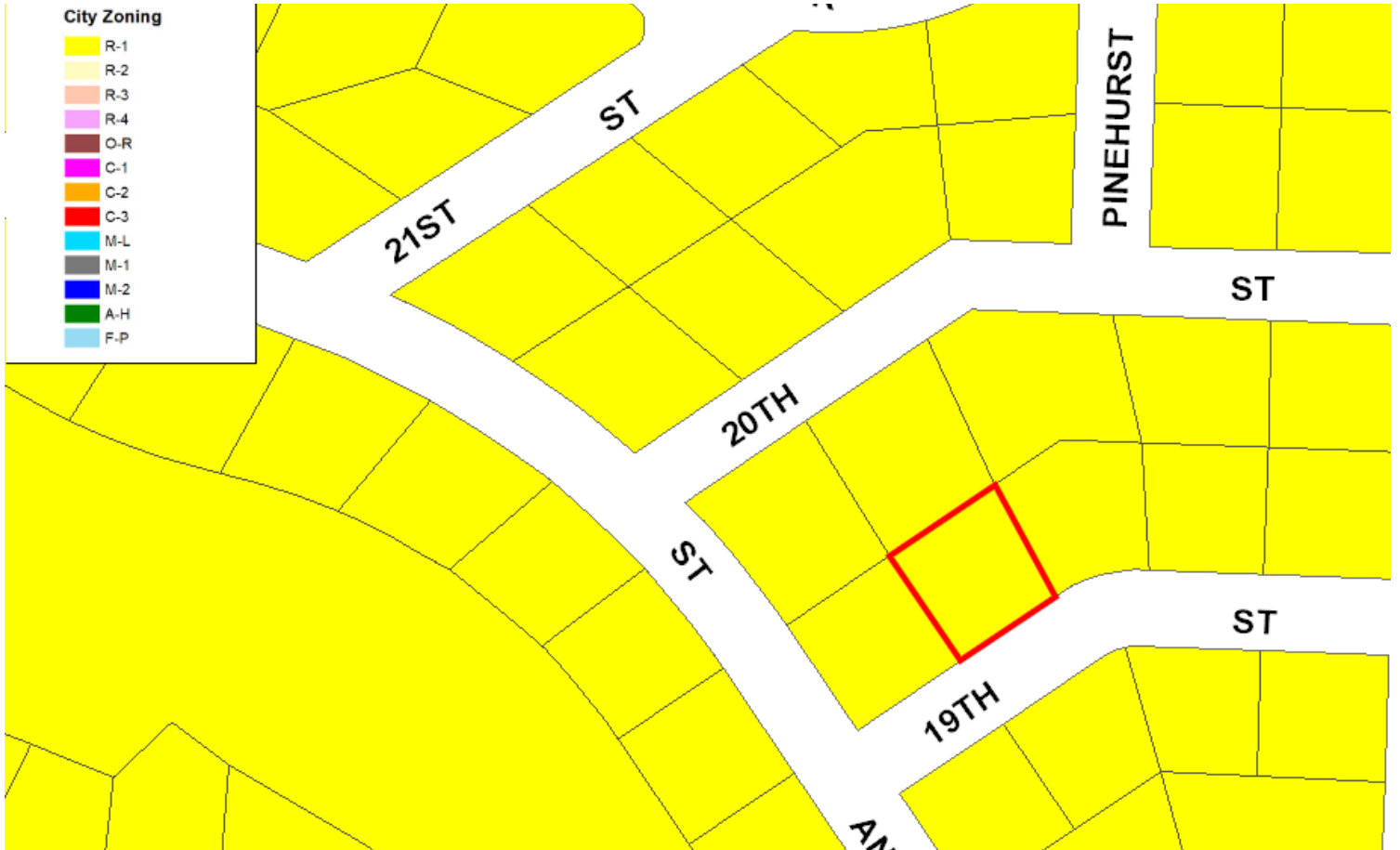
Exhibit 1. Vicinity Map & Aerial Photo (Property Lines Approximate)



Attachments:

Attachment 1 – Application and Attachments

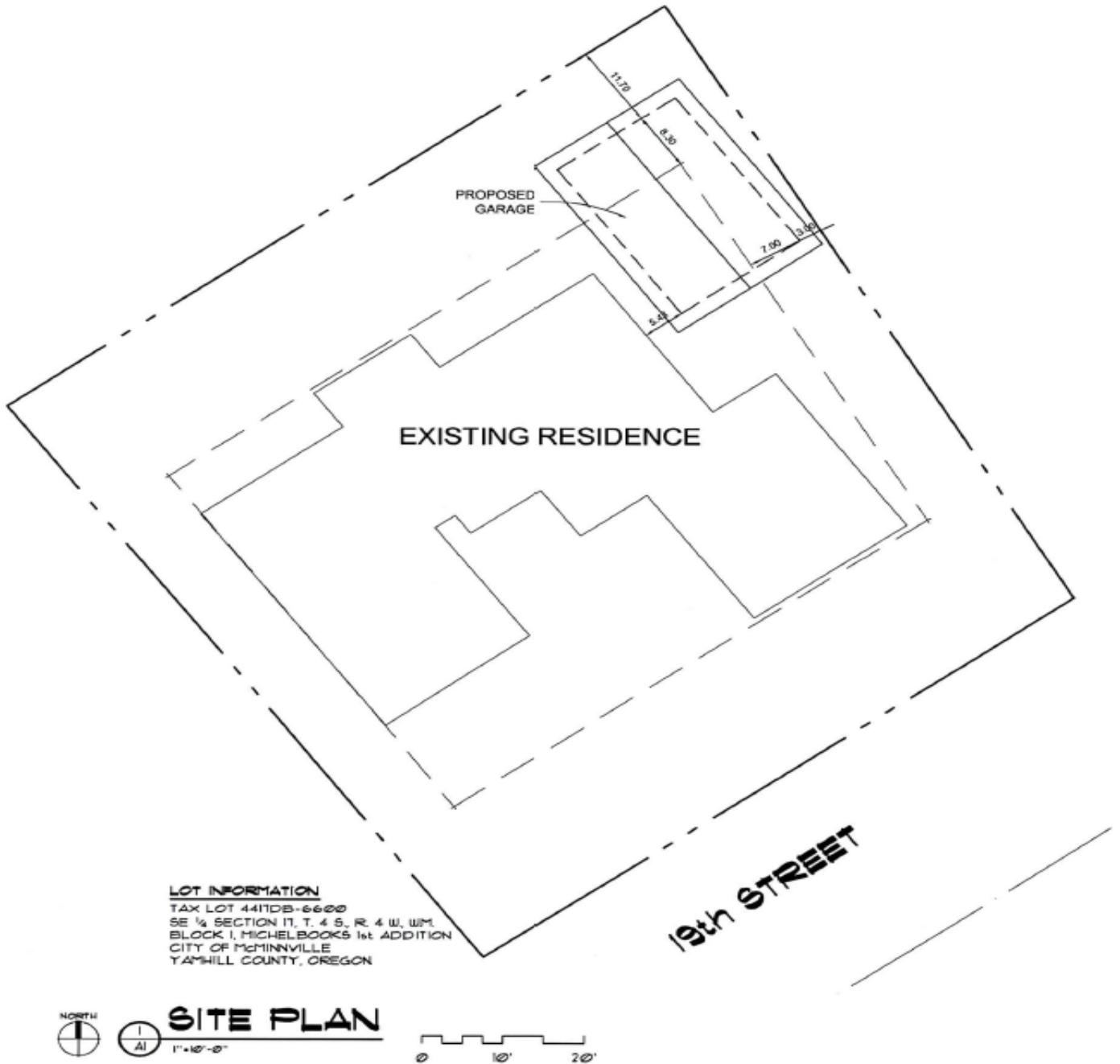
Exhibit 2. Zoning Map



Attachments:

Attachment 1 – Application and Attachments

Exhibit 3. Site Plan of Proposed Garage and Setback Changes



Summary of Criteria

The applicable criteria for a variance are as follows:

- **Comprehensive Plan:** 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.
- **Zoning Ordinance (Title 17 of the McMinnville Code):**
 - MMC Section 17.74.100. Variance – Planning Commission Authority;
 - MMC Section 17.74.110. Conditions for Granting Variance;
 - MMC Section 17.54.050 Yards

Interpreting the Variance Criteria

Some communities have variance criteria that serve strictly as a “relief valve” in the event a land use regulation would preclude all reasonable use of a property when the regulation is applied to a property that has unique characteristics that don’t generally apply to other properties subject to the same regulations. As a result, application of a standard to a specific property could result in a regulatory taking absent a variance process to allow reasonable use of the property. With such variance criteria, the bar to address the criteria is very high.

Other communities have less restrictive variance criteria which are intended to provide for equity; those criteria are intended to provide for reasonable use and development of a property for intended uses, where there is a unique circumstance associated with the property. Such criteria typically provide for a comparison of the subject property to other similarly situated properties to allow for an adjustment to a general standard which isn’t tailored to each unique situation that might arise on a property, where strict application of a standard might be unreasonable in a specific context. Often, this relates to unique size, shape, or topography of a property. In short, a limited variance to such a standard would allow for development with certain reasonable expectations about the use and development that are customary for the enjoyment of the property for intended uses.

The variance criteria in the McMinnville Zoning Ordinance include a comparison to other properties “in the same zone or vicinity.” Therefore, the intent of the variance provisions of the McMinnville Zoning Ordinance are more consistent with the latter philosophy.

In either case, the unique situation associated with a property that creates the need for a variance shouldn’t be a self-created hardship and shouldn’t confer an additional special right to the property that isn’t available to other properties (or wouldn’t be available to another property with similar unique circumstances through a comparable variance application). Further, a variance shouldn’t typically substitute for a legislative change that may be needed. For example, if a standard is always varied upon request no matter the context, then it would be more appropriate to change the standard, so a variance isn’t required. Otherwise, the standard wouldn’t appear to serve a valid public purpose or appropriately implement policy if it is routinely varied.

II. CONDITIONS:

1. That the applicant shall submit building permit applications prior to completing any work. The construction plans submitted with the building permit applications will be reviewed by the

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Planning Director for consistency with the written narrative, exhibits, drawings, and renderings submitted for review by the Planning Commission, along with any revisions to respond to other conditions of approval.

2. The proposed garage's design and appearance will be consistent with the existing home in terms of siding, roofing, garage door and paint colors. This will be reviewed by the Planning Director prior to the issuance of building permits.

III. ATTACHMENTS:

- A. VR 1-22 Application and Attachments

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, and Northwest Natural Gas. The following comments have been received:

- Comcast

After review, Comcast has no conflict with this project.

- McMinnville Building Division

No unique building code concerns.

- McMinnville Engineering Department

No comments, but notes that once a building permit is submitted, engineering will review the permit to see if sidewalk, driveway, or sewer laterals need to be reviewed to ensure they meet city standards.

- McMinnville Water & Light

MWL Power Service in the area. New structure is not permitted to be built over the electric service wire. Please call for locates to verify the location.

- McMinnville Fire Department

FD has no issues with this request.

- Recology

No concerns.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was provided in the News Register on Friday, August 12, 2022. Other than the testimony provided by the applicant, no other public testimony was provided.

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Attachment 1 – Application and Attachments

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicants, Mike and Kim Morris, submitted the application on May 18, 2022.
2. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on May 9, 2022.
3. The application was deemed incomplete on June 15, 2022.
4. The application was deemed complete on July 11, 2022.
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, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Comments received from public agencies are addressed in the Decision Document.
6. Notice of the application and August 18, 2022, Planning Commission public hearing was mailed to property owners within 100 feet of the subject property on July 28, 2022, in accordance with Section 17.72.120 of the Zoning Ordinance.
7. Notice of the application and August 18, 2022, Planning Commission public hearing was published in the News Register on Friday, August 12, 2022, in accordance with Section 17.72.120 of the Zoning Ordinance.

No public testimony was submitted to the Planning Department prior to the issuance of this document.
8. On August 18, 2022, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 935 NW 19th Street, Tax Lot R4417-DB-06600
2. **Lot Size:** 9,500 SF
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-1 (Single-Family Residential Zone)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single-Family Private Home
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None Identified
 - c. **Other Features:** The site is generally level with no significant features.
8. **Utilities:**
 - a. **Water:** The site is served by McMinnville Water & Light

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Attachment 1 – Application and Attachments

- b. **Sewer:** The site is served by a sewer main on NE Lafayette Avenue
 - c. **Stormwater:** Unknown
 - d. **Other Services:** Unknown
9. **Transportation:** The section of 19th Street where the home is located is classified as Local Residential Street in the 2010 McMinnville Transportation System Plan. It has a 50-foot right of way and a curb-to-curb width of 28 feet.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a variance to yard requirements are as follows:

- **Comprehensive Plan:** 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.
- **Zoning Ordinance (Title 17 of the McMinnville Code):**
 - MMC Section 17.74.100. Variance – Planning Commission Authority
 - MMC Section 17.74.100. Conditions for Granting Variance
 - MMC Section 17.54.050 Yards

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. Therefore, where applicable standards exist, subsequent findings regarding the parallel comprehensive plan policies are not made when they are duplicative or a restatement of the specific standards which achieve and implement the applicable goals and policies.

The following additional findings are made relating to specific Goals and Policies. Policies applicable to this variance application are addressed through implementation standards, except as provided below.

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

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 Variance provides an opportunity for citizen involvement through the public hearing process. Throughout the process, there are opportunities

Attachments:

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for the public to review and obtain copies of the application materials prior to the McMinnville Planning Commission’s review of the request. All members of the public have access to provide testimony and ask questions during the public hearing process.

McMinnville Zoning Ordinance

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

- 17.42.100 Variance – Planning Commission Authority
- 17.74.110. Conditions for Granting Variance
- 17.54.050 Yards

Section 17.74.100. Variance – Planning Commission Authority

The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

“Owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship.”

APPLICANT’S RESPONSE: In October of 2020 we purchased the property located at 935 NW 19th St., with the intentions of making it our long-term home. We knew the house needed work and we were willing to do this because we love the neighborhood and the design style of the home. We have both lived in McMinnville our entire lives, love Mid-Century modern architecture, and always seek to improve any property we own. Step 1 was to completely renovate the interior of the house both mechanically (HVAC/Electrical panels) and aesthetically before we moved in. During this first step we also painted the exterior, put on a new roof and new garage door. We actually moved into our home in July of 2021, once these interior renovations were completed. The house is relatively small by today’s standards, about 1800 square feet with a small double car garage. Once we were in the home, we realized we had little, to no, storage space for yard maintenance equipment, recreational items and normal overflow household items.

Knowing we needed more storage space we worked on a plan that might also allow us to bring one or two of our vintage cars to the property, having it all under one roof.

Currently all our lawn equipment (mower, edger, wheel barrow, etc.) are sitting outside under tarps, protecting them from the weather, because we don’t have room for them in our current garage. We also have bikes, tools, and other over flow household items we would like to find a home for.

We have two vintage Porsches and a 1969 Ford pick-up we started our business with back in 1988 that we would prefer to have at our home, if possible. Having them at our home would allow us easier access to them, so we can actually drive them more. Currently it is more of a planned production, driving to storage to get one out and returning it before heading home. Having them at our home would also allow us to stop paying for storage of them, or at least all of them.

We are requesting this variance to allow us to build just one structure, instead of a smaller garage within the current allowed setbacks and a free-standing shed that would be placed on

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the fence line. We could get the square footage we want with two buildings, but we feel that one structure would be more aesthetically pleasing to both us and our neighbors to the east and the north. Our lot is angled on the east side and our home sits deep on the lot. Our architect positioned the structure on the lot to allow for better access from the front of the property to the new structure and also in an area on the lot that is kind of “unused” and it is less visible to neighbors because of how their homes sit as well. Our design concept is complimentary to the current look of our home. The garage will have the same type of siding, roofing material, garage doors and also painted same as the house. Our architect has designed the garage with a low 4/12 pitch roof and a maximum height at the peak of approximately 11 feet, which is about 2 feet lower than the highest peak of our home. This low pitch and the placement on the property will make the garage less noticeable by anyone, except the neighbors to the north and east. We have submitted letters from both these neighbors stating that they are fine with our proposed garage and its location.

In summary we would like to request the variance to allow us to build just one structure verses building two structures based on the current setbacks. Building within the current setbacks will require us to build the garage taller and it would be more visible to the neighbors. We would also have to have a separate shed located next to the fence line. We feel our request is more pleasing to us, our neighbors, and the neighborhood. We appreciate your consideration.

We have also noticed that the newer neighborhoods going up on Baker Creek appear to have the actual living structures built on a 3’ set-back and we’re requesting similar consideration, but for storage, not living space.

FINDING: SATISFIED. The small size of the home and the awkward layout of the lot acts as an undue hardship for the property owner’s ability to build an accessory structure for onsite storage of vehicles, yard equipment and other household items. The proposed variance to alter the rear and side setbacks can serve as a potential remedy to this situation and allow the homeowners to build a garage on the site.

“No variance shall be granted to allow the use of property for a purpose not authorized within the zone.”

APPLICANT’S RESPONSE: None

FINDING: SATISFIED. The subject site is developed with an allowed use in the R-1 zone. The variance would not change the existing use on the parcel.

“In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.”

APPLICANT’S RESPONSE: None

FINDING: Satisfied by conditions of approval #1 and #2.

17.74.110. Conditions for Granting Variance

A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control.

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APPLICANT’S RESPONSE: We are requesting this variance to allow us to build just one structure, instead of a smaller garage within the current allowed setbacks and a free-standing shed that would be placed on the fence line. We could get the square footage we want with two buildings, but we feel that one structure would be more aesthetically pleasing to both us and our neighbors to the east and the north. Our lot is angled on the east side and our home sits deep on the lot. Our architect positioned the structure on the lot to allow for better access from the front of the property to the new structure and also in an area on the lot that is kind of “unused” and it is less visible to neighbors because of how their homes sit as well.

FINDING: SATISFIED. The applicant successfully demonstrates that the small, angled lot size makes adding accessory structures to the site difficult. The reduction of the rear and side setbacks will allow the homeowner full use of their property to build their proposed garage.

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

APPLICANT’S RESPONSE: We have little, to no storage space for yard maintenance equipment, recreational items, and normal overflow household items. Currently all our lawn equipment (mower, edger, wheel barrow, etc.) are sitting outside under tarps, protecting them from the weather, because we don’t have room for them in our current garage. We also have bikes, tools, and other overflow household items we would like to find a home for.

We have two vintage Porsches and a 1969 Ford pick-up we started our business with back in 1988 that we would prefer to have at our home, if possible. Having them at our home would allow us easier access to them, so we can actually drive them more. Currently it is more of a planned production, driving to storage to get one out and returning it before heading home. Having them at our home would also allow us to stop paying for storage of them, or at least all of them.

FINDING: SATISFIED. Properties in the R-1 zone are allowed residential accessory structures. This variance will allow the homeowners to build an accessory structure that best meets their needs. The applicant successfully demonstrates that the lot as it exists currently is inadequate for the storage of their belongings and that the new garage will help secure that property right.

- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.

APPLICANT’S RESPONSE: We are requesting this variance to allow us to build just one structure, instead of a smaller garage within the current allowed setbacks and a free-standing shed that would be placed on the fence line. We could get the square footage we want with two buildings, but we feel that one structure would be more aesthetically pleasing to both us and our neighbors to the east and the north.

Our lot is angled on the east side and our home sits deep on the lot. Our architect positioned the structure on the lot to allow for better access from the front of the property to the new structure and also in an area on the lot that is kind of “unused” and it is less visible to neighbors because of how their homes sit as well. Our design concept is complimentary to the current look of our home. The garage will have the same type of siding, roofing material, garage doors and also painted same as the house. Our architect has designed the garage with a low 4/12 pitch roof and a maximum height at the peak of approximately 11 feet, which is about 2 feet lower than the highest peak of our home. This low pitch and the placement on the property will make the garage less noticeable by anyone, except the neighbors to the north and east. We have

submitted letters from both these neighbors stating that they are fine with our proposed garage and its location.

FINDING: SATISFIED. The variance would not be detrimental to the surrounding area because it would not change the existing use of the site, or the intensity of the use. Detached structures are allowed in the R-1 zone and the proposed garage would meet all of these standards except for the rear and side yard setbacks. The garage will also be entirely in the backyard and built to match the design of the home.

D. The variance requested is the minimum variance which would alleviate the hardship.

APPLICANT'S RESPONSE: We are requesting this variance to allow us to build just one structure, instead of a smaller garage within the current allowed setbacks and a free-standing shed that would be placed on the fence line. We could get the square footage we want with two buildings, but we feel that one structure would be more aesthetically pleasing to both us and our neighbors to the east and the north.

FINDING: SATISFIED. The code allows residents in the R-1 zone the ability to build a detached garage as an accessory structure, but the small size, awkward sitting of the home, and angled nature of the lot make this difficult. This variance would be the minimum necessary to alleviate this hardship and allow the homeowner to build a garage to the standards all other residents have.

17.74.050 Yards

H. Setback variance requests shall be processed under the provisions of Chapters 17.72 (Applications and Review Process) and 17.74 (Review Criteria), except that: 1. The applicant must prove that the vision of motorists, bicyclists, and pedestrians will not be blocked or adversely affected as a result of the variance:

APPLICANT'S RESPONSE: None

FINDING: SATISFIED. The setback variance only affects the rear and side yard setbacks and therefore will not interfere with the vision of motorists, bicyclists, and pedestrians.

AT



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

EXHIBIT 2 - STAFF REPORT

DATE: August 18, 2022
TO: Planning Commission
FROM: Tom Schauer, Senior Planner
SUBJECT: Application PD 1-22 for a Planned Development, and Application S 1-22 for a Tentative Subdivision Plan for a 16-Lot Residential Subdivision

STRATEGIC PRIORITY & GOAL:



HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM)
Create diverse housing opportunities that support great neighborhoods.

OBJECTIVE/S: Collaborate to improve the financial feasibility of diverse housing development opportunities

Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider applications for a Planned Development and a Subdivision on a 2.93 acre parcel on NE Newby Street between NE Grandhaven and NE 27th Street (Tax Lot 1100, Section 9DC, T. 4 S., R. 4 W., W.M.):

- PD 1-22. Planned Development to rezone the property from R-3 to R-3 PD, requesting modifications to certain development standards to allow the proposed subdivision with flexibility regarding certain standards and requesting a reduction to the side yard setbacks for development of lots.
- S 1-22. Subdivision Tentative Plan for a 16-lot residential subdivision

The Planning Commission will make a recommendation on these applications to the City Council. Typically, the Planning Commission makes a recommendation on a Planned Development and makes a final decision on a subdivision tentative plan. However, Section 17.72.070 of the Zoning Ordinance provides the following:

Concurrent Applications. When a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice.

Therefore, the Planning Commission will make recommendations on both applications to the City Council, and the City Council will make the final decisions on both applications. However, if the Planning Commission decision is denial, then that is the final decision unless appealed to City Council.

Attachments:

Attachment A: PD 1-22 & S 1-22 Decision Document

The Planning Commission hearing is conducted in accordance with quasi-judicial hearing procedures, and the application is subject to the 120-day processing timeline.

Background:

Subject Property & Request

The subject property is a 2.93 acre parcel located on NE Newby Street between NE Grandhaven and NE 27th Street. Grandhaven Subdivision to the north was platted in 1999, with NE Buel Drive stubbed to the north property line of the subject property. **See Exhibit 1.**

The subject property and properties to the west, south, and northeast are zoned R-1. Property to the north is zoned R-2 PD, and property to the east and southeast is zoned R-3 PD. **See Exhibit 2.** Predominant surrounding uses are single-family homes and duplexes to the north, single-family homes to the east and west, Adventure Christian Church to the south, and Life Care Center south of the church. Grandhaven Elementary School is located across NW Grandhaven Street to the north. The subject property is vacant. It previously had substantial tree cover as shown in the aerial photo **Exhibit 1a**, which was previously cleared by the prior owner, with a limited number of trees remaining, predominantly along the west property line and north property line. **Exhibit 1b.** There is a natural drainageway generally running east-west on the property, and a portion of the drainageway is identified on the National Wetland Inventory as a riverine wetland. However, the wetland/jurisdiction water delineation determined there are no wetlands on the site, but there are jurisdictional waters associated with the drainageway, (approximately 0.07 acres, roughly 3,099 square feet). On average, this would be roughly the center 7-1/2 feet of the channel for the roughly 400-foot width of the lot. Curb, gutter, and sidewalk are present along the property frontage on NE Newby Street.

The previous property owner applied for a rezone of the subject property from R-1 to R-3, which was approved. The R-1 zone has a minimum lot size of 9,000 sf and the R-3 zone has a minimum lot size of 6,000 square feet. The subject property is now zoned R-3. The previous property owner also concurrently applied for a 17-lot residential subdivision, which was approved with conditions in 2019. **Exhibit 6.** The application did not move forward. The previous owner obtained extensions for the approval, but never completed the conditions of approval nor started construction. The previous subdivision approval has since expired.

The prior subdivision approval with conditions included piping of the drainageway (which is piped immediately upstream and downstream), with a local street connection between NE Buel and NE Hoffman, which provided access to most lots. **Exhibit 6.**

The current application proposes to retain the drainageway for the full width of the lot, to be located within 20-foot wide fenced easement, without the local street connection between NE Buel and NE Hoffman. Instead, the plan includes extension of NE Buel to the south terminating in a dead-end cul-de-sac north of the drainageway, with a pedestrian connection between the cul-de-sac and Newby. South of the drainageway, two private dead-end accesses are proposed. The proposal includes an open space tract between the bulb of the cul-de-sac and the drainageway.

Exhibit 3 is the proposed subdivision tentative plan, and **Exhibits 4 and 5** shows the proposed grading and proposed public improvements and utilities.

The current property owner and applicant initially submitted an application for a subdivision. However, the application indicated several of the applicable development standards would not be satisfied. Staff advised the applicant the application couldn't be approved if it didn't meet all of the applicable standards. It would be necessary for the applicant to do one of the following: bring the proposal into compliance with applicable standards, apply for a variance or variances when/if appropriate, and/or apply for a Planned Development if the requested flexibility would be consistent with the criteria for a Planned

Attachments:

Attachment A: Decision Document

Development, and also not “simply a guise to circumvent the intent of the Zoning Ordinance,” as required by Chapter 17.51. The applicant subsequently made some revisions to the proposed subdivision plan and submitted an application for a Planned Development concurrent with the application for the revised subdivision plan, including an updated application and narrative, which is what is now proposed. Revisions included reconfiguring the lots to the open space tract south of the cul-de-sac bulb and reconfiguring lot lines so the drainageway is within a separate tract, rather than in an easement with lot lines of adjacent lots extending to the centerline of the drainageway.

Neighborhood Meeting

Before an application for a Planned Development or Tentative Subdivision Plan can be submitted, an applicant must hold a neighborhood meeting as specified in Chapter 17.72 of the Zoning Ordinance. The applicant conducted the required neighborhood meeting prior to the original submittal in accordance with the requirements and has submitted the necessary documentation of the neighborhood meeting with the application, including a list of attendees and meeting notes.

Discussion

Summary of Criteria & Issues

Staff has identified two main critical issues associated with the requested Planned Development and Subdivision. The two issues are (1) street connectivity and (2) natural feature preservation and protection.

Also, there is some discrepancy in describing the proposal – in some parts of the application, it is described as lots for single detached dwellings, but other parts of the application note that there are opportunities for “middle housing.” The applicant notes that lots will be made available for sale. Once platted, the City would authorize permitted uses on lots subject to compliance with the applicable minimum lot size standards for uses and the design and development standards.

With the applications, the applicant must demonstrate consistency with applicable development standards. In addition, the applicant has submitted a Planned Development application to achieve flexibility regarding certain development standards in exchange for meeting the applicable Planned Development criteria. In summary, the purpose of the flexibility to some standards provided for a Planned Development application, is intended to achieve a better outcome than a standard subdivision application, as reflected in the applicable criteria.

In part, the purpose is stated as follows:

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

Therefore, the bar for a Planned Development application is higher than “meeting the minimum standards” for a standard subdivision, as expressed in the approval criteria for a Planned Development.

The application needs to demonstrate it meets the bar for a Planned Development as addressed in the purpose statement and criteria.

Attachments:

Attachment A: Decision Document

Street Connectivity

Several sections and provisions of the Comprehensive Plan, Transportation System Plan, and Zoning Ordinance provide policies and standards to establish a connected street system. These provisions prioritize connected streets over dead-end streets, whether public cul-de-sacs or private easement access. Those policies and standards are individually addressed in the findings. The TSP also summarizes some of the rationale and research for a connected street system, which aren't repeated here. The following provisions establish a mandatory requirement for specific local street connections at specific locations.

The Transportation System Plan requires:

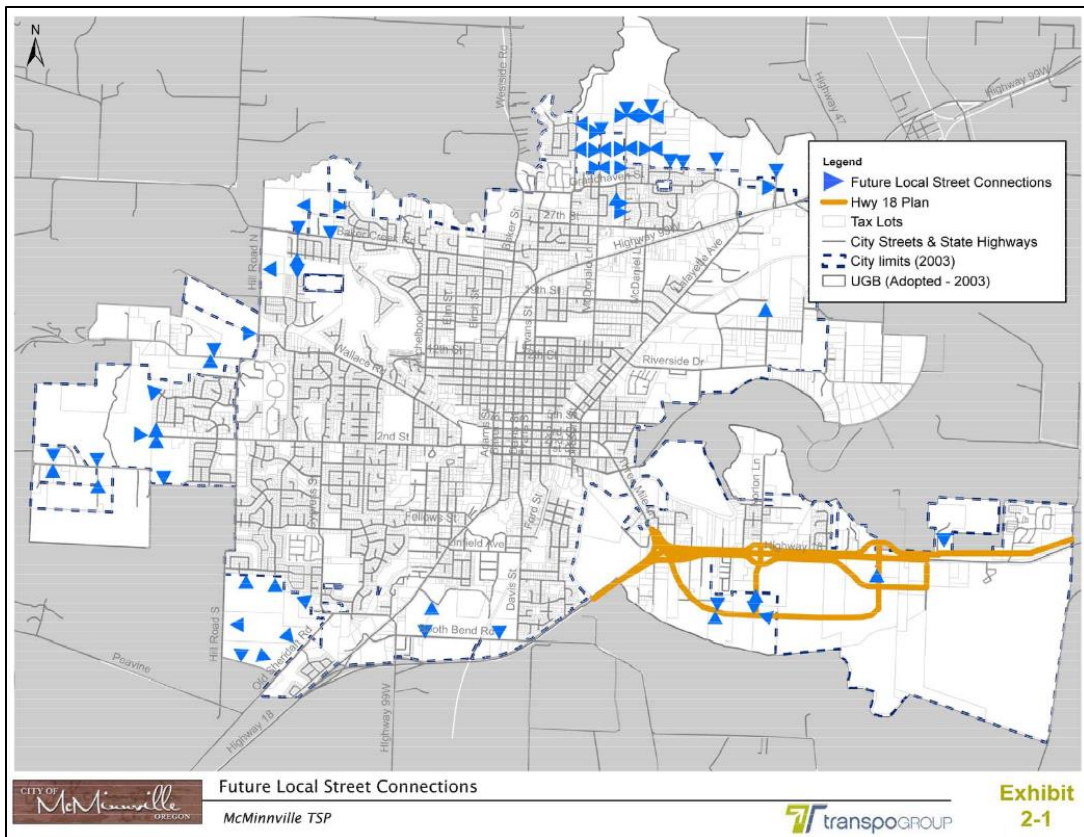
- *New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map as shown **Exhibit 2-1**.*

The Comprehensive Plan requires:

- *132.26.05. New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.*

The Zoning Ordinance requires:

- *Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.*





The map in the vicinity of the property shows an endpoint at NE Buel and an endpoint at NE Newby across from Hoffman. The applicant contends that the proposal is “functionally equivalent” to the local street connections shown on Exhibit 2-1. Staff does not concur that configuration of the three dead-end streets (one public cul-de-sac and two private accesses) and the pedestrian connector is consistent with or “functionally equivalent” to a continuous local public street connection between the endpoints shown on Exhibit 2-1 with a connection between NE Buel and NE Newby at NE Hoffman. For example, a local street would provide two ways in and out for emergency vehicles or evacuation. With the proposed three dead-end streets, each of the three would only have one way in and out.

It is necessary to provide the connection shown on Exhibit 2-1 or to seek an amendment to the Transportation System Plan to amend Exhibit 2-1, demonstrating why that connection shouldn’t be required. Absent an amendment, the proposal needs to provide the required connectivity shown in Exhibit 2-1. The connection shown in Exhibit 2-1 could provide access to all lots that wouldn’t take direct access from NE Newby, and therefore, the dead-end cul-de-sac and private accesses would not be required. The Comprehensive Plan and Zoning Ordinance include provisions that encourage a connected street system and discourage cul-de-sacs and also specify that private access can only be used as a last resort if other access options aren’t feasible.

The applicant has presented their reasons why the application includes no disturbance to the drainageway and therefore doesn’t include the local street connection. The place to direct those arguments is toward an amendment to the TSP to amend Exhibit 2-1 and justify why a connection is not feasible and/or why other issues should be prioritized over the local street connectivity specified in Exhibit 2-1 and described as mandatory in the TSP, Comprehensive Plan, and Zoning Ordinance.

If the applicant were successful in pursuing an amendment to the TSP map, that would then strengthen the arguments that the cul-de-sac and private accesses may be justified as the only feasible option for access. Conversely, if a request to amend the TSP map Exhibit 2-1 were unsuccessful, then that would mean the application would need to provide the connectivity identified on the map.

Note: TSP Exhibit 2-1 is not intended to identify **every** local street connection that is required. The Zoning Ordinance has maximum block length and perimeter standards that must be met, and there are different ways to provide street connections within and between properties that could achieve those standards. Therefore, the City doesn’t attempt to map the alignment of every local street in Exhibit 2-1. Instead, Exhibit 2-1 identifies specific local street connections that are most critical to ensure a well-connected street grid. For example, it identifies connections in areas that previously developed with poor connectivity, where there may be limited opportunities to achieve connectivity for remaining undeveloped properties. In some cases, abutting properties may already be developed without street stubs or opportunities for street connections to and through those abutting properties, making the remaining opportunities for connectivity more critical.

The applicant contends that a dead-end cul-de-sac or dead-end private access easement accessing the adjacent street at the location of a “future local street connection” depicted in Exhibit 2-1 would be in compliance with Exhibit 2-1.

Attachments:

Attachment A: Decision Document

Staff does not concur with the applicant's interpretation or findings for what is required for compliance and consistency with the Connectivity and Circulation Policies of the TSP and **Exhibit 2-1**.

There would be no purpose to create a "Future Local Street Connections" map that would merely identify points where dead-end cul-de-sacs and dead-end private easement accesses should connect to the public street system. This wouldn't achieve the stated connectivity policies. The applicant's interpretation and findings for what is required for compliance with Exhibit 2-1 is inconsistent with the purpose of the map, which is to ensure connectivity of the local street network, not to identify points where dead end streets should connect to the street system.

We find that a dead-end street connecting to the adjacent street at the location shown in Exhibit 2-1 would not be consistent with the requirements for the Connectivity and Circulation Policies and Exhibit 2-1. The purpose of this map is to identify the endpoints of local street connections where there would be a continuous connected local street extending between the endpoints denoted with the blue triangles. This would also provide connectivity within the proposed development.

Natural Feature Preservation

The applicant's proposal would retain the drainageway across the site, placing it within a 20-foot wide fenced easement. The proposal also includes an open space tract adjacent to the drainageway between the cul-de-sac and the 20-foot wide drainageway easement.

Natural feature preservation and protection includes both quantitative and qualitative aspects of protection. While the application proposes to avoid all disturbance to the drainageway within the jurisdictional portion of the waterway, the application doesn't propose specific measures to protect or enhance the quality of the drainageway, other than discussion regarding grading the building pads away from the drainageway. The applicant's original subdivision application submittal had lot configurations with side and rear property lines extending to the centerline of the drainageway. It is an improvement to retain the drainageway in a separate tract per the revised/current application. However, the proposed design treats the drainageway more as an open ditch than a stream, primarily addressing only its conveyance function. As proposed, the fenced easement extends only slightly outside of the top of bank of the drainageway, and there is no proposal for a specific landscape plan or any specific vegetation adjacent to the drainageway, other than a reference to maintaining what is existing. Best practices for protecting water quality of the drainageway and downstream waterways would provide for a vegetated buffer with adequate width and types of vegetation that could help reduce runoff of chemicals such as residential pesticides and fertilizers. Riparian vegetation, including trees and certain shrubs, can also help provide habitat and provide shading, which can also help reduce temperature, which can be a common issue for waterways. The applicant has indicated building pads will be drained away from the waterway, but portions of some lots would continue to slope down to the drainageway.

In addition, protection of natural features is not an all or nothing proposition. There is a middle ground between no disturbance to the drainageway and fully piping it. A street crossing could leave the majority of the drainageway across the property undisturbed, leaving opportunities for enhancement of the open drainageway with an adjacent vegetated buffer.

With the flexibility provided through the Planned Development standards, there is an expectation that the development should do more than meet minimum standards to protect only that area for which disturbance would trigger USACE/DSL permitting requirements. There is more the applicant can do to better utilize the flexibility of the Planned Development option to better enhance and protect the drainageway and its functions and values other than conveyance. The drainageway formerly traversed a wooded property and there is no remaining streamside tree cover and limited vegetation and buffering from the vacant field that is proposed to be homesites. There are limited examples of high-quality drainageways that retain values and functions that are fenced at a 20-foot wide width.

Attachments:

Attachment A: Decision Document

Public Comments

Notice of the proposed application was mailed to property owners and published in the newspaper. As of the date of this Staff Report, no public comments were received.

Agency Comments

Notice of the proposed application was sent to affected agencies and departments. Agency comments were received from the Engineering Division, McMinnville Water and Light, Recology, and the Oregon Department of State Lands. Those comments are noted in the Decision Document.

Summary

The Planned Development application requests flexibility regarding several development standards. It also requests that the proposed development not be required to comply with the local street connectivity requirement of Exhibit 2-1 of the TSP, which is a mandatory requirement of the TSP, Comprehensive Plan, and Zoning Ordinance. That would require an amendment to Exhibit 2-1 of the TSP, and cannot be approved through a Planned Development. That a local street connection may require permitting by the US Army Corps of Engineers and/or DSL if the jurisdictional waters are disturbed, (depending on the amount of disturbance and whether it less than the threshold for DSL permit requirements) does not exempt the application from compliance with the mandatory requirements for location-specific local street connectivity specified in the Transportation System Plan, Comprehensive Plan, and Zoning Ordinance.

The Planned Development application also requests that, absent the local street connection, that the application be able to further exceed the block length and perimeter standards that would occur without the local street connection. Those provisions can't be approved as part of the deviation from standards through the Planned Development application, and would be inconsistent with the objectives for the area as provided in the Comprehensive Plan and Zoning Ordinance. Therefore, the Planned Development doesn't meet the applicable criteria for all of the items requested as part of the Planned Development application and which the subdivision application relies on. Therefore, staff recommends denial.

The proposed subdivision is dependent on the approval of the Planned Development to authorize deviation from standards for the layout of the subdivision. Without the deviation from standards requested in the Planned Development application, the subdivision doesn't meet the applicable standards of the Zoning Ordinance.

While there are some portions of the Planned Development request that could be approved, other portions cannot, and the layout of the proposed subdivision is dependent on approval of the Planned Development and those provisions.

There are other aspects of the requested Planned Development and Subdivision addressed in the findings that would also need to be addressed even if a local street connection wasn't required. For example, these include the following:

- This includes the issues related to the drainageway described above in this staff report.
- This includes issues with the private way/drive. The applicant has proposed a dead-end private way/drive to serve some of the proposed lots as authorized for a Planned Development under the provisions of 17.53.100(D). **See applicant's Exhibit 15.** However, that standard requires the private drive/way to be within a common ownership tract. The applicant has proposed a private way within an easement across multiple lots rather than in a common ownership tract. Adjusting the lot lines would reduce the lot area of these lots, and the applicant would need to demonstrate that the application could comply with the applicable requirements including lot size averaging if the private way/drive was within a separate common ownership tract. The applicant has proposed a separate private access under the provisions of 17.53.100(C). If the applicant instead intends

Attachments:

Attachment A: Decision Document

to have a second private access under the provisions of 17.53.100(C), the application would need to demonstrate compliance with the applicable eligibility criteria and standards.

- In some parts of the application, the applicant describes the proposed development as 16 single-detached homes, and in others, the applicant describes the opportunity for middle-housing types. The applicant has indicated the lots will be offered for sale. As permitted uses, the Zoning Ordinance allows single-detached, duplex, and triplex units on lots of 5,000 square feet or larger and allows quadplex units on lots of 7,000 square feet or larger. The use of the cul-de-sac relies on a finding that there will be no more than 16 dwelling units served by the cul-de-sac. Eight homes already access Buel (including one unit of a corner duplex), and six new lots are proposed to access Buel as an extension with a cul-de-sac. There would be a minimum of 14 dwellings accessing Buel, and the potential for middle housing types which exceed the maximum number of dwellings served by a cul-de-sac.

Flexibility regarding other standards requested in the Planned Development application would be reasonable to respond to some of the site constraints. In addition, flexibility from certain standards could be used for opportunities to further enhance natural features.

Attachments:

- Attachment A: Decision Document

Planning Commission Options (for Quasi-Judicial Hearing):

- 1) Close the public hearing and **DENY** the application, per the decision document provided which includes the findings of fact and conclusionary findings.
- 2) Close the public hearing and **RECOMMEND APPROVAL** of the applications to the City Council as proposed by the applicant subject to conditions of approval and providing findings of fact and conclusionary findings for the approval, specifying the basis for how the criteria are satisfied, in the motion to approve with conditions. (*Note: Staff has recommended denial, and a motion to approve with conditions would require staff to prepare conditions of approval, which would likely necessitate a continuance*).
- 3) **CONTINUE** the public hearing to a specific date and time.
- 4) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.

NOTE: While a Planning Commission recommendation of approval of the application (or approval of the application in a different form) is transmitted to the City Council to make a final decision, a Planning Commission recommendation of denial is a final decision unless the decision is appealed to the City Council. MMC 17.72.130.

Staff Recommendation:

Staff has reviewed the proposals for consistency with the applicable criteria. For reasons stated in the decision document, staff finds that the applicable criteria for the applications are not satisfied. Therefore, staff **RECOMMENDS DENIAL** of the applications.

Attachments:

Attachment A: Decision Document

Suggested Motions:

1. PD 1-22. **BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION ADOPT THE DECISION DOCUMENT AND DENY THE PLANNED DEVELOPMENT APPLICATION PD 1-22.**

2. S 1-22. **BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION ADOPT THE DECISION DOCUMENT AND DENY THE SUBDIVISION TENTATIVE PLAN APPLICATION S 1-22**

Attachments:

Attachment A: Decision Document

Exhibit 1a. Vicinity Map & Aerial Photo (before trees were removed by previous owner)

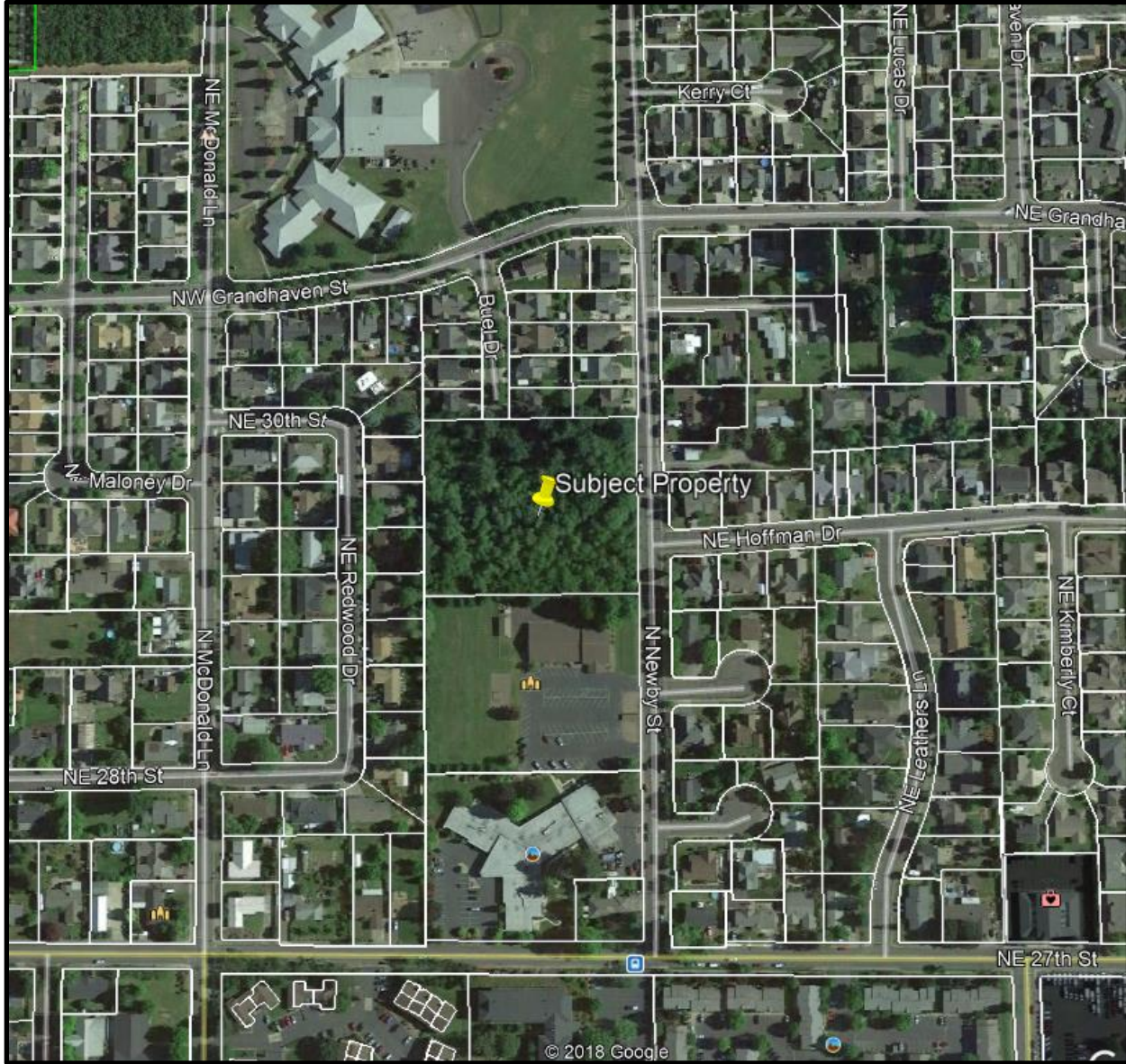


Exhibit 1b. Vicinity Map and Aerial Photo (after trees were removed by previous owner)



Exhibit 2. Zoning Map

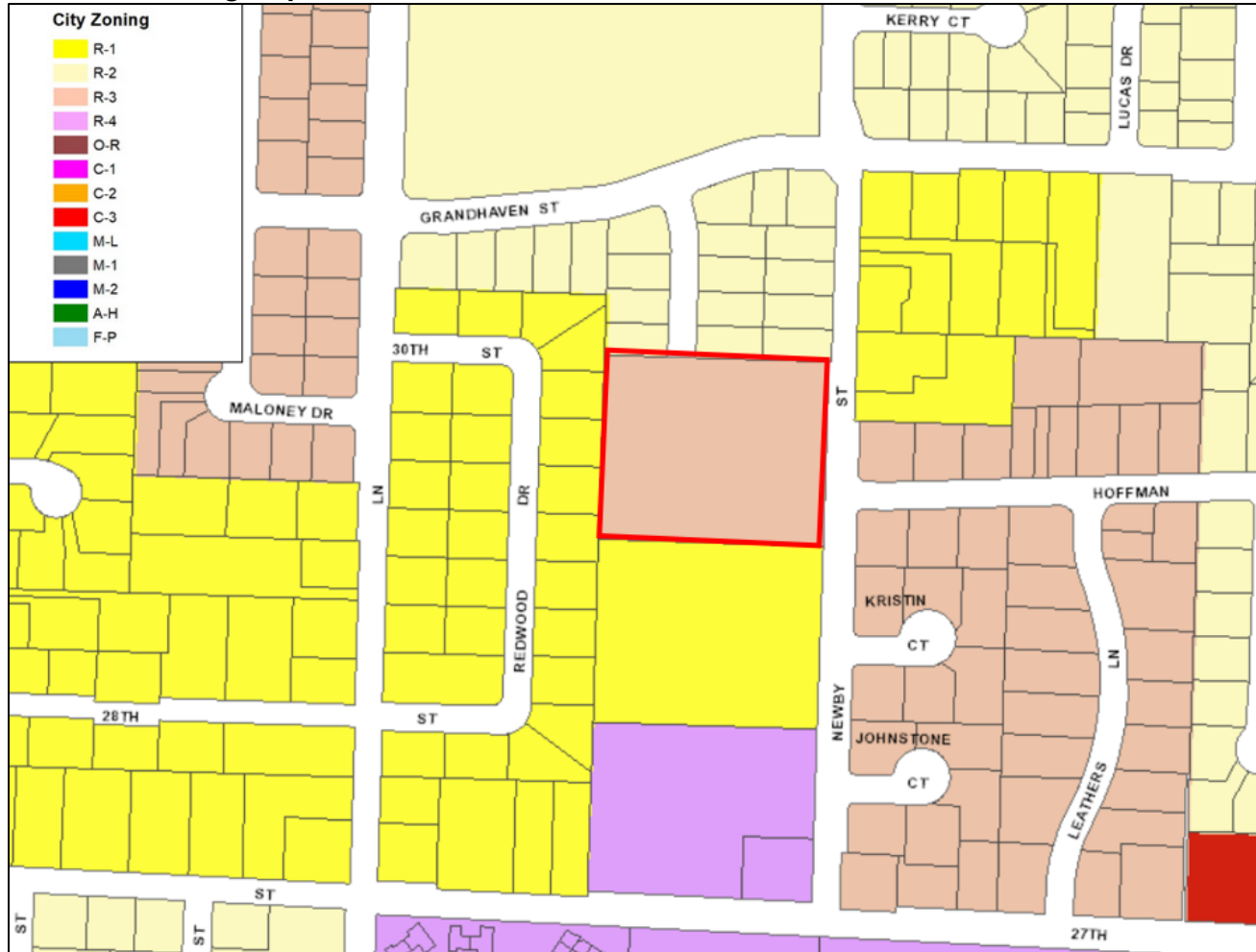


Exhibit 3. Proposed Subdivision Tentative Plan

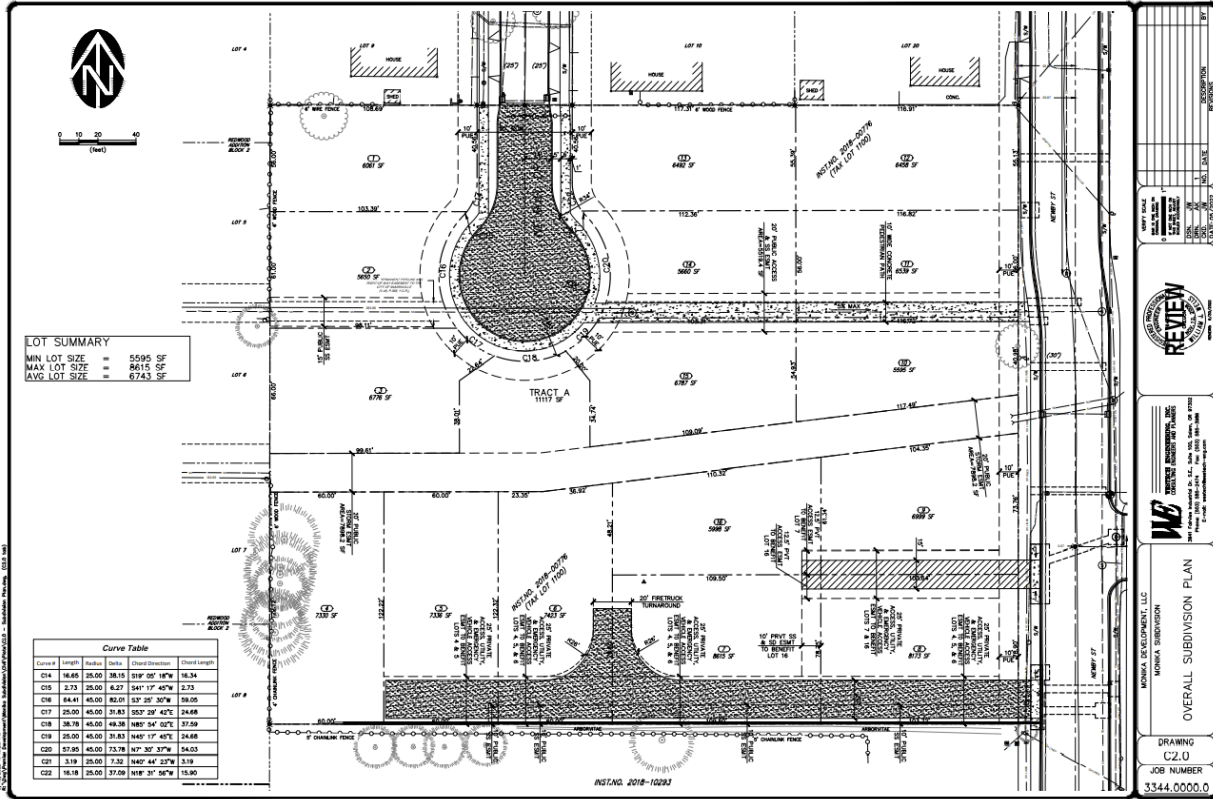


Exhibit 4. Proposed Grading Plan

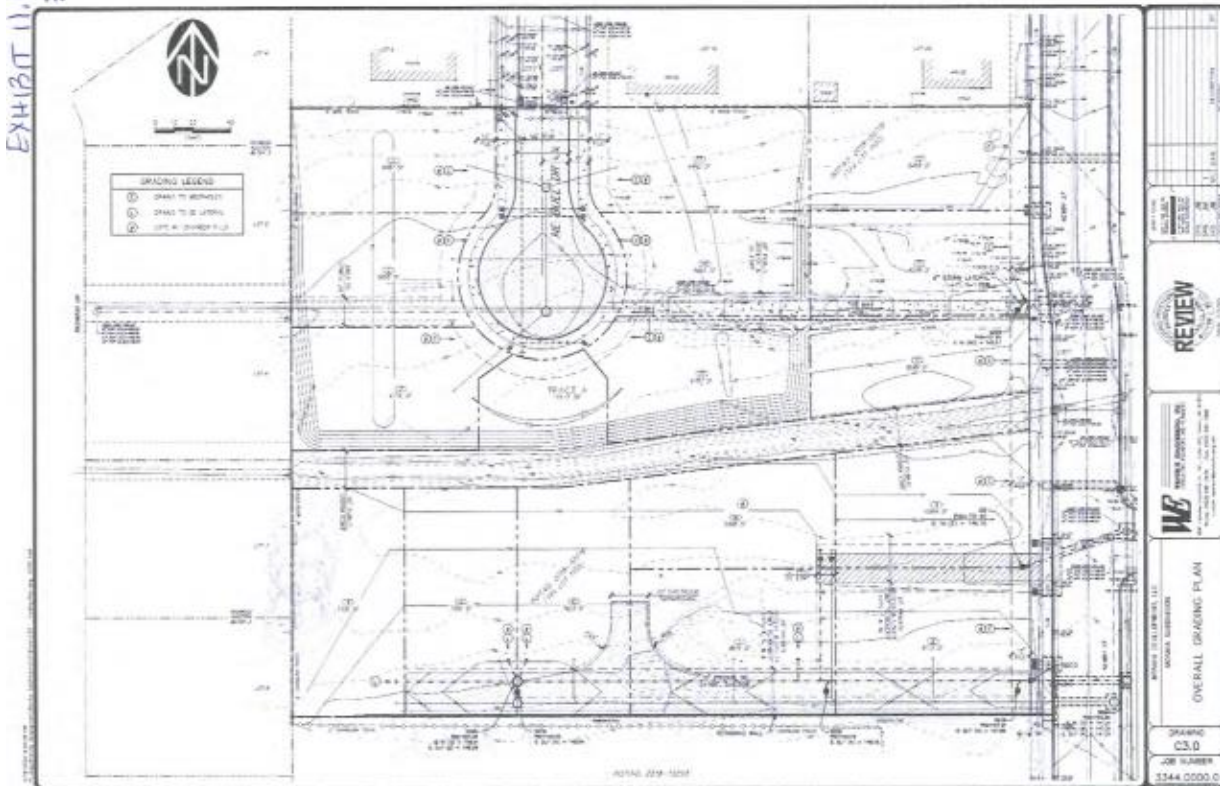


Exhibit 5. Proposed Utility Plan

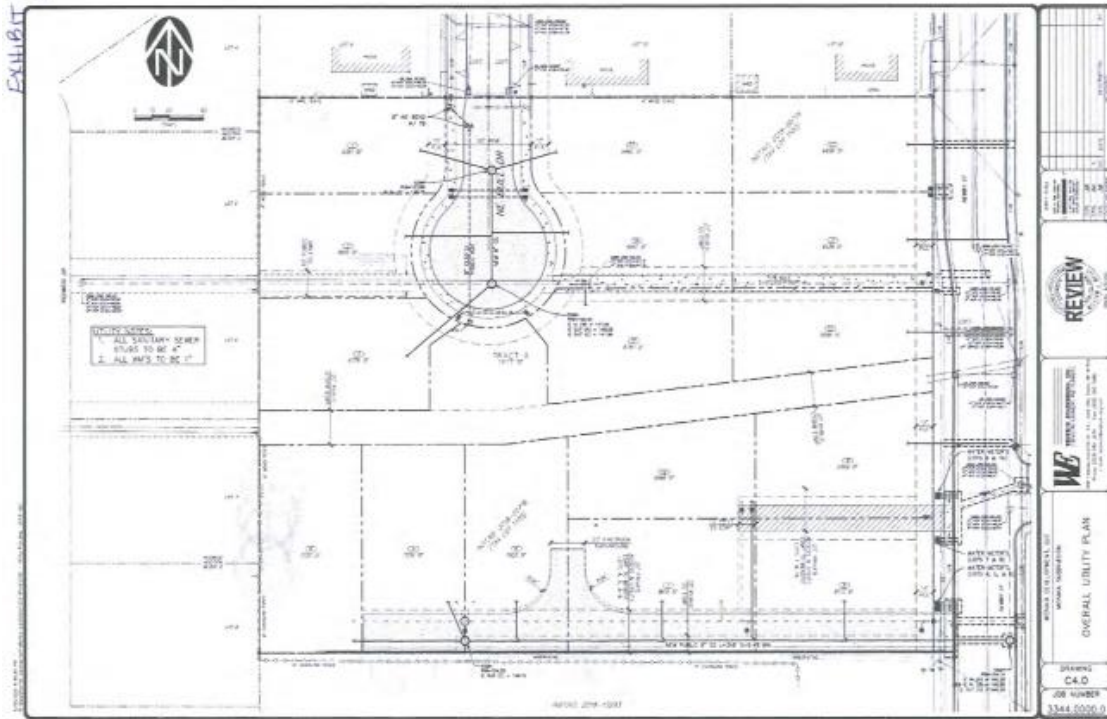
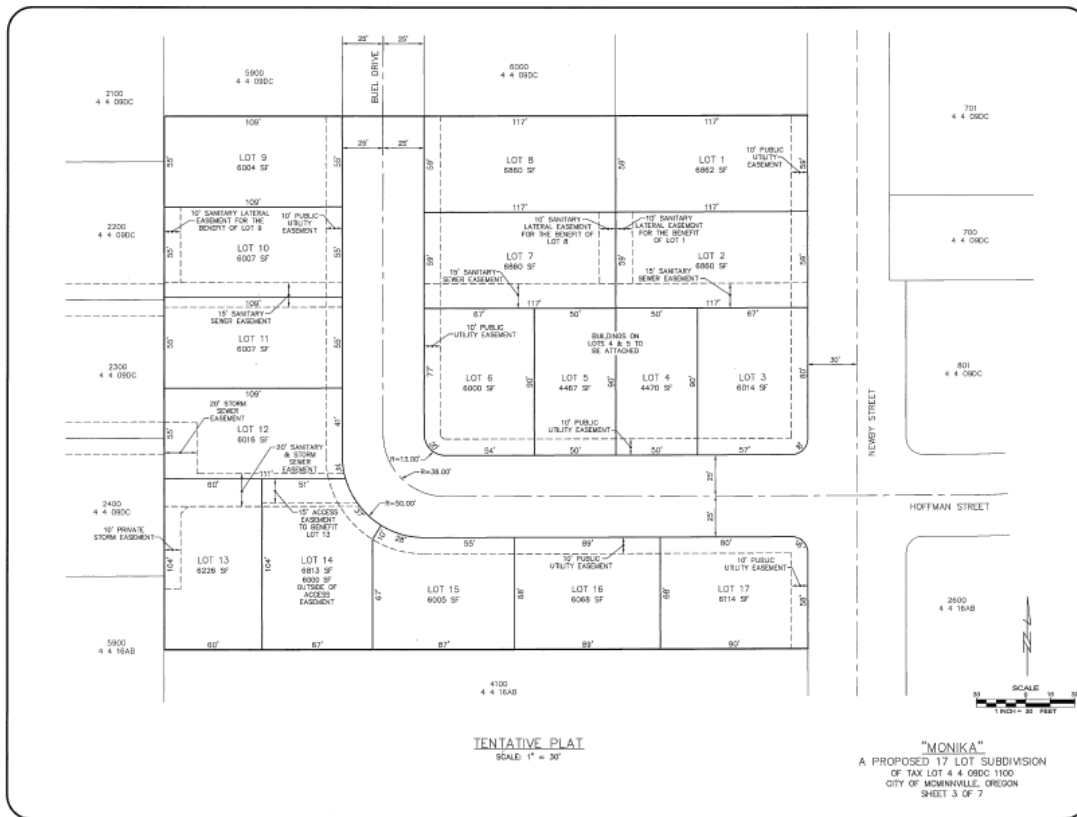


Exhibit 6. Previous Subdivision Approval S 2-19 (for reference only)



TS

Attachments:
Attachment A: Decision Document



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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR AN APPLICATION FOR A PLANNED DEVELOPMENT (PD 1-22) AND AN APPLICATION FOR A TENTATIVE SUBDIVISION PLAN FOR A 16-LOT SUBDIVISION (S 1-22) FOR A 2.93 ACRE PARCEL ON NE NEWBY STREET

- DOCKET:** PD 1-22 (Planned Development), S 1-22 (Subdivision Tentative Plan)
- REQUEST:** An application for a Planned Development to redesignate the property from R-3 to R-3 PD (R-3 with a Planned Development Overlay) including requested modifications to certain lot layout and development standards, and an application for a Subdivision to allow a 16-lot subdivision for a property of approximately 2.93 acres.
- LOCATION:** NE Newby Street (south of NE Buell Dr. and west of NE Hoffman Dr.)
Map and Tax Lot: R4409DC 01100
- ZONING:** R-3
- APPLICANT:** Monika Development, LLC c/o Lori Zumwalt
- STAFF:** Tom Schauer, Senior Planner
- DATE DEEMED COMPLETE:** July 24, 2022
- HEARINGS BODY & ACTION:** Because this application was submitted concurrently with the rezone application, the McMinnville Planning Commission makes a recommendation to the City Council, and the City Council makes the final decision, per MMC 17.72.070. However, if the Planning Commission decision is denial, then that is the final decision unless the decision is appealed to City Council.
- HEARING DATE:** August 18, 2022 at 6:30 P.M.
- LOCATION:** This will be a hybrid meeting with the opportunity to join an in-person meeting at Civic Hall or virtually on a zoom meeting.
- Meeting Location:**
McMinnville Civic Hall, 200 NE 2nd Street, McMinnville, OR 97128
- Zoom Online Meeting:**
<https://mcminnvilleoregon.zoom.us/j/82854218035?pwd=MIRDUGpZZXpydDN0ZFR5WEsvUVJ3Zz09>
- Meeting ID:** 828 5421 8035, **Passcode:** 847364

The public may also join the Zoom meeting by phone using the phone number and meeting ID below:

Phone: +1 253 215 8782

Meeting ID: 828 5421 8035, **Passcode:** 847364

PROCEDURE: The applications for the Planned Development and Subdivision Tentative Plan applications are 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 Planned Development are provided in Chapter 17.51 of the Zoning Ordinance. The applicable criteria for a Tentative Subdivision Plan include the Land Division Standards of Chapter 17.53 and the Development Standards of the Applicable Zoning District (Chapter 17.18 for the R-3 Zone). 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: This is a concurrent application for a Planned Development and Subdivision Tentative Plan. Per MMC 17.72.070, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice. Therefore, the Planning Commission will make a recommendation on this application to the City Council, and the City Council will make the final decision on both applications. However, if the Planning Commission decision is denial, then that is the final decision unless the decision is appealed to City Council. Such an appeal must be filed within 15 calendar days of the date the written notice of decision is mailed.

The City Council's final decision may be appealed to the Oregon Land Use Board of Appeals as specified in State Statute. 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, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and the Oregon Department of State Lands. Comments were received from the McMinnville Engineering Department and Oregon Department of State Lands. Their comments are provided in this document.

DECISION

Based on the findings of fact and conclusionary findings, the Planning Commission finds the applicable criteria for the Planned Development and Subdivision Tentative Plan are not satisfied and **DENIES** the application for the Planned Development (PD 1-22) and **DENIES** the application for the Subdivision Tentative Plan (S 1-22).

////////////////////////////////////
PD 1-22 DECISION: DENIAL
S 1-22 DECISION: DENIAL
////////////////////////////////////

Planning Commission: _____ Date: _____

Sidonie Winfield, Chair of the McMinnville Planning Commission

Planning Department: _____ Date: _____

Heather Richards, Planning Director

I. APPLICATION SUMMARY:

Subject Property & Request

The subject property is a 2.93 acre parcel located on NE Newby Street between NE Grandhaven and NE 27th Street. Grandhaven Subdivision to the north was platted in 1999, with NE Buel Drive stubbed to the north property line of the subject property. **See Exhibit 1.**

The subject property and properties to the west, south, and northeast are zoned R-1. Property to the north is zoned R-2 PD, and property to the east and southeast is zoned R-3 PD. **See Exhibit 2.** Predominant surrounding uses are single-family homes and duplexes to the north, single-family homes to the east and west, Adventure Christian Church to the south, and Life Care Center south of the church. Grandhaven Elementary School is located across NW Grandhaven Street to the north. The subject property is vacant. It previously had substantial tree cover as shown in the aerial photo **Exhibit 1a**, which was previously cleared by the prior owner, with a limited number of trees remaining, predominantly along the west property line and north property line. **Exhibit 1b.** There is a natural drainageway generally running east-west on the property, and a portion of the drainageway is identified on the National Wetland Inventory as a riverine wetland. However, the wetland/jurisdiction water delineation determined there are no wetlands on the site, but there are jurisdictional waters associated with the drainageway, (approximately 0.07 acres, roughly 3,099 square feet). On average, this would be roughly the center 7-1/2 feet of the channel for the roughly 400-foot width of the lot. Curb, gutter, and sidewalk are present along the property frontage on NE Newby Street.

The previous property owner applied for a rezone of the subject property from R-1 to R-3, which was approved. The R-1 zone has a minimum lot size of 9,000 sf and the R-3 zone has a minimum lot size of 6,000 square feet. The subject property is now zoned R-3. The previous property owner also concurrently applied for a 17-lot residential subdivision, which was approved with conditions in 2019. **Exhibit 6.** The application did not move forward. The previous owner obtained extensions for the approval, but never completed the conditions of approval nor started construction. The previous subdivision approval has since expired.

The prior subdivision approval with conditions included piping of the drainageway (which is piped immediately upstream and downstream), with a local street connection between NE Buel and NE Hoffman, which provided access to most lots. **Exhibit 6.**

The current application proposes to retain the drainageway for the full width of the lot, to be located within 20-foot wide fenced easement, without the local street connection between NE Buel and NE Hoffman. Instead, the plan includes extension of NE Buel to the south terminating in a dead-end cul-de-sac north of the drainageway, with a pedestrian connection between the cul-de-sac and Newby. South of the drainageway, two private dead-end accesses are proposed. The proposal includes an open space tract between the bulb of the cul-de-sac and the drainageway.

Exhibit 3 is the proposed subdivision tentative plan, and **Exhibits 4 and 5** shows the proposed grading and proposed public improvements and utilities.

The current property owner and applicant initially submitted an application for a subdivision. However, the application indicated several of the applicable development standards would not be satisfied. Staff advised the applicant the application couldn't be approved if it didn't meet all of the applicable standards. It would be necessary for the applicant to do one of the following: bring the proposal into compliance with applicable standards, apply for a variance or variances when/if appropriate, and/or apply for a Planned Development if the requested flexibility would be consistent with the criteria for a Planned Development, and also not "simply a guise to circumvent the intent of the Zoning Ordinance," as required by Chapter 17.51. The applicant subsequently made some revisions to the proposed subdivision plan and submitted an application for a Planned Development concurrent with the

Attachments:

Attachment 1 – Application and Attachments

application for the revised subdivision plan, including an updated application and narrative, which is what is now proposed. Revisions included reconfiguring the lots to the open space tract south of the cul-de-sac bulb and reconfiguring lot lines so the drainageway is within a separate tract, rather than in an easement with lot lines of adjacent lots extending to the centerline of the drainageway.

Neighborhood Meeting

Before an application for a Planned Development or Tentative Subdivision Plan can be submitted, an applicant must hold a neighborhood meeting as specified in Chapter 17.72 of the Zoning Ordinance. The applicant conducted the required neighborhood meeting prior to the original submittal in accordance with the requirements and has submitted the necessary documentation of the neighborhood meeting with the application, including a list of attendees and meeting notes.

Summary of Criteria & Issues

Staff has identified two main critical issues associated with the requested Planned Development and Subdivision. The two issues are (1) street connectivity and (2) natural feature preservation and protection.

Also, there is some discrepancy in describing the proposal – in some parts of the application, it is described as lots for single detached dwellings, but other parts of the application note that there are opportunities for “middle housing.” The applicant notes that lots will be made available for sale. Once platted, the City would authorize permitted uses on lots subject to compliance with the applicable minimum lot size standards for uses and the design and development standards.

With the applications, the applicant must demonstrate consistency with applicable development standards. In addition, the applicant has submitted a Planned Development application to achieve flexibility regarding certain development standards in exchange for meeting the applicable Planned Development criteria. In summary, the purpose of the flexibility to some standards provided for a Planned Development application, is intended to achieve a better outcome than a standard subdivision application, as reflected in the applicable criteria.

In part, the purpose is stated as follows:

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

Therefore, the bar for a Planned Development application is higher than “meeting the minimum standards” for a standard subdivision, as expressed in the approval criteria for a Planned Development.

The application needs to demonstrate it meets the bar for a Planned Development as addressed in the purpose statement and criteria.

Street Connectivity

Several sections and provisions of the Comprehensive Plan, Transportation System Plan, and Zoning Ordinance provide policies and standards to establish a connected street system. These provisions prioritize connected streets over dead-end streets, whether public cul-de-sacs or private easement access. Those policies and standards are individually addressed in the findings. The TSP also

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summarizes some of the rationale and research for a connected street system, which aren't repeated here. The following provisions establish a mandatory requirement for specific local street connections.

The Transportation System Plan requires:

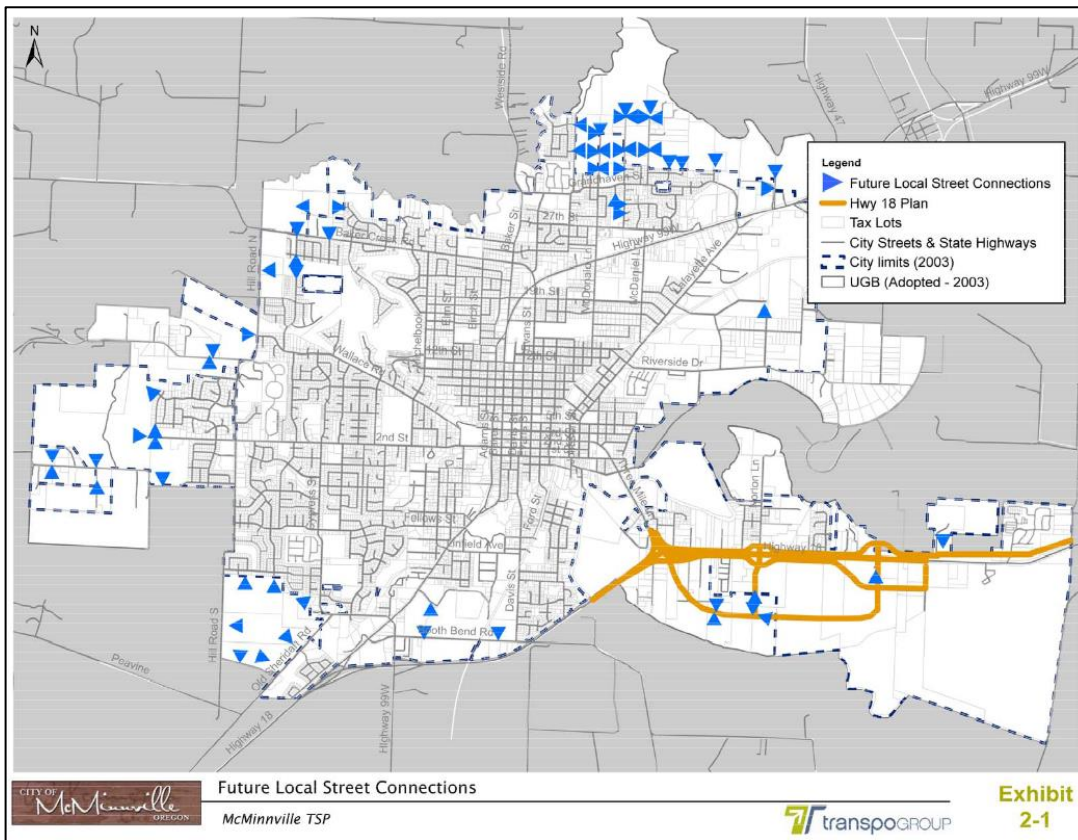
- *New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map as shown **Exhibit 2-1**.*

The Comprehensive Plan requires:

- *132.26.05. New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.*

The Zoning Ordinance requires:

- *Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.*



The map in the vicinity of the property shows an endpoint at NE Buel and an endpoint at NE Newby across from Hoffman. The applicant contends that the proposal is “functionally equivalent” to the local street connections shown on Exhibit 2-1. Staff does not concur that configuration of the three dead-end streets (one public cul-de-sac and two private accesses) and the pedestrian connector is consistent with or “functionally equivalent” to a continuous local public street connection between the endpoints shown on Exhibit 2-1 with a connection between NE Buel and NE Newby at NE Hoffman. For example, a local street would provide two ways in and out for emergency vehicles or evacuation. With the proposed three dead-end streets, each of the three would only have one way in and out.

It is necessary to provide the connection shown on Exhibit 2-1 or to seek an amendment to the Transportation System Plan to amend Exhibit 2-1, demonstrating why that connection shouldn't be required. Absent an amendment, the proposal needs to provide the required connectivity shown in Exhibit 2-1. The connection shown in Exhibit 2-1 could provide access to all lots that wouldn't take direct access from NE Newby, and therefore, the dead-end cul-de-sac and private accesses would not be required. The Comprehensive Plan and Zoning Ordinance include provisions that encourage a connected street system and discourage cul-de-sacs and also specify that private access can only be used as a last resort if other access options aren't feasible.

The applicant has presented their reasons why the application includes no disturbance to the drainageway and therefore doesn't include the local street connection. The place to direct those arguments is toward an amendment to the TSP to amend Exhibit 2-1 and justify why a connection is not feasible and/or why other issues should be prioritized over the local street connectivity specified in Exhibit 2-1 and described as mandatory in the TSP, Comprehensive Plan, and Zoning Ordinance.

If the applicant were successful in pursuing an amendment to the TSP map, that would then strengthen the arguments that the cul-de-sac and private accesses may be justified as the only feasible option for access. Conversely, if a request to amend the TSP map Exhibit 2-1 were unsuccessful, then that would mean the application would need to provide the connectivity identified on the map.

Note: *TSP Exhibit 2-1 is not intended to identify every local street connection that is required. The Zoning Ordinance has maximum block length and perimeter standards that must be met, and there are different ways to provide street connections within and between properties that could achieve those standards. Therefore, the City doesn't attempt to map the alignment of every local street in Exhibit 2-1. Instead, Exhibit 2-1 identifies specific local street connections that are most critical to ensure a well-connected street grid. For example, it identifies connections in areas that previously developed with poor connectivity, where there may be limited opportunities to achieve connectivity for remaining undeveloped properties. In some cases, abutting properties may already be developed without street stubs or opportunities for street connections to and through those abutting properties, making the remaining opportunities for connectivity more critical.*

The applicant contends that a dead-end cul-de-sac or dead-end private access easement accessing the adjacent street at the location of a “future local street connection” depicted in Exhibit 2-1 would be in compliance with Exhibit 2-1.

Staff does not concur with the applicant's interpretation or findings for what is required for compliance and consistency with the Connectivity and Circulation Policies of the TSP and **Exhibit 2-1**.

There would be no purpose to create a “Future Local Street Connections” map that would merely identify points where dead-end cul-de-sacs and dead-end private easement accesses should connect to the public street system. This wouldn't achieve the stated connectivity policies. The applicant's interpretation and findings for what is required for compliance with Exhibit 2-1 is inconsistent with the purpose of the map, which is to ensure connectivity of the local street network, not to identify points where dead end streets should connect to the street system.

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We find that a dead-end street connecting to the adjacent street at the location shown in Exhibit 2-1 would not be consistent with the requirements for the Connectivity and Circulation Policies and Exhibit 2-1. The purpose of this map is to identify the endpoints of local street connections where there would be a continuous connected local street extending between the endpoints denoted with the blue triangles. This would also provide connectivity within the proposed development.

Natural Feature Preservation

The applicant's proposal would retain the drainageway across the site, placing it within a 20-foot wide fenced easement. The proposal also includes an open space tract adjacent to the drainageway between the cul-de-sac and the 20-foot wide drainageway easement.

Natural feature preservation and protection includes both quantitative and qualitative aspects of protection. While the application proposes to avoid all disturbance to the drainageway within the jurisdictional portion of the waterway, the application doesn't propose specific measures to protect or enhance the quality of the drainageway, other than discussion regarding grading the building pads away from the drainageway. The applicant's original subdivision application submittal had lot configurations with side and rear property lines extending to the centerline of the drainageway. It is an improvement to retain the drainageway in a separate tract per the revised/current application. However, the proposed design treats the drainageway more as an open ditch than a stream, primarily addressing only its conveyance function. As proposed, the fenced easement extends only slightly outside of the top of bank of the drainageway, and there is no proposal for a specific landscape plan or any specific vegetation adjacent to the drainageway, other than a reference to maintaining what is existing. Best practices for protecting water quality of the drainageway and downstream waterways would provide for a vegetated buffer with adequate width and types of vegetation that could help reduce runoff of chemicals such as residential pesticides and fertilizers. Riparian vegetation, including trees and certain shrubs, can also help provide habitat and provide shading, which can also help reduce temperature, which can be a common issue for waterways. The applicant has indicated building pads will be drained away from the waterway, but portions of some lots would continue to slope down to the drainageway.

In addition, protection of natural features is not an all or nothing proposition. There is a middle ground between no disturbance to the drainageway and fully piping it. A street crossing could leave the majority of the drainageway across the property undisturbed, leaving opportunities for enhancement of the open drainageway with an adjacent vegetated buffer.

With the flexibility provided through the Planned Development standards, there is an expectation that the development should do more than meet minimum standards to protect only that area for which disturbance would trigger USACE/DSL permitting requirements. There is more the applicant can do to better utilize the flexibility of the Planned Development option to better enhance and protect the drainageway and its functions and values other than conveyance. The drainageway formerly traversed a wooded property and there is no remaining streamside tree cover and limited vegetation and buffering from the vacant field that is proposed to be homesites. There are limited examples of high-quality drainageways that retain values and functions that are fenced at a 20-foot wide width.

Public Comments

Notice of the proposed application was mailed to property owners and published in the newspaper. As of August 11, 2022, no public comments were received.

Agency Comments

Notice of the proposed application was sent to affected agencies and departments. Agency comments were received from the Engineering Division, McMinnville Water and Light, Recology, and the Oregon Department of State Lands. Those comments are noted in the Decision Document.

Attachments:

Attachment 1 – Application and Attachments

Summary

The Planned Development application requests flexibility regarding several development standards. It also requests that the proposed development not be required to comply with the local street connectivity requirement of Exhibit 2-1 of the TSP, which is a mandatory requirement of the TSP, Comprehensive Plan, and Zoning Ordinance. That would require an amendment to Exhibit 2-1 of the TSP, and cannot be approved through a Planned Development. That a local street connection may require permitting by the US Army Corps of Engineers and/or DSL if the jurisdictional waters are disturbed, (depending on the amount of disturbance and whether it less than the threshold for DSL permit requirements) does not exempt the application from compliance with the mandatory requirements for local street connectivity specified in the Transportation System Plan, Comprehensive Plan, and Zoning Ordinance.

The Planned Development application also requests that, absent the local street connection, that the application be able to further exceed the block length and perimeter standards that would occur without the local street connection. Those provisions can't be approved as part of the deviation from standards through the Planned Development application, and would be inconsistent with the objectives for the area as provided in the Comprehensive Plan and Zoning Ordinance. Therefore, the Planned Development doesn't meet the applicable criteria for all of the items requested as part of the Planned Development application and which the subdivision application relies on. Therefore, staff recommends denial.

The proposed subdivision is dependent on the approval of the Planned Development to authorize deviation from standards for the layout of the subdivision. Without the deviation from standards requested in the Planned Development application, the subdivision doesn't meet the applicable standards of the Zoning Ordinance.

While there are some portions of the Planned Development request that could be approved, other portions cannot, and the layout of the proposed subdivision is dependent on approval of the Planned Development and those provisions.

There are other aspects of the requested Planned Development and Subdivision addressed in the findings that would also need to be addressed even if a local street connection wasn't required. For example, these include the following:

- This includes the issues related to the drainageway described above in this staff report.
- This includes issues with the private way/drive. The applicant has proposed a dead-end private way/drive to serve some of the proposed lots as authorized for a Planned Development under the provisions of 17.53.100(D). **See applicant's Exhibit 15.** However, that standard requires the private drive/way to be within a common ownership tract. The applicant has proposed a private way within an easement across multiple lots rather than in a common ownership tract. Adjusting the lot lines would reduce the lot area of these lots, and the applicant would need to demonstrate that the application could comply with the applicable requirements including lot size averaging if the private way/drive was within a separate common ownership tract. The applicant has proposed a separate private access under the provisions of 17.53.100(C). If the applicant instead intends to have a second private access under the provisions of 17.53.100(C), the application would need to demonstrate compliance with the applicable eligibility criteria and standards.
- In some parts of the application, the applicant describes the proposed development as 16 single-detached homes, and in others, the applicant describes the opportunity for middle-housing types. The applicant has indicated the lots will be offered for sale. As permitted uses, the Zoning Ordinance allows single-detached, duplex, and triplex units on lots of 5,000 square feet or larger and allows quadplex units on lots of 7,000 square feet or larger. The use of the cul-de-sac relies

Attachments:

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on a finding that there will be no more than 16 dwelling units served by the cul-de-sac. Eight homes already access Buel (including one unit of a corner duplex), and six new lots are proposed to access Buel as an extension with a cul-de-sac. There would be a minimum of 14 dwellings accessing Buel, and the potential for middle housing types which exceed the maximum number of dwellings served by a cul-de-sac.

Flexibility regarding other standards requested in the Planned Development application would be reasonable to respond to some of the site constraints. In addition, flexibility from certain standards could be used for opportunities to further enhance natural features.

Exhibit 1a. Vicinity Map & Aerial Photo (before trees were removed by previous owner)

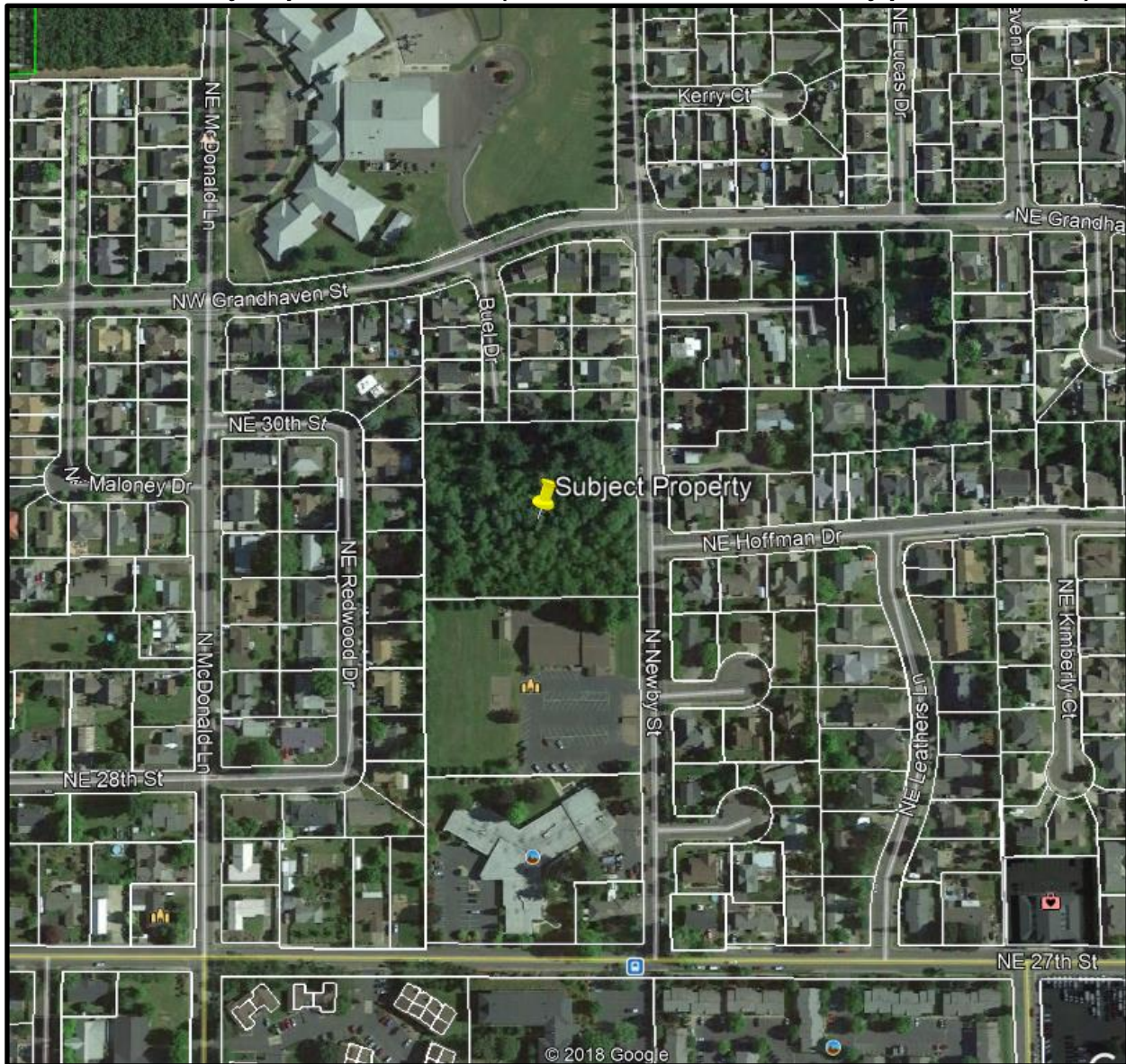


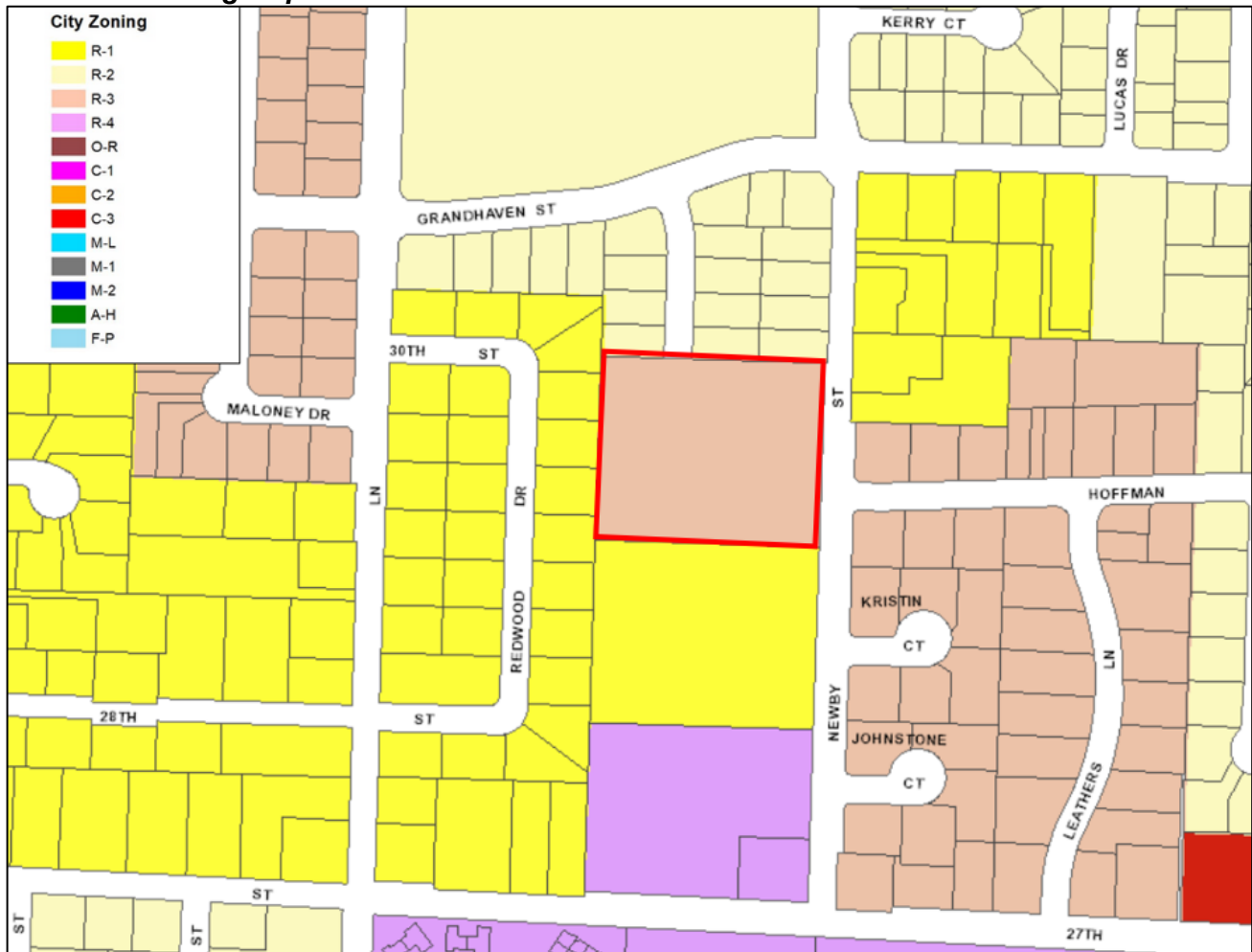
Exhibit 1b. Vicinity Map and Aerial Photo (after trees were removed by previous owner)



Attachments :

Attachment 1 – Application and Attachments

Exhibit 2. Zoning Map



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Exhibit 3. Proposed Subdivision Tentative Plan

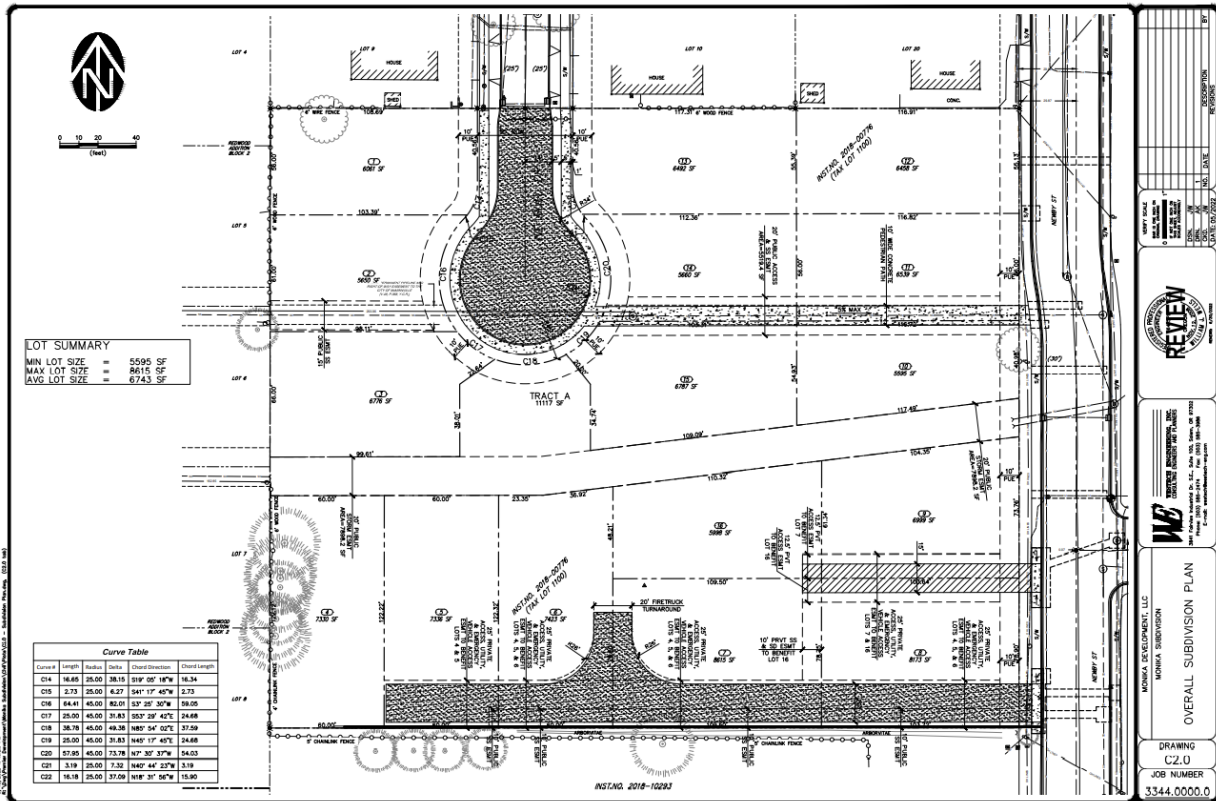


Exhibit 4. Proposed Grading Plan

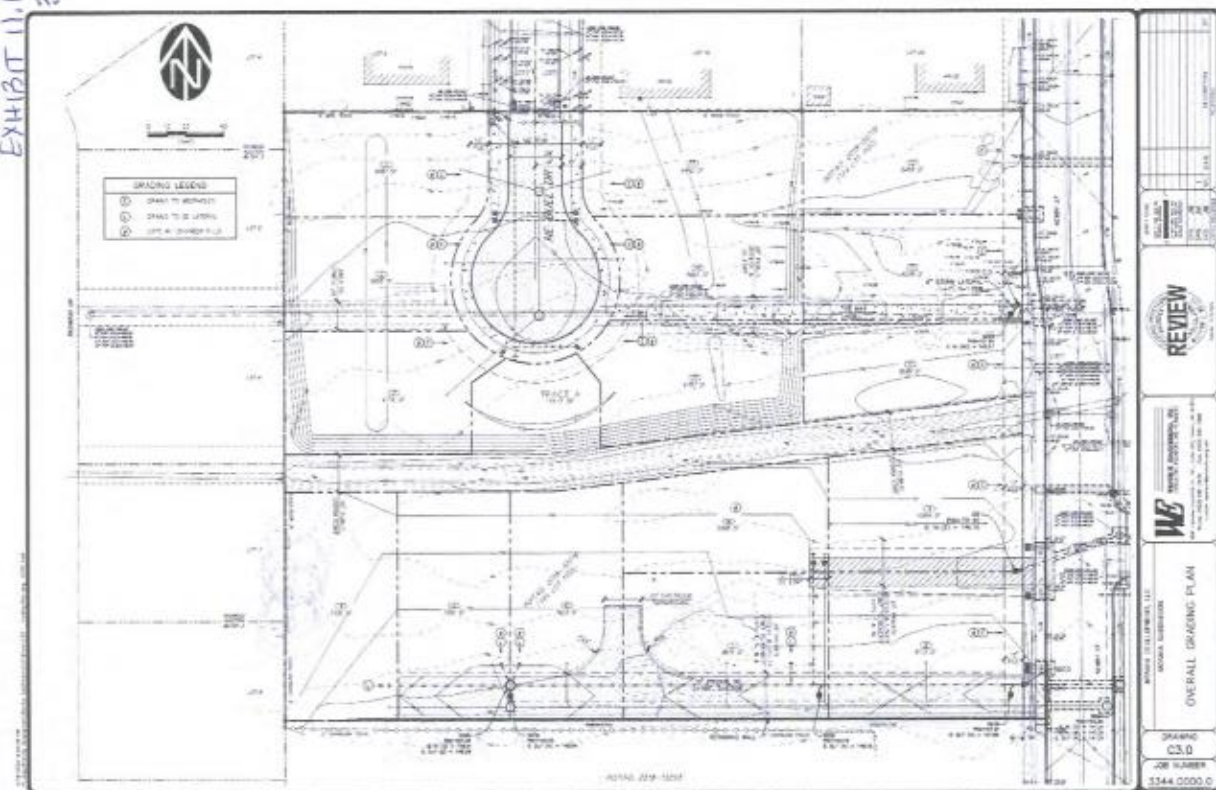


Exhibit 5. Proposed Utility Plan

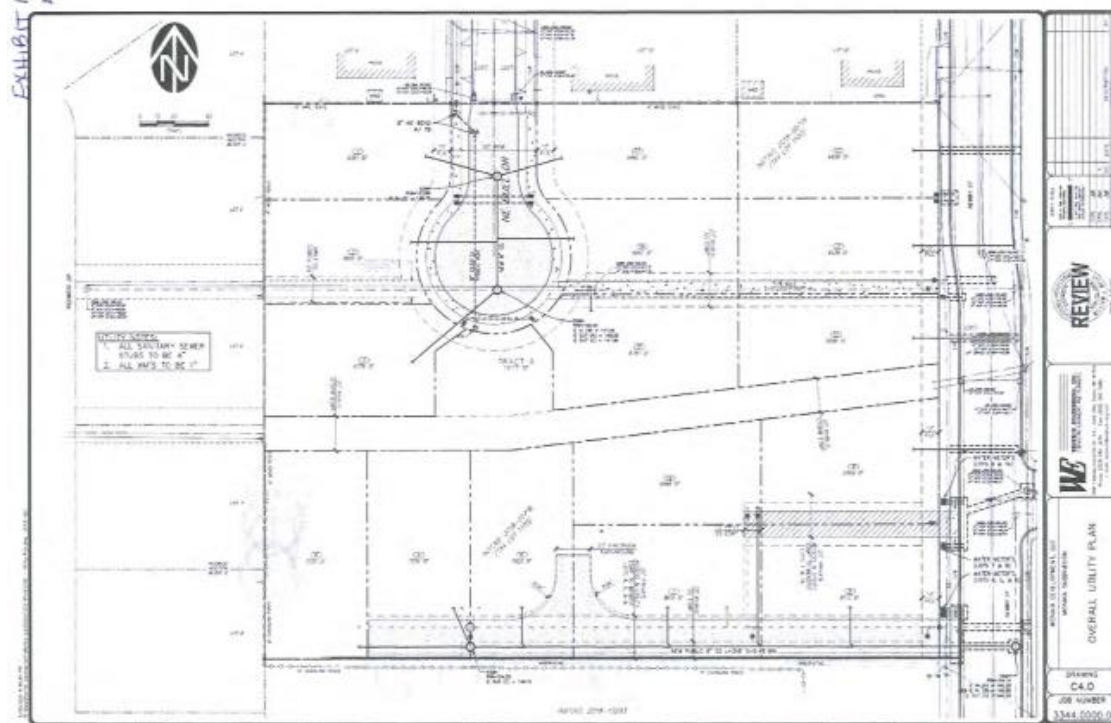
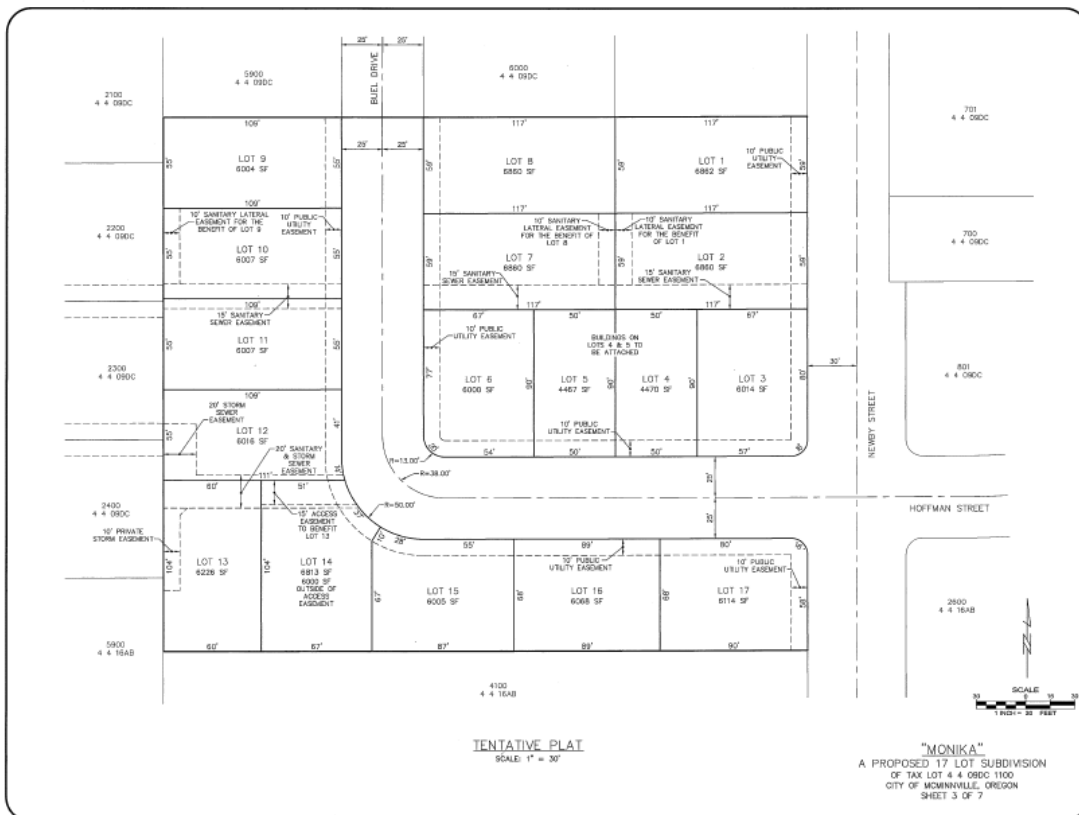


Exhibit 6. Previous Subdivision Approval S 2-19 (for reference only)



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Attachment 1 – Application and Attachments

II. CONDITIONS:

Not applicable. The decision is denial, so conditions are not included.

III. ATTACHMENTS:

1. PD 1-22 and S 1-22 Application and Attachments (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, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of State Lands. Comments were received from the Engineering Department and the Oregon Department of State Lands.

- **McMinnville Engineering Department and Public Works**

Here are our comments and suggested conditions of approval regarding the above listed application (S 1-22):

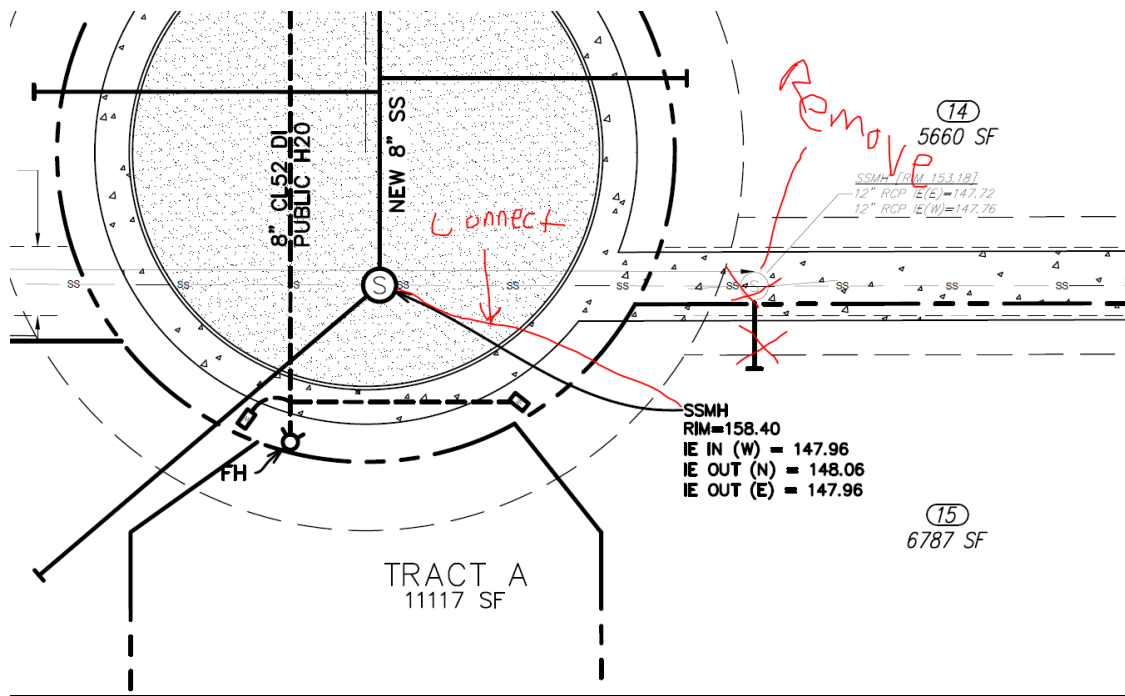
TRANSPORTATION

1. The planned subdivision does not meet the TSP, Exhibit 2-1 calls out for a local street connection from NE Buel to NE Newby. This street connection has not been made in the current layout. The developer has the option to amend the TSP.
2. Prior to the City's approval of the final plat, the applicant shall reconstruct the site sidewalk in the right-of-way that conform to the public right-of-way accessibility guideline (PROWAG) standards and to the current street standards. NE Newby St has approximately 160' of sidewalk south of the drainage that does not meet PROWAG. The sidewalk should be constructed to allow for a planter strip.
3. Provide curb ramps at the intersection of Newby and Hoffman.
4. The applicant should verify that the access spacing south of the drainage way meet our local street access spacing standards.
5. The 20' pedestrian public access easement be a separate tract to remain in private ownership, with a utility easement allowing for water and sewer utilities as noted. The City would not assume any maintenance responsibilities for this tract.

SANITARY SEWER

Suggested conditions of approval related to sanitary sewer service include:

1. If the subdivision were approved as it is the City's sanitary sewer main is under a concrete walkway, remove the manhole that is in the middle of the property and move lot 15 service lateral to the new manhole in NE Buel. This would allow that sewer main to be rehabbed using trenchless methods.



STORM DRAINAGE

Suggested conditions of approval related to storm drainage include:

1. With the open Storm Drain easement and the “Park” in Tract A we should look into adding erosion and non-point source pollution control requirements. Tract A, Lot 3, and Lot 15 all look like they will have a relatively steep grade towards the drainage area, which could increase erosion and sediment load within that storm drain without some sort of mitigation. Similarly, all lots along that area could contribute to chemical non-point source pollution into an un-treated drainage path that flows from the project site to Wagoner and potentially beyond into the North Yamhill River. The City is in process of implementing a Mercury TMDL plan and updating the Stormwater Master Plan.
2. The drainage way shall be owned and maintained by the HOA.
3. The drainage way be included as a separate tract to remain in private ownership, with an easement allowing for storm water drainage from upstream properties. The City would not assume any maintenance responsibilities for this tract, similar to other open drainage ways throughout the community.
4. The applicant should be required to provide a storm drainage plan for the subdivision in accordance with any requirements set forth in the Storm Master plan in appendix E. That plan should be provided for Engineering’s approval.

MISCELLANEOUS

Additional suggested conditions of approval include:

1. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to a public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. Revisions to the easements and utilities as shown on the tentative partition plat may be made on the final partition plat, based on the frontage improvements required to the right-of-ways adjacent to the subject site. All required utilities shall be installed to the satisfaction of the responsible

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agency prior to the City's approval of the final plat. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements.

2. That the applicant shall enter into a Construction Permit Agreement with the City for the Public Improvements related to improvements on NE Buel Dr and NE Newby St and pay the associated fees prior to the release of the approved construction plans.
3. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
4. That the applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone.
5. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
6. That prior to any construction activity, the applicant shall secure all required state and federal permits, including, if applicable, those related to the federal Endangered Species Act (if applicable), Federal Emergency Management Act, and those required by the Oregon Division of State Lands and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
7. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.

- **McMinnville Water & Light:**

- This project will require an Extension Agreement.
- To begin the Extension Agreement process, please fill out a MW&L Subdivision Design Application and provide the \$300 (\$150 each water and electric) per lot fee.
- Please have your Civil Engineer send design drawings directly to MW&L for review and approval.
- The proposed easements do not appear to be adequate to provide power to all lots in this subdivision.

- **Recology:**

No concerns on this application

- **Oregon Department of State Lands:**

Beyond this point I recommend the City and perhaps applicant talk to the person who would potentially review a permit application (Katie Blauvelt, Aquatic Resource Coordinator). I forwarded this notice to Katie and told her I would be recommending to you that you speak to her for further recommendations. If they do need to apply for a permit then Katie and the Corps project manager would be the appropriate contacts for a pre-app or discussion of potential mitigation options.

Public Comments

Notice of this request and the public hearing was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also published in the News Register on August 12, 2022. As of August 11, 2022, no public testimony had been received by the Planning Department.

Attachments:

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V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on January 6, 2022.
2. The last item submitted for the application including the applicable fee was submitted on June 24, 2022. Additional revisions were submitted on July 7, 2022.
3. The application was deemed complete on July 24, 2022
4. 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, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Notice was also provided to the Oregon Department of State Lands.

Comments received from agencies are addressed in the Decision Document.

5. Notice of the application and the August 18, 2022 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property on July 26, 2022 in accordance with Section 17.72.120 of the Zoning Ordinance.
6. Notice of the application and the August 18, 2022 Planning Commission public hearing was published in the News Register on August 12, 2022 in accordance with Section 17.72.120 of the Zoning Ordinance.

No public testimony was submitted to the Planning Department as of August 11, 2022.

7. On August 18, 2022, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** NE Newby Street between NE Grandhaven and NE 27th Street (Tax Lot 1100, Section 9DC, T. 4 S., R. 4 W., W.M.):
2. **Size:** 2.93 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-3
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Natural Resources:** Jurisdictional waters, described in the National Wetland Inventory as riverine wetlands (approximately 3,099 square feet / 0.07 acres). The wetland/jurisdictional waters delineation determined no wetlands were present, but the requirements for the jurisdictional waters are substantially the same.

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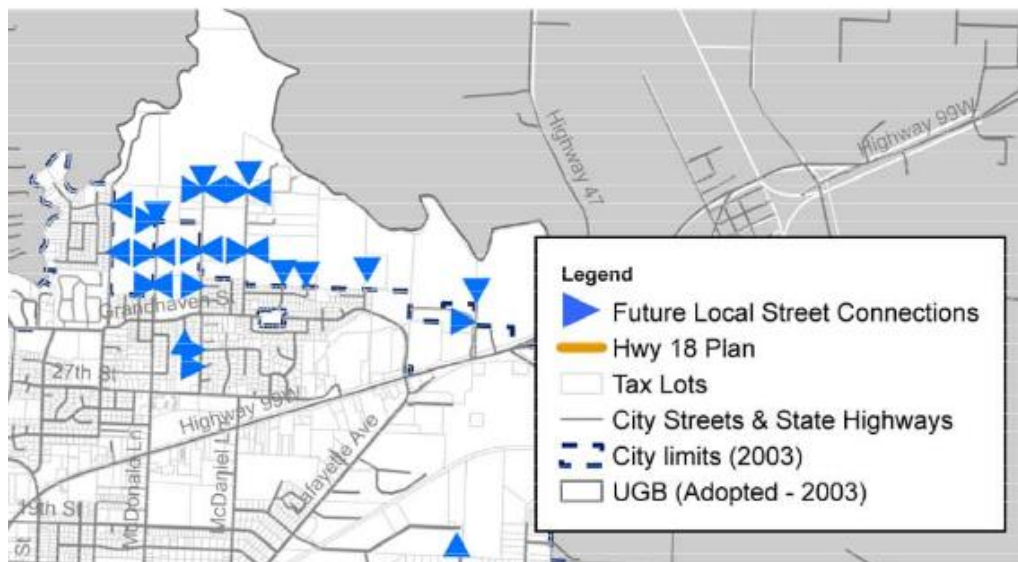
- b. **Other:** None Identified

- 8. **Other Features:** Generally level site slightly sloping toward the natural drainageway that runs east west, and slightly sloping from west to east. Some trees are present on the site, predominantly on the west side and the north side.

- 9. **Utilities:**
 - a. **Water:** A 6” water main is present along the frontage in NE Newby and 8” water main is present in Buel Drive.
 - b. **Sewer:** A 12’ sewer main crosses the property from west to east. A 15” sewer main is present in NE Newby Street.
 - c. **Stormwater:** Presently, storm drainage within a larger basin generally westerly of the property is captured in storm drain pipe and routed to a 30” stormdrain pipe in an easement that then discharges to the open east-west drainageway on this property at the west side of the property. The drainageway crosses NE Newby Street in a culvert (two 24-inch pipes), and remains piped for approximately 200’ before daylighting again, where it continues as a natural open drainageway to the North Yamhill River via open natural tributary drainageways. The east-west drainageway is the uppermost upstream stretch of this open drainageway that is unpipied. **Exhibits 7 and 8.**
 - d. **Other Services:** Other services are available to the property. Overhead utilities are present along the property frontage on NE Newby Street. Underground utilities are present in Buel Drive.

- 10. **Transportation:** NE Grandhaven is a Major Collector, NE 27th is a Minor Collector, McDonald Lane to the west is a Minor Collector. Other streets in the vicinity are local streets, including NE Newby Street and Buel Drive. **See Exhibit 9.** Buel Drive is improved with planter strips and sidewalks on both sides with on-street parking in a 50’ wide right-of-way. NE Newby Street is improved with sidewalks and on-street parking on both sides. The right-of-way width of NE Newby varies along the property frontage from approximately 50’ to 60’. There appears to be adequate right-of-way along the property frontage on the west side for planter strips without additional right-of-way dedication. However, the street frontage is already improved with curbtight sidewalk.

The Local Street Connectivity Map, Figure 2-1 in the Transportation System Plan, identifies future local street connections to the south terminus of Buel Drive and to NE Newby Street aligned with NE Hoffman Drive.



Transit is available on NE 27th Street, with a stop near NE Newby Street.



Exhibit 7. Piped and Open Drainage

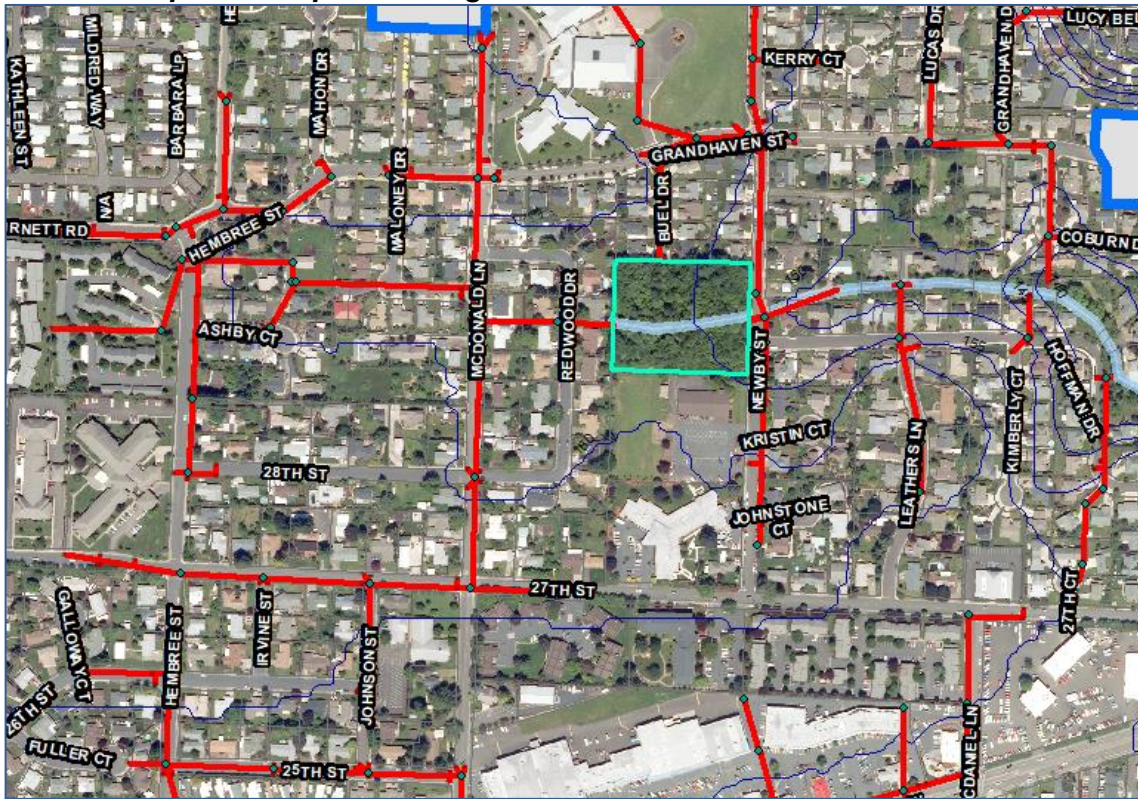


Exhibit 8. Open Drainageway

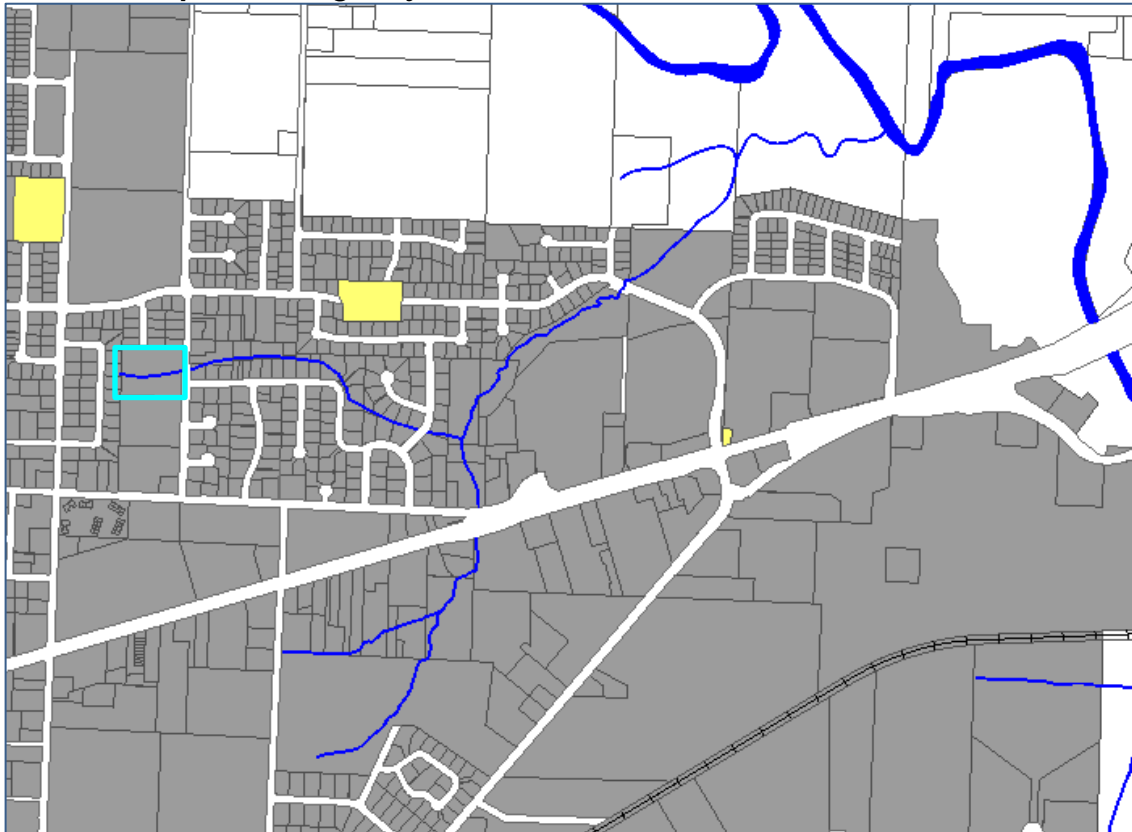


Exhibit 9. Street Functional Classification



VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a tentative subdivision plan are conformance of the proposed plan to the Land Division standards of Chapter 17.53, the development standards of the applicable zoning district (Chapter 17.18 for the R-3 Zone), and consistency with the Goals and Policies of the Comprehensive Plan, which are independent approval criteria for all land use decisions, as specified in Volume II of the Comprehensive Plan. Decisions must also ensure adequate coordination with other affected agencies to ensure the application is consistent with applicable local, state, and federal laws.

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McMinnville Zoning Ordinance

The following Sections of the McMinnville Zoning Ordinance provide criteria applicable to the request:

Chapter 17.51. Planned Development Overlay

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

APPLICANT’S RESPONSE: This Planned Development Application requested for approval is in conjunction with the Monika Subdivision Application. There are several standards and objectives the Applicant is attempting to meet with the Planned Development Application that can not be met under the strict interpretation of the R-3 zoning ordinance.

They are summarized as follows:

This property is an infill property consisting of 2.93 acres on the NE side of McMinnville and is residentially zoned R-3. This infill site has a some constraints and challenges in designing a subdivision such as, a delineated jurisdictional waterway that serves as the City’s natural open storm drainage way and crosses the property from west to east, just south of the center of the property. There is also a City Sewer Easement crossing the property west to east just north of center. This property has existing residential housing on the north and west sides, a church on the south and NE Newby St on the east side with additional residential housing east of Newby St.

On the northern border there is a narrow existing stub street that is 26’ in width. A Planned Development Application is deem necessary in order to meet the City’s Land Division Code, Great Neighborhood Principles and provide flexibility for the infill design with the “purpose of developing some variety in the development”. This variety of lot sizes can be accomplished through lot size averaging; smaller side setbacks of 5’ instead of 7.5’; lot length greater than two times the width; and block length greater than 400’ on Newby Street. The Planned Development design also meets “preserving significant man-made and natural features” by preserving and avoiding the delineated jurisdictional waters (open storm drainage way) in a tract, as well as, protecting the trees on the west and north side. Buel Drive stub street is completed by extending the street onto the subject property in the form of a cul-de-sac. With this street cul-de-sac, the preservation and protection of the open storm drainage way is kept as is, un-impacted, in a separate tract, and managed by the Homeowner’s Association. All storm drainage collected from the lots’ low point drain will be diverted from the open storm drainage way and collected in the catch basins in the streets.

The proposed infill site plan involves dividing the parcel into 16 single-family lots that will have access to the local street system via an extension of NE Buel Drive (cul-de-sac), private driveways to NE Newby Street, and a private street connecting to NE Newby Street. A multi-use path connection provides additional safe access for bicyclists and pedestrians. “This layout provides a functional street system and meets all relevant transportation criteria included in the McMinnville Transportation System Plan, Comprehensive Plan, and Zoning Ordinance. The extension of NE Buel Drive and associated cul-de-sac, the private drive on the south edge of the property, and the property frontage along NE Newby Street should be designed and constructed to meet applicable City design standards”. Per Lacy Brown, Ph.D., P.E., RSP, DKS Associates, Transportation Evaluation Letter.

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This property is within one-half mile from the Chegwyn Farms Neighborhood Park, per the McMinnville Master Parks Plan, so additional park space is not required. However, to enhance the social experience of the local residents, the proposed design layout is additionally providing “desirable aesthetic and efficient use of open space” by offering an open landscaped green space with bench and educational sign at the south end of the cul-de-sac, to be owned and managed by the Homeowner’s Association. “Creating public and private common open spaces” through the green space area and the designated landscaped bike and pedestrian path brings a healthy feature to the infill property with a desire to encourage foot, bike and transit travel. The flexibility in design with the Planned Development enables applicant to not only preserve the City’s natural resource but allows for a design layout of mixed lot sizes, varied building envelopes with reduced side setbacks, which accommodates for mixed use housing types (duplex, triplex, and fourplex) allow by the implementation of HB 2001 as of July 1, 2022.

FINDING: NOT SATISFIED. The proposal achieves many of these purposes and proposes flexibility to standards that are responsive to the unique aspects and constraints of the site. However, it deviates from the objectives of the area for street connectivity, and the opportunity provided by the flexibility offered through the PD process could be used more effectively to enhance the values and functions of the drainageway, whether it would remaining an open conveyance for its entirety, or whether there was a street crossing.

The proposal improves on the original proposal through inclusion of open space and revising the lot configuration so the drainageway is in a common tract rather than having the lot lines of adjacent lots extend to its centerline.

17.51.010 (continued). In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance.

Chapter 17.03. General Provisions.

17.03.020 Purpose. *The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title 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, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare. (Ord. 4920, §2, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968)*

APPLICANT’S RESPONSE: [No response provided].

FINDING: NOT SATISFIED. While the proposal is consistent with many of these purpose statements, it does not sufficiently address the relationship between the land uses and the transportation system for the area as articulated through the connectivity requirements and the location-specific connection identified in Exhibit 2-1 of the TSP.

17.51.010 (continued). A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission. For purposes of implementing these objectives, two means are available:

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- A. *The property owner or his representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances it will be carried out in accordance with Section 17.51.030. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area; (The fee charged for processing such an application shall be equal to the one charged for zone changes.)*

APPLICANT’S RESPONSE: *[See applicant’s response to 17.51.030(C)(2) below].*

FINDING: NOT SATISFIED. Subsection A is applicable - the applicant has submitted the request for the Planned Development concurrent with the proposed plan. However, based on findings below regarding Criterion 17.51.030(C)(2), the plan does not accomplish substantially “the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area.” As previously noted, it doesn’t provide the location-specific connectivity identified in the TSP, instead providing three dead-end access points together with a bike-ped connector.

- B. *The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. (The Planning Director shall note such properties and direct that no building permit be issued in respect thereto.)*
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.*
 2. *The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plan are submitted;*

APPLICANT’S RESPONSE: *[No response provided].*

FINDING: SUBSECTION B IS NOT APPLICABLE. The applicant has submitted an application under Subsection A, which includes submittal of the proposed development plan rather than the option for the deferral of the development plan per Subsection (b).

- C. *The Council and Planning Commission, with the assistance of the Planning Director, shall ensure that no planned development overlay granted under Section A or B above which is merely a guise to circumvent the intent of the zoning ordinance shall be approved. A denial of such a zone request based upon this principle shall be enunciated in the findings of fact adopted by the Planning Commission;*

APPLICANT’S RESPONSE: *[No response provided].*

FINDING: SATISFIED. The original application was significantly closer to circumventing the intent of the zoning ordinance. The original subdivision application didn’t meet the applicable standards, but requested deviation from standards without clearly achieving what would be expected for a Planned Development. The revised proposal improves on the issues by including open space and including the drainageway within an open space tract, but the flexibility offered by the PD process could be better utilized to achieve the purpose of the Planned Development. It is not a “guise to circumvent the intent,” but rather than thinking of it as an either/or, it is helpful to consider that it is more of a sliding scale, and more could be done to address the noted items.

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- D. A planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.72 (Applications and Review Process) of this ordinance. (A planned development overlay and change of the underlying zone may be processed simultaneously.)*

APPLICANT'S RESPONSE: [No response provided].

FINDING: SATISFIED. The Planning Development application is being reviewed in accordance with the applicable procedures in Chapter 17.72.

- E. A planned development overlay proposed by the Council, the Planning Commission, or the property owner under subsection B above shall be subject to all of the hearing requirements again at such time as the final plans under Section 17.51.030 are submitted, unless those requirements have been specifically changed in the planned development approval;*

APPLICANT'S RESPONSE: [No response provided].

FINDING: SUBSECTION E IS NOT APPLICABLE. The applicant has submitted an application under Subsection A, which includes submittal of the proposed development plan.

- F. A property owner shall not be required to pay an additional fee when the planned development overlay was originally initiated by the Council or Planning Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

APPLICANT'S RESPONSE: [No response provided].

FINDING: SUBSECTION F IS NOT APPLICABLE. The application was initiated by the property owner.

17.51.020 Standards and requirements.

The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:

- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;*

APPLICANT'S RESPONSE: [No response provided].

FINDING: SATISFIED. The proposed use is residential use permitted in the R-3 zone. The proposed subdivision would allow all permitted residential uses of the R-3 zone on the lots, subject to consistency with the minimum lot standards and design and development standards.

- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

APPLICANT'S RESPONSE: [No response provided].

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FINDING: SATISFIED. The R-3 zone doesn't have density standards. Instead, "density" is addressed through compliance with minimum lot sizes. As part of the Planned Development request, the applicant has proposed lot size averaging, where some of the lots are smaller than the minimum lot size and some are larger than the minimum lot size, but the average lot size exceeds the minimum lot size and complies with the requirements of the underlying R-3 zone.

Upon platting, the lots would be eligible for permitted uses in the R-3 zone, which include "middle housing" types. Middle housing types are permitted based on minimum lot size, but are not otherwise subject to maximum density limitations. All proposed lots are at least 5,000 square feet. Duplexes and triplexes and additional middle housing types are permitted on lots of 5,000 square feet and larger, subject to applicable design and development standards. Five proposed lots are also 7,000 square feet or larger. Fourplexes are permitted on lots of 7,000 square feet or larger, subject to applicable design and development standards.

Further, ORS 227.175(4) provides in part:

(c) A city may not condition an application for a housing development on a reduction in density if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A city may not condition an application for a housing development on a reduction in height if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may condition an application for a housing development on a reduction in density or height only if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the city must adopt findings supported by substantial evidence demonstrating the necessity of the reduction.

The proposal is consistent with the "density" provisions of the underlying R-3 zoning.

17.51.030 Procedure.

The following procedures shall be observed when a planned development proposal is submitted for consideration:

...
 C. *The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered.*

APPLICANT'S RESPONSE: [No response provided].

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FINDING: SATISFIED. The public hearing provides for review of the plan at a meeting at which time the findings of persons reviewing the proposal are considered.

In reviewing the plan, the Commission shall need to determine that:

1. *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

APPLICANT’S RESPONSE: (See Response #2 in applicant’s Planned Development application submittal):

The following proposed modifications are listed with physical site conditions and objectives of the proposed development. Majority of these modifications can be met by the Planned Development Overlay Chapter 17.51:

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

1. Preserve the natural feature of the City’s Open Storm Drainage Way. This infill property has a natural, open, City storm drainage way running through the property from the west to east. The City has noted in several policies that preservation of the natural resource in McMinnville is a priority, when possible. See Policies (Comp Plan Goal V 2, Land Division Policies: 74.00, 75.00, 79.00 80.00, GNP 1, 2, 3, 13, TSP through Universal Design principles, and TSP Chapter 4 (Low Impact Street Design). The City’s Storm Drainage System across the property seems like a simple ditch with water flowing through it, however, it is no longer a simple ditch. This “natural open drainage way” has been surveyed, studied, analyzed, and given the designation of Delineated Jurisdictional Waters by the Department of State Lands. This designation requires state and federal permitting, to fill, remove or impact it. It was designated “jurisdictional waters” for many scientifically studied, and analyzed points (hydrology, soils, aquatic species), in addition, it was designated “jurisdictional waters” because of where the water flows. The water flows to North Yamhill River, which is deemed a Navigable River Way with the State of Oregon. The main factor in not impacting this area is that, this drainage way if impacted is treated through permitting process as wetlands. So when the drainage way is treated like wetlands and the wetlands are impacted ie, removal or filled, piped, rip rapped etc., the Department of State Lands and Army Corp of Engineers, both require a permit and mitigation. When the jurisdictional waters or wetlands are impacted, the applicant must then mitigate the impact. Generally, the preferred way to mitigate impacts is to buy wetland credits through the Mud Slough Mitigation Bank available in Yamhill County. However, as of May 2022, the Mud Slough Mitigation Bank has all of its available credits sold or in contract and the owners are closing the bank. See Exhibit 17. The only other option available for mitigation would be to build and manage wetlands on site; however, it would be essentially impossible to create a streamtype drainage replacement due to

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the topography and poor use of land and loss of buildable lots. Avoiding the drainage way is the only way to be economically and environmentally friendly to the site.

2. New local green space added: The proposal endeavors to create desirable aesthetics not only by having a dedicated bike/pedestrian path but also, by adding a green space with park bench and educational sign, in addition to preserving the drainage way that will be owned and managed by the Homeowners Association. See City policies: Comp Plan Goal V2, GNP, Land Division Polices 74.00, 75.00, 79.00 and 80.00 below.

3. Request for 5' side setbacks on all lots. This will provide the subdivision with a mix of lot sizes and building envelopes that will enable a variety of house sizes, varying price ranges and meet many housing needs. The lot sizes provide building envelopes to allow for multifamily, ie. Duplex, triplex and fourplexes that will be allowed as of July 1, 2022 by the HB 2001 Middle Housing on any residential lot. This will meet the mixed uses criteria for the Planned Development enabling home ownership and rental housing available for all generations. The side yard setback change is allowed by the Plan Development Overlay Chapter 17.51.

4. Lot size averaging to accommodate less than 6000 square feet. The Zoning Ordinance for R-3 Chapter 17.18.030 states the lot size shall not be less than 6000 square feet. Due to the angular dedicated easement for the drainage way and the sewer easement, lots 2 (5650sf), 10 (5595sf) and 16 (5998sf) are less than 6000 square foot. The overall average lot size is 6743sf. The minimum lot size is 5595sf and the maximum lot size is 8615sf. See Exhibit 7.1. The lot size averaging is allowed by the Plan Development Overlay Chapter 17.51.

5. Meet lot width to length ratio on some lots greater than 2. Since the property is an infill property, there are constraints from the size of the parcel, existing residential conditions, open storm drainage way, sewer easement, and the placement and extension of Buel Drive. There will be 6 lots that will have a length slightly greater than twice the width, from 2.01 to 2.43. These lots are 4, 5, 6, and 10 - 14. This criteria can be satisfied by the Plan Development Overlay Chapter 17.51.

6. Allow for block length over standard of 400'. The existing block length along Newby Street will not meet the block length standard of 400' due to the infill location and existing conditions. The block length from Grandhaven Street along Newby Street to the bike/ pedestrian path is 445.71 feet. The block length for Buel Drive to the bike/pedestrian path will be 347.51 feet. The Perimeter from Buel Drive to Grandhaven Street to Newby Street and back to Buel on the bike/pedestrian path will meet the Land Division standard at 1231.61 ft. This criteria can be satisfied by the Plan Development Overlay Chapter 17.51.

7. Meeting the TSP policies with street configuration. The McMinnville Transportation Exhibit 2-1 identifies two connections to the local street system from this parcel – one connection to NE Buel Drive and one connection to NE Newby Street, roughly in the vicinity of NE Hoffman Drive (the precise intention cannot be discerned given the scale and level of detail shown in Exhibit 2-1). The TSP does not provide any additional detail or project descriptions for these planned local street connections. The findings from Lacy Brown, Ph.D., P.E., RSP, DKS Associates, Transportation Engineer is that the proposed site plan is consistent with the TSP, Exhibit 2-1, and is functionally equivalent by providing a connection to NE Buel Drive (via a street extension and cul-de-sac) and a connection to NE Newby Street (via a

private street) from the subject property. See DKS Associates Transportation Evaluation Letter.

8. Configuration of lots 4, 5, 6, 7, 8, 9, and 10 with private access and utility easements. The design layout of the southern lots are predicated on the preservation of the natural open drainage way, the constraints of an infill property and maximizing the number of buildable lots.

Three lots are accessed by a private drive (25' Private access and utility easement) in which the three lots will have a required shared maintenance agreement for access and utilities, and parking restrictions. This is allowed in the Planned Development Overlay Chapter 17.53.010 when greater flexibility and freedom of design is needed. This also provides a variety in the development pattern of the community, mixed uses, and a creative approach to preserving the natural feature. The Land Division Ordinance allows for this method to configure three lots on a private lane, as well as, the two flag lots which also share an access and utility easement. Specifically, Lots 4, 5, and 6 are provided a 25' Private Access and Utility Easement to access the rear southwestern part of the property from Newby St. Lots 7 and 16 will have access to Newby St. off of their own shared access and utility easement between lots 8 and 9. Lot 8, 9, 10, 11, 12 have direct access off Newby Street.

Land Division Ordinance Chapter 17.53.100C 1, 2, 3 allows the private access and utility easement method in a development. Chapter 17.53.100 D is met as the only reasonable method to provide lots in the rear portion or southern side of the property because of unusual topography of the drainage way crossing the property from west to east. When Chapter 14.53.100 D is met when this type of street will be allowed per Chapter 17.53.101 P. See Land Division Ordinances below.

Land Division Ordinance Chapter 17.53.100 C allows for an easement to access property *which is created to allow the partitioning of land for purposes of building development, shall be in the form of a street in the subdivision except that a private easement to be established by deed without full compliance with these regulation may be approved by the Planning Director under the following conditions:*

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

Chapter 14.53.100 D. A private way/drive which is created to allow the subdivision of land shall be in the form of common ownership, provide on-street parking or parking bays to replace that displaced by limited parking area, be approved by the

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Planning Commission in the form of a planned development, and meet the following conditions:

- 1. If it is the only reasonable method by which the rear portion of the existing parcel can be provided with access; or because of unusual topography, vegetative cover (preservable trees), lot size, or shape, it is the most feasible way to develop the parcel.*
- 2. The Planning Commission shall require the subdivider to provide the improvements to standards as set forth in Section 17.53.101(P) and maintenance of said private way/drive; to establish binding conditions upon each parcel taking access over said private way/drive, not limited to only the required maintenance, but to include adherence to the limited parking restrictions imposed by the individual planned development ordinance; and to provide necessary easements for the installation, operation, and maintenance of public utilities.*
- 3. Provisions must be made to assure that the private streets will be properly maintained over time and that new purchasers of homes or lots within the subdivision are notified, prior to purchase, that the street is private and that maintenance fees may be charged. Such provisions must meet with the approval of the Planning Commission.*

Chapter 17.53.101 P. Private way/drive. This type of street will be allowed when the conditions of Section 17.53.100(D) are met. A private drive shall be constructed to the same structural standards that would apply to a public street. Storm runoff will be controlled to prevent damage to adjacent properties. A storm drainage plan Ordinance 3380 157 of 280 shall be approved by the City Engineer. The right-of-way width will be determined based on site conditions and proposed use and will be approved by the Planning Commission.

9. Specific Deed Restrictions/Easements will be needed to accommodate the configuration of lots 3, 4, 5, 6, 9, 10, 15 and 16 for drainage easement, as well as, 2, 3, 10, 11, 14 and 15 for the sewer easement. See Applicant's amended written findings #1, detailing the required restrictions and easements and Land Division Ordinance Chapter 17.53.100 C2.

10. Preservation of existing trees on the west and north sides of the property. Prior to building on lots 1 and 4, owner must have Arborist evaluate impact to the trees based on the siting of the building to be built, and how, if possible, the trees can safely be preserved. See Applicant's amended writing findings Great Neighborhood Principle #1.

FINDING: NOT SATISFIED. While there are special physical conditions of the site which warrant departure from certain standards and requirements, the proposal doesn't comply with the connectivity requirements and Exhibit 2-1 of the Transportation System Plan. That would require a legislative amendment to the TSP in order to determine whether there is justification for departure from the standard regulation requirements regarding street connectivity.

There are constraints on the site which would otherwise justify departure from other standards for which the applicant is requesting flexibility. The features include the presence of the drainageway, the presence of an existing sanitary sewer line and easement across the property, and existing development to the west which precludes

street connectivity to the west. These include lot size averaging, lot width to depth ratios, and requested reductions to the standard interior side yard setbacks of the R-3 zone.

2. *Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*

APPLICANT'S RESPONSE: *(See Response #3 in applicant's Planned Development application submittal, addressed under the Comprehensive Plan and Transportation System Plan findings below).*

FINDING: NOT SATISFIED. The Comprehensive Plan, Transportation Plan System Plan, and Zoning Ordinance address location-specific street connectivity. The TSP and Zoning Ordinance specify that local street connections shall occur as shown in Exhibit 2-1 for all development applications. The proposal does not provide local street connectivity consistent with Exhibit 2-1.

3. *The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

APPLICANT'S RESPONSE: *[No response provided].*

FINDING: SATISFIED. Properties to the north and south are already fully developed with residential lots and development, and are provided with access and services. The property abuts Newby Street to the east.

The property to the south is developed with a church on a portion of the property. The church building is on the northeast corner of the property, the parking lot is on the southeast corner of the property, and the west half of the property is undeveloped. If undivided, the entire property can be accessed and served from Newby Street. The property is zoned R-1 and eligible for subdivision. If in the future, the property were to be subdivided for residential use, then it could be served from Newby Street. Due to existing development constraints to the south and west, the property would not have a local street with two points of connection unless a street was stubbed on the subject property to its south property line (the north property line of the church property), allowing for a street connection on the church property to the north and east. While staff has not requested that the applicant provided a stubbed street connection due to the current church use of the property, it is noted that should the church property subdivide in the future, then a lack of street stub to it could preclude local street connectivity.

4. *The plan can be completed within a reasonable period of time;*

APPLICANT'S RESPONSE: *[No response provided].*

FINDING: SATISFIED. The applicant has indicated they would be able to proceed with development in a timely manner

5. *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*

APPLICANT'S RESPONSE: *(See Response #6 in applicant's Planned Development application submittal):*

This proposed development's expected traffic volumes on Buel Drive/ Grandhaven Street would add an estimated 57 daily trips, (5 - AM Peak Hour Trips and 6 - PM Peak Hour Trips).

Expected traffic volumes on Newby Street would add an estimated 95 daily trips, (7 - AM Peak Hour Trips and 10 - PM Peak Hour Trips). Per DKS Associates, Transportation Engineer, this level of additional traffic is consistent with the current and planned functionality of Grandhaven Street, (classified as a major collector street) and Newby Street, (classified as a local neighborhood street).

FINDING: SATISFIED. However, it should be noted that if "middle housing" types, which are permitted in the R-3 zone, are developed on the southerly extension of Buel as a cul-de-sac, that could exceed the standard for number of dwellings that can be served by a cul-de-sac.

6. *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

APPLICANT'S RESPONSE: *(See Response #6 in applicant's Planned Development application submittal):*

The site can be serviced efficiently by all utilities:

WATER: A 6" water main is present along the frontage in NE Newby St. and an 8" water main is present in Buel Dr.

SEWER: A 12" sewer main crosses the property from west to east within a 10' wide sewer easement. A 15" sewer main is present in NE Newby St.

STORM: As shown on sheet C3.0 Overall Grading Plan, the lots on Buel Drive (1,2,3,13,14, 15) will convey their storm water on to Buel Drive cul-de-sac gutter, via weep holes and will gravity flow to the catch basins at the north end of the street. The storm water on lots (8-11) are proposed to drain to Newby street via new weep holes that will flow down to the existing catch basins in Newby Street. Lots 4 thru 7 are proposed to drain to a private storm drain system that connects to the existing storm drain line in Newby Street. Downspouts and low point drains will not be conveyed to the open storm drainage way.

TRANSPORTATION: NE Grandhaven Street is a major collector, NE 27th Street is a Minor Collector, and McDonald Lane to the west is a Minor Collector. Other streets in the vicinity are local streets, including NE Newby Street and Buel Drive. Buel Drive is improved to 26' wide with planter strips and sidewalks on both sides with on-street parking. NE Newby Street is improved with sidewalks and on-street parking on both sides. The right-of-way width of NE Newby Street varies along the property frontage from approximately 50' - 60'. Transit Bus Service is available on NE 27th Street, with a stop near Newby Street.

OTHER SERVICES: Overhead utilities are present along property frontage on NE Newby St. Underground utilities are present in Buel Dr.

FINDING: COULD BE SATISFIED WITH CONDITIONS. If the development plan met all of the applicable criteria, it would be possible to meet this criterion with a

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conditions of approval. However, with a denial, conditions of approval wouldn't be applied.

Utility facilities are adequate. The Engineering Division has provided comments indicating that storm drainage analysis would be required by the applicant as a condition of approval to determine potential impacts on downstream properties and whether any mitigation would be required per the requirements of the Stormwater Master Plan.

- 7. *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;*

APPLICANT'S RESPONSE: [No response provided].

FINDING: NOT SATISFIED. The applicant is proposing to retain the open drainageway within a 20-foot wide fenced easement area which would abut the side and rear lot lines of the residential lots. There is no plan for a vegetative buffer adjacent to the banks of the drainageway with types of vegetation or trees that would help prevent unfiltered runoff of pollutants such as pesticides or fertilizer or any proposal to prevent runoff. The applicant has noted that some building pads would be graded to avoid draining directly to the open drainageway, but there are adjacent slopes that drain to it.

The drainageway previously bisected a lot that was fully treed and now bisects a lot which is currently undeveloped open space, with a limited number of trees predominantly along the west property line. With the proposed subdivision, residential lots would abut the drainageway. To the north, the proposal is to fill the area for a flat pad with a slope down the south side of the lots to the drainageway.

- D. *If, in the opinion of the Commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section. If the Commission finds to the contrary, they may recommend the application be denied or return the plan to the applicant for revision;*

APPLICANT'S RESPONSE: [No response provided].

FINDING: NOT SATISFIED. The foregoing provisions are not all satisfied based on the findings provided above.

- E. *The Commission may attach conditions to carry out the purpose of this ordinance provided that such conditions are not used to exclude needed housing or unnecessarily reduce planned densities, and do not result in unnecessary costs or delay;*

APPLICANT'S RESPONSE: [No response provided].

FINDING: NOT SATISFIED. The application doesn't meet the burden of proof to demonstrate that the proposal meets applicable criteria and standards for street connectivity and adequate qualitative protection of the open drainageway proposed to be retained. If those issues could be resolved, then conditions would be appropriate that would not exclude needed housing or reduce planned densities. As proposed, conditions wouldn't be appropriate to achieve consistency with the applicable requirements. No conditions are proposed in response to provision of needed housing or to reduce residential density.

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- F. *Before approving a planned development, the Commission shall follow the procedure for considering an amendment as required in Chapter 17.72 (Applications and Review Process) of this ordinance;*

APPLICANT’S RESPONSE: [No response provided].

FINDING: SATISFIED. The Planning Commission followed the applicable procedure for rendering a decision.

- G. *Permits for construction in a planned development shall be issued only on the basis of the approved plan. The approved site plan 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 is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted site plan. Minor changes to the details of the adopted site 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 him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners;*

APPLICANT’S RESPONSE: [No response provided].

FINDING: COULD BE SATISFIED WITH CONDITIONS. If the development plan met all of the applicable criteria, it would be possible to meet this criterion with a conditions of approval. However, with a denial, conditions of approval wouldn’t be applied.

- H. *An approved planned development shall be identified on the zoning map in addition to the existing zoning. (Ord. 4242 §1, §2, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

APPLICANT’S RESPONSE: [No response provided].

FINDING: NOT APPLICABLE. Subsection H is not an approval criterion.

Chapter 17.53. Land Division Standards

The applicable sections of Chapter 17.53 are listed below.

Approval of Streets and Ways

17.53.100. *Creation of Streets.*

17.53.101. *Streets.*

17.53.103. *Blocks.*

17.53.105. *Lots.*

17.53.110. *Lot Grading.*

17.53.120. *Building Lines.*

17.53.130. *Large Lot Subdivision.*

17.53.140. *Left-Over Land.*

FINDING (17.53.100-140): 100-105 ARE NOT SATISFIED. The application doesn’t comply with the street connectivity requirements of the TSP, and as a result exceeds block length and perimeter standards. It proposes a cul-de-sac and dead-end private access which require a determination they are the only reasonable option for access. The cul-de-sac could potentially exceed the number of dwellings that may be served from a cul-de-sac. The private way is located in an easement rather than a common ownership tract.

Private Easement Access. There are two types of private access provided for in the Zoning Ordinance. The first is an easement access described in Section 17.53.100(C).

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The second is a private way/drive described in 17.53.100(D), and is only authorized through a Planned Development. The application indicates that one of the private accesses is proposed as provided in Subsection (C) and the other is as proposed as provided in Subsection (D) to serve the westernmost lots. However, the applicant's findings only address the most southerly the private way/drive and don't address the other private easement access. Further, the standards require a private way/drive to be in common ownership, but the proposal identifies the private way/drive in an easement within the lot area of the individual lots rather than in a separate common ownership tract.

Subsections 105, 110 and 120. Lots, grading and building lines are in general compliance with the applicable standards subject to the modifications requested through the PD.

Subsections 130 and 140 are not applicable.

APPLICANT RESPONSE: The land division standards address issues such as street layout, block lengths, and street improvement standards.

Policies pertinent to this application are addressed: Chapter 17.53.100(D) Private Drive, (P) Private Drive way/drive, Chapter 17.53.101(E) Future Extension of Streets, Chapter 17.53.101(I) Cul-de-sacs, Chapter 17.53.103(B) Blocks, Size, Chapter 17.53.105(B) Lots, Access

- See Exhibit 15, Letter of Transportation Evaluation, addressing the proposed street connections and how the proposed site plan meets applicable criteria for streets, access, and circulations outlined in the City's TSP and Zoning Ordinance.

17.53.100. Creation of Streets.

APPLICANT'S RESPONSE (17.53.100(D)). Per criteria (1), the proposed private drive is necessary to provide access to lots along the westernmost edge of the property while avoiding the natural wetland/drainage area that bisects the property. The final design of the private drive should comply with the remaining four criteria.

FINDING: NOT SATISFIED. A local street could provide access to these lots.

17.53.101. Streets.

17.53.101(E) Future extension of streets

APPLICANTS RESPONSE: The proposed site plan provides connectivity that is consistent with Exhibit 2-1, including a cul-de-sac connection to NE Buel Drive and a private drive connection to NE Newby Street. These two connections are functionally equivalent to TSP Exhibit 2-1 and provide access that compliments the constraints of an infill project by avoiding delineated natural drainage/wetland areas.

FINDING: NOT SATISFIED. The dead-end streets are not consistent with Exhibit 2-1 and are not functionally equivalent. A local street could provide access to these lots.

17.53.101(I) Cul-de-sacs

APPLICANT'S RESPONSE: The proposed cul-de-sac is less than 400 feet in length and will serve fewer than 18 total dwelling units.

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FINDING: NOT SATISFIED. With middle housing types, the cul-de-sac could serv more than 18 dwellings.

17.53.103. Blocks.

APPLICANT’S RESPONSE: The proposed site plan would result in a block length of approximately 600 feet between NE Grandhaven Street and the proposed private drive just south of NE Hoffman Drive. However, the proposed private drive is located approximately in the same location as the public street connection identified In TSP Exhibit 2-1 and is therefore consistent with the planned street network identified in the TSP. Additionally, the provision of the multi-use path connecting the proposed cul-de-sac to NE Newby Street would shorten the block length for pedestrians such that the pedestrian-block perimeter would be less than the maximum block length, at approximately 1,230 feet (measured along the pedestrian travel path). In summary, the proposed site plan results In a vehicle block length that is consistent with TSP Exhibit 2-1 and a pedestrian block length that is shorter than the maximum block length of 1,600 feet.

FINDING: NOT SATISFIED. The block length and perimeter are already exceeded. Without the connection in Exhibit 2-1, those standards would continue to be substantially exceeded and not mitigated through the development.

17.53.105. Lots.

APPLICANT’S RESPONSE:

17.53.105. Lot Grading. No excessive slopes are proposed.

The proposed site plan does not allow for direct access onto a major collector or arterial street.

17.53.110. Lot Grading.

APPLICANT’S RESPONSE: [See 17.53.105].

FINDING: SATISFIED. There is fill proposed, but not excessive slopes.

17.53.120. Building Lines.

APPLICANT’S RESPONSE: Building lots are generally perpendicular.

FINDING: SATISFIED.

17.53.130 Large Lot Subdivision

APPLICANT’S RESPONSE: Not applicable to this application.

FINDING: This is not applicable because this is not a large lot subdivision.

17.53.140 Left-Over Land

APPLICANT’S RESPONSE: Not applicable to this application.

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FINDING: This is not applicable because the proposed subdivision doesn't result in left-over land.

Improvements

- 17.53.150. *Improvement Procedures.*
- 17.53.151. *Specifications for Improvements.*
- 17.53.153. *Improvement Requirements.*

APPLICANT'S RESPONSE: *[No response provided].*

FINDING: COULD BE SATISFIED WITH CONDITIONS. If the development plan met all of the applicable criteria, it would be possible to meet this criterion with a conditions of approval. However, with a denial, conditions of approval wouldn't be applied.

FINDING: NOT SATISFIED. The dead-end streets are not consistent with Exhibit 2-1 and are not functionally equivalent. A local street could provide access to these lots.

17.53.150. Improvement Procedures. **Subject to a plan that would satisfy applicable criteria and standards, this requirement could be addressed with conditions of approval.** The applicant would be required to comply with the improvement procedures as a condition of approval.

17.53.151. Specifications for Improvements. **Subject to a plan that would satisfy applicable criteria and standards, this requirement could be addressed with conditions of approval.** The applicant would be required to provide civil drawings that comply with all City specifications.

17.53.153. Improvement Requirements. **Subject to a plan that would satisfy applicable criteria and standards, this requirement could be addressed with conditions of approval.** The applicant's proposal includes improvements necessary to serve lots consistent with the requirements of this section. As a condition of approval, the applicant would be required to provide civil drawings that comply with all City specifications of this section.

As a condition of approval, the applicant would be required to submit a street tree plan for review and approval of the Landscape Review Committee.

Chapter 17.18. R-3 Medium-Density, 6,000 SF Lot Residential Zone

The applicable sections of Chapter 17.18 are listed below. The tentative plan was submitted concurrent with a request for a Planned Development which includes modifications to certain standards of this Chapter.

- 17.18.010. *Permitted Uses.*
- 17.18.020. *Conditional Uses. (not applicable to the request)*
- 17.18.030. *Lot Size.*
- 17.18.040. *Yard Requirements.*
- 17.18.050. *Building Height. (not applicable to the request)*
- 17.18.060. *Density Requirements.*

APPLICANT'S RESPONSE: Lot Standards for Zoning District: Chapter 17.18. The requirements of the R-3 zone are addressed below:

17.18.010. Permitted Uses

The proposed use of 16 detached single-family dwellings are permitted uses in the R-3 zone.

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17.18.030. Lot Size

All lots are configured to meet the average lot size of not less than six thousand square feet. See Planned Development Application page 3, #4.

17.18.040. Yard Requirements.

The applicant is requesting a reduction from 7.5 foot to 5 foot side setbacks for the lots to accommodate the building envelope established once the necessary utility and access easements, as well as, topographical grading and slope of the drainage way are considered in the usable width, along with providing adequate setbacks for the pedestrian pathway. The 5 foot side setbacks are addressed in the Planned Development Application on page 3.

17.18.060. Density Requirements

The Planned Development application addresses the overall average square footage is 6743. See page 3 of Planned Development Application and Exhibit 7.1 listing the square footages of all lots.

FINDING: COULD BE SATISFIED WITH CONDITIONS. If the development plan met all of the applicable criteria, it would be possible to meet this criterion with a conditions of approval. However, with a denial, conditions of approval wouldn't be applied. The applicant's proposed tentative plan demonstrates compliance with the applicable standards of the sections listed above, except where modifications to standards were requested as part of the Planned Development.

17.18.010. Permitted Uses. The request would allow for uses which are permitted uses in the R-3 zone. Residential uses permitted in the R-3 zone would be permitted on the lots. The proposed lot sizes would allow "middle housing" including duplexes and triplexes on all lots, which are all over 5,000 square feet, and quadplexes on lots over 7,000 square feet.

17.18.030. Lot Size. The minimum lot size for the R-3 zone is 6,000 square feet, except for certain uses. The applicant has requested flexibility to this standard as part of the Planned Development to allow lot size averaging. The average lot area is greater than 6,000 square feet. Some lots are less than 6,000 square feet and some are larger. This would be authorized subject to approval of the Planned Development application for an application that met all applicable criteria and standards.

17.18.040. Yard Requirements. The minimum yard requirements of the R-3 zone are:

Front: 15 feet*
Rear: 20 feet*
Interior Side: 7.5 feet*
Exterior Side (corner lots): 15 feet*

**Except for cottage clusters and interior sides for townhouses*

As part of the Planned Development request, the applicant has requested a reduction for minimum side yard setbacks. **Subject to a plan that would satisfy applicable criteria and standards**, the requested modifications to the minimum interior side yard setbacks **could be addressed subject to approval of the Planned Development, modifying the standards of this Chapter as requested.**

17.18.060. Density Requirements. In an R-3 zone, the maximum density for single attached dwellings may not exceed four dwelling units per 6,000 square feet. Density

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maximums may not apply to any other permitted housing types, including accessory dwelling units. The proposed uses would comply with the density provisions of this section.

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. Therefore, where applicable standards exist, subsequent findings regarding the parallel comprehensive plan policies are not made when they are duplicative or a restatement of the specific standards which achieve and implement the applicable goals and policies.

The following additional findings are made relating to specific Goals and Policies. Policies applicable to this subdivision application are addressed through implementation standards, except as provided below. The applicant has provided more detailed findings regarding Comprehensive Plan policies as part of the application submittal.

Chapter V. Housing and Residential Development

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

General Housing Policies:

- 58.00 *City land development ordinances shall provide opportunities for development of a variety of housing types and densities.*
- 59.00 *Opportunities for multiple dwelling and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.*

APPLICANT’S RESPONSE: 58.00-59.00 Applicant seeks, in this design of an infill subdivision to provided McMinnville with opportunities for a variety of housing types and densities. This would require modifying the side setbacks of the lots from 7.5 ‘ to 5’. Five foot setbacks will also provide a usable duplex to fourplex building envelope on 10 lots allowed by HB 2001 coming available July 1, 2022.

- 60.00 *Attached single dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.*
- 61.00 *The City of McMinnville shall monitor the conversion of lands to residential use to insure that adequate opportunities for development of all housing types are assured. Annual reports on the housing development pattern, housing density and mix shall be prepared for city review.*

APPLICANT’S RESPONSE: 60.00-61.00 Lowering the side setback to 5’ provides the subdivision with land-intensive, cost-effective, building envelopes that can accommodate for owner occupied single family housing and duplex to fourplex rental housing units

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

68.00 *The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center, to designated neighborhood activity centers, and to those areas where urban services are already available before committing alternate areas to residential use. (Ord. 5098, December 8, 2020)*

APPLICANT’S RESPONSE: 68.00. Not apply

69.00 *The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.*

APPLICANT’S RESPONSE: This infill parcel is zone residential and was rezoned from R-2 to R-3 in February 2019 by a previous owner. The R3 zone with the flexibility of the Planned Development Overlay will integrate more needed housing into the community

70.00 *The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.*

APPLICANT’S RESPONSE: The City has been updating the zoning and subdivision ordinances, such as, the Great Neighborhood Principles in which the applicant has applied. The constraints of the infill project allow for innovative land development techniques to provide a variety of housing types, densities and price ranges to meet the needs of the community

71.00 *The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*

APPLICANT’S RESPONSE: This residentially zoned property is efficiently designed to provide a variety of housing types, single family housing to fourplexes with the implementation of HB 2001.

71.05 *The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)*

APPLICANT’S RESPONSE: The proposed R3-PD infill project is consistent with the policies of the Comprehensive Plan

71.09 *Medium and Medium-High Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single dwelling detached uses, single dwelling attached units, duplexes, triplexes, quadplexes, townhouses,*

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and cottage clusters. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:

APPLICANT’S RESPONSE: The proposed subdivision is designated as an R-3 zone and will have a density of 5.46 units per acre which is within the range of medium density

1. *Areas that are not committed to low density development;*

APPLICANT’S RESPONSE: Does not apply

2. *Areas that have direct access from collector or arterial streets; or a local collector street within 600’ of a collector or arterial street;*

APPLICANT’S RESPONSE: The existing streets that provide vehicular movement are uniquely situated for easy access to major and minor collectors. The proposed Buel Drive is within 350’ of Grandhaven Street which is a major collector. Newby Street runs north-south along the proposed lots and is 445.71’ from Grandhaven Street (major collector) to bike/pedestrian path and to the south from the bike/ pedestrian path to NE 27th Street is a (minor collector) which due to the existing conditions is greater than 600’.

3. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*

APPLICANT’S RESPONSE: This property is subject to development limitations as noted before, natural open drainage, sewer easement, placement of Buel Drive and infill constraints.

4. *Areas where the existing facilities have the capacity for additional development;*

APPLICANT’S RESPONSE: No additional development is available

5. *Areas within one-quarter mile of existing or planned public transportation. (Ord. 5098, December 8, 2020; Ord. 4961, January 8, 2013; Ord. 4796, October 14, 2003)*

APPLICANT’S RESPONSE: There is public transportation available on the corner of Newby Street and NE 27th Street which is from Hoffman Drive (900 ft or 0.17 mile) and the Buel Drive extension down bike/pedestrian path to corner of Newby Street and NE 27th Street is (1142 ft or 0.22 miles). The proposed layout meets the “within .25 mile of existing or planned public transportation

Planned Development Policies:

- 72.00 *Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.*

APPLICANT’S RESPONSE: The applicant has made prudent and efficient efforts to provide social, economical and environmental savings for the residents of the development and City. This infill proposal can be socially, economically and environmentally beneficial to the residents of the development and the City by protecting and not impacting the City’s natural open drainage way and offering a dedicated bike/pedestrian path and open green space, With the proposed preservation of the drainage way and the cul-de-sac, 16 lots can be developed and offer for sale to the public. Management in the form of a homeowners

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association will ensure attention to maintenance of the drainage way, green space and bike/pedestrian path

73.00 *Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*

APPLICANT’S RESPONSE: With the flexibility that the Planned Development designation and HB 2001 offers, the proposed infill subdivision a means to accommodate the proposed lot layout, decreased side setbacks to 5’, lot length to width greater than 2 times, block length longer than 400 ft, and preserves the natural open drainage way with a cul-de-sac. The result is a subdivision with residential lots ranging in size from 5,595 to 8,615 sq. ft. and with building envelopes to accommodate a variety of housing types and prices to the community.

74.00 *Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.*

APPLICANT’S RESPONSE: The proposed natural open drainage way. as depicted in the Delineated jurisdictional waters report by Department of State Lands, shall be retained and managed by the HOA

75.00 *Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.*

APPLICANT’S RESPONSE: The proposed subdivision provides common open space with the preserved drainage way, green space/park bench area, and landscaped bike/pedestrian pathway with the homeowner’s association overseeing the management

76.00 *Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.*

APPLICANT’S RESPONSE: Grandhaven Elementary School, Chegwyn Farms Neighborhood Park, Wortman Park and the Senior Center, as well as, many other retail shops are all within a 1/2-1 mile from the corner of Newby St and Hoffman Dr

77.00 *The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.*

APPLICANT’S RESPONSE: The extension of Buel Drive (a local street) into a cul-de-sac with an easterly extending dedicated bike/pedestrian path is designed to promote safe traffic flow. Safe and efficient traffic flow with 10 lots accessing onto Newby Street directly and through private access allows for easy traffic flow north and south to major and minor collectors connecting neighborhoods. The applicant has chosen this layout to best meet the policies of the Planned Development, Comprehensive Plan, Great Neighborhood Principles, as well as, the Transportation System Plan.

78.00 *Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.*

APPLICANT’S RESPONSE: With this being an infill property, the majority of the circulation pattern has been established with Buel Dr., Grandhaven Street and Newby Street. The extension of Buel Drive with a cul-de-sac turnaround, the bike/pedestrian pathway and the lots

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accessing Newby Street provides circulatory compatibility with adjoining properties and easy access to major and minor collectors.

Residential Design Policies:

79.00 *The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy. (Ord. 4796, October 14, 2003)*

APPLICANT'S RESPONSE: Applicant satisfies Policy 79.00 criteria as the proposed development is consistent with the density authorized by the zoning. The topographical features such as the natural open drainage way, were considered and the layout was designed to preserve this natural feature. Public utility services are available to site.

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: Applicant satisfies Policy 80.00 criteria as the proposed development is consistent with preserving distinctive or natural features of the natural open drainage way on site.

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: Applicant satisfies Policy 81.00 criteria as the proposed plan will provide connectivity to the Grandhaven Elementary School and Chegwyn Farms Neighborhood Park from Newby Street along the dedicated pedestrian and biking pathway. The Private Accesses or direct access on the south side, accesses Newby Street and then can use Newby or Buel bike/ pedestrian path to connect to Grandhaven Elementary School and Chegwyn Farms Neighborhood Park. If a resident is heading south on Grandhaven to transit stop or commercial uses on Hwy 99W, the bike/pedestrian path provides the connection from Buel Drive to Newby Street then on to NE 27th and Hwy 99W

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: The proposed project is an infill subdivision that does not affect any development of adjacent properties as they are already developed. This policy is met.

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

APPLICANT'S RESPONSE: Three of the lots have a North-South layout and thirteen have an East-West layout. The developer intends to sell the lots, therefore the home builder will have the opportunity to install solar panels and design window placement for solar access

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Multiple Dwelling Development Policies:

86.00 *Dispersal of new multi-dwelling housing development will be encouraged throughout the City in areas designated for residential and mixed-use development to encourage a variety of housing types throughout the community and to avoid an undue concentration of multi dwelling development in specific areas of the community leading to a segregation of multi dwelling development in McMinnville from residential neighborhoods. Dispersal policies will be consistent with the Great Neighborhood Principles.*

In areas where there are the amenities, services, infrastructure and public facilities to support a higher density of multi-dwelling development, and the area is commensurate with a higher concentration of multi-dwelling development without creating an unintended segregation of multi-dwelling development, such as McMinnville's downtown, the area surrounding Linfield University and Neighborhood Activity Centers, a higher concentration of multi-dwelling development will be encouraged. (Ord. 5098, December 8, 2020)

APPLICANT'S RESPONSE: With the implementation of HB 2001 and the sizes of the proposed buildable envelopes, there will be opportunities in this subdivision to provide, not only single family homes but new multi-family housing up to fourplexes

Urban Policies

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

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

APPLICANT'S RESPONSE: The proposed infill subdivision meets the needs of the required utilities, such as, sanitary sewer, storm drainage, streets to be built to City standards, and adequate water supply. See Overall Utility Plan C4.0

Lot Sales Policy:

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

APPLICANT'S RESPONSE: Applicant intends to make lots available for sale.

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FINDING (CHAPTER V): NOT SATISFIED. With the exception of the street connectivity and qualitative drainageway issues, the proposal is consistent with the housing provisions of Chapter 5. If those two issues could be addressed, then it would be possible to make a finding of compliance with conditions of approval. However, without resolution of those issues, the proposal is not consistent with all of the provisions of Chapter 5.

Chapter VI. Transportation System.

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Streets

117.00-125.00

APPLICANT’S RESPONSE: Streets Policy 117.00-125.00. Transportation System Plan; Local Street Connections (Exhibit 2-1). See Exhibit 15, Letter of Transportation Evaluation.

From Exhibit 15: The proposed site plan provides safe and easy access to each lot through a combination of cul-de-sac, a private street, and private driveways.

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

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

APPLICANT’S RESPONSE: See memo attached as Exhibit 15:

The proposed site plan avoids impacts to the established natural features of the land, minimizes the amount of land dedicated to streets, adequately serves the current and anticipated traffic needs, and provides a multi-use path to encourage all modes of travel. There is not an opportunity for a through street as the subject property is bound by established development and is bisected by a natural wetland/drainage area.

119.00, 120.00, 121.00, 122.00(1), and 122.00(2)

APPLICANT’S RESPONSE: Not applicable.

122.00(3). *Local Streets*

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

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APPLICANT’S RESPONSE: See memo attached as Exhibit 15:

The project frontage along NE Newby should be improved to include a landscape buffer, as indicated previously. The extension of NE Buel Drive should be constructed to meet local street design standards, which will provide appropriate street width and landscaping buffers. The proposed site plan includes off-street parking for all lots, and the use of a cul-de-sac on NE Buel Drive adequately serves local traffic and discourages through-traffic. The proposal also meets all criteria for local streets.

Parking

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

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

APPLICANT’S RESPONSE: Each lot will have a minimum of 2 off-street parking spaces for single family homes.

Bike Paths

131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.

APPLICANT’S RESPONSE: The biking and pedestrian usage is encouraged with sidewalks along Newby Street and Buel Drive. In addition, the dedicated bike/pedestrian path encourages citizen interconnection with the neighborhoods, green space, Grandhaven Elementary School and Chegwyn Farms Neighborhood Park and other activities.

Connectivity and Circulation

132.26.00 The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville’s parks and schools.

APPLICANT’S RESPONSE: The Buel Drive cul-de-sac extends and completes the existing stubbed street with a turnaround, providing easy vehicular access to a Major Collector, Grandhaven Street. The abutting local residential street, Newby Street, offers lots direct access and through a private access to Newby Street providing access to neighborhood residential, shopping and McMinnville parks and schools. Newby Street has direct access to Grandhaven St., a major collector and NE 27th Street, a minor collector. This existing street pattern offers the connectivity and circulation system to connect to major activity centers in McMinnville.

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

APPLICANT’S RESPONSE: A new Buel Drive extension into a cul-de-sac provides the City with a newly completed street section and built turnaround that previously did not exist and offers a dedicated bike/pedestrian pathway for a connection to Newby Street. “The proposed site plan provides connectivity that is consistent with the Local Street Connectivity map Exhibit 2-1 of the

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McMinnville Transportation System Plan, including a cul-de-sac to Buel Drive and a private drive connection to Newby Street. These two connections are functionally equivalent to TSP Exhibit 2-1 and provide access that complements the constraints of an infill project by avoiding delineated natural drainage/wetland areas.” See DKS Associates Transportation Evaluation Letter.

Circulation

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

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

APPLICANT’S RESPONSE: Circulation Policies 132.41. See Exhibit 15, Letter of Transportation Evaluation pages 1-3. In addition the applicant has included a landscaped bike/pedestrian pathway to provide connectivity from Buel Dr. to Newby Street.

From Exhibit 15: The proposed site plan meets all five criteria listed. The multi-use path enhances pedestrian (and bicycle) circulation. The provision of a cul-de-sac at the end of NE Buel Drive will enhance emergency vehicle access compared to the current dead-end street that does not allow for an easy turnaround. The cul-de-sac and private street will also encourage slow vehicle speeds in the neighborhood, which will also mitigate noise and associated safety concerns.

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

APPLICANT’S RESPONSE: The subject property is bisected by a natural wetland/drainage area, which makes it Infeasible for an alternative street connection; the proposed site plan is in alignment with this policy.

132.41.10 *Limit Physical Barriers – The City should limit the placement of facilities or physical barriers (such as buildings, utilities, and surface water management facilities) to allow for the future construction of streets that facilitate the establishment of a safe and efficient traffic circulation network. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: The subject property is bound by established development to the north, south, and west, which eliminates the possibility of any north-south or east-west street connections through the subject property. Constructing buildings or utilities on the subject property would not introduce any barriers to future traffic circulation.

132.41.15. *Establish Truck Routes...*

APPLICANTS RESPONSE: Not applicable.

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

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APPLICANT’S RESPONSE: The proposed site plan provides a multi-use path that enhances the safe and efficient movement of pedestrian and bicycle traffic.

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

APPLICANT’S RESPONSE: The subject property is bound by established development to the north, south, and west, which eliminates the possibility of any north-south or east-west street connectivity through the subject property.

FINDING (CHAPTER VI): NOT SATISFIED. With the exception of the street connectivity and qualitative drainageway issues, the proposal is consistent with the transportation provisions of Chapter 5. If those two issues could be addressed, then it would be possible to make a finding of compliance with conditions of approval. However, without resolution of those issues, the proposal is not consistent with all of the provisions of Chapter 6.

Chapter VII. Community Facilities and Services

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 McMINSVILLE URBAN GROWTH BOUNDARY.

Storm Drainage

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

APPLICANT’S RESPONSE: Applicant satisfies Policy 80.00 and 143.00, by retaining the natural drainage way for storm water drainage. The piping of the stormwater conveyance and the natural open drainage way would impact jurisdictional waters. Applicant has designed the subdivision to avoid piping and impacting this stormwater conveyance and natural open drainage way by designing lots on either side of the drainage way. Department of State Lands has previously commented in regards to this site that state law establishes a preference for avoidance of wetland impacts. The National Wetland Inventory identifies a riverine wetland on the property, but the wetland/jurisdictional waters delineation describes jurisdictional “waters” or a “waterway” as part of the intermittent drainage way. Department of State Lands letter indicates 0 wetland acres and 0.07 acres of water which is about 3099 square feet. The City does not have an adopted Local Wetland Inventory designated “locally significant wetlands,” or associated local regulation of such wetlands. Should this drainage way be impacted, the Department of State Lands and Army Corp of Engineers would require the appropriate permits as if there were wetlands. Mitigating wetlands or jurisdiction waters on site and off site is not necessary nor Page 10 feasible for this small development based on poor usage of the limited land available, as well as, lack of available mitigation credits from Mud Slough Mitigation Bank. See Exhibit 9.

FINDING (CHAPTER VII): NOT SATISFIED. With the exception of the street connectivity and qualitative drainageway issues, the proposal is consistent with the public facility provisions of Chapter VII or could be addressed with conditions of approval. If those two issues could be addressed, then it

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would be possible to make a finding of compliance with conditions of approval. However, without resolution of those issues, the proposal is not consistent with all of the provisions of Chapter VII.

Chapter IX. Urbanization

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

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

Great Neighborhood Principles

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 with an existing built area.

APPLICANT’S RESPONSE: The proposed infill residential subdivision will be developed with all City utilities and built to City standards. The layout offers a mixed variety of lot sizes and building envelopes to create housing of varying sizes, including multi-family housing opportunities. The subdivision will easily blend in with the existing neighborhoods, providing a livable, egalitarian environment near Grandhaven Elementary School, Chegwyn Neighborhood Park and other retail and banking opportunities. These nearby amenities, as well as, the green space with a park bench, off the bulb of the cul-de-sac and the bike/pedestrian path offer a social, healthy, inclusive, safe and vibrant neighborhood.

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.

APPLICANT’S RESPONSE: This small 16 lot infill development allows for characteristics and elements that will function together to create a livable, egalitarian, healthy, social, inclusive, safe and vibrant neighborhood with enduring value. By following the R-3 PD criteria, many of the criteria for a successful subdivision can be met that would not otherwise be satisfied with just a R-3 zone. The criteria to be met with R-3 PD are as follows:

1. Averaging lot size of 6000 square feet and greater.
2. Side setbacks be decreased to 5 feet from 7.5 feet on all lots.
3. Lot sizes to accommodate a mix use of housing types; skinny single family, single family and with the lots at an average of 6000 or greater the building envelope will allow for duplexes, triplexes and four plexes. This opportunity will be available to the public due to House Bill 2001 “Middle Housing” that will be implemented as of July 1, 2022.

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4. Protected open drainage way in a separate tract with. Grass seeding of exposed soils, fencing, added green space, and park bench, along with bike/ pedestrian path, creates amenities for safe social gathering, and a healthy, active neighborhood.
5. Preserving the natural open drainage way which is the City’s Storm Drain System and natural resource, by placing drainage way in a protected tract overseen by the Homeowners association.
6. Neighborhood connectivity from Buel Drive to Newby Street with a bike/pedestrian path.
7. There is a benefit of nearby amenities such as, Grandhaven Elementary School, Chegwyn Neighborhood Park within (.5 miles) and Walmart, Winco (.7 miles), McMinnville Town Center (.4 miles) including, McDonalds, and other retail and banking opportunities just beyond
8. New infrastructure of utilities, as well as, franchise utilities will accommodate for future technology.
9. Establishing Tree Protection for the trees on the lot 1 and 4. These trees shall evaluated by an Arborist prior to vertical build.

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.

APPLICANT’S RESPONSE: The proposed infill subdivision is uniquely situated and provides equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens by providing mixed use opportunity for housing, a public bike and pedestrian pathway to allow people of all ages to utilize in a healthy, social and safe way. There is Grandhaven Elementary School, Chegwyn Neighborhood Park within a .4 miles of the subdivision and viewing of a natural drainage way in a green space and park bench for neighbors and passersby to rest and enjoy the local area

187.40. The Great Neighborhood Principles shall guide long range planning effort 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.

APPLICANT’S RESPONSE: The proposed infill subdivision is in compliance with the City’s Comprehensive Plan by using the new Great Neighborhood Principles, Subdivision and Planned Development Application to clarify the layout, design amenities and construction of the property.

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.

GREAT NEIGHBORHOOD PRINCIPLES

1. *Natural Features 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 applicant satisfies the Great Neighborhood Principles of Natural Features by preserving the natural open drainage way and initiating tree protection. The City's natural open storm drainage way has been delineated as jurisdictional waters with the State of Oregon. Wetlands or jurisdictional water courses, when impacted are to be reviewed and permitted by the regulatory agencies. In order to obtain the Department of State Lands and US Army Corp of Engineers permits, when impacting this type of drainage way, the applicant must show if there is an alternative to avoid and/or minimize the impact to this sensitive area. Applicant has determined impacting the drainage way and having to mitigate onsite will, through the state and federal permitting process will cause an unnecessary loss of 4 lots that are currently needed for housing in McMinnville and be less economically and less environmentally friendly than avoiding the drainage way. The only current available mitigation option for this site is onsite replacement of the stream-type wetland. Generally, the best option to mitigate wetlands is to buy wetland credits at the Mud Slough Mitigation Bank, however, as of May 2022, the bank has already contracted out all credits available for Yamhill County and is closing its bank. So this option is unfortunately, no longer available.

As depicted on drawing C2.0, there are tall fir trees on the west property line of lot 4, and one on the north side of lot 1, which shall be evaluated by an Arborist and protected, if possible, when vertical construction occurs. There is one 14' oak tree on lot 10 that will need to be removed for driveway access and utilities. The proposed preservation of the drainage way and the protection of trees meets this Great Neighborhood Principle.

2. Scenic Views. Great Neighborhoods preserve scenic view 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, view of significant natural features, landscapes, vistas, skylines, and other important features.

APPLICANT'S RESPONSE: Scenic view preservation is limited due to the existing residential development surrounding the property, however, applicant offers a landscaped bike/pedestrian path, a green space that includes a bench where a resident can view the City's natural open drainage way that will be preserved in a tract and maintained by the HOA.

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 propose development and the number of dwelling unit. 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 property is approximately 0.4 miles from Newby St to Chegwyn Farms Neighborhood Park, therefore applicant is not required to provide a mini-park as the subdivision is within 1/2 mile of a neighborhood park, per the City's Great Neighborhood Principle for parks and open space, and the McMinnville Parks, Recreation and Open Space Master Plan. The site is also within a block's distance to Grandhaven Elementary School. However, in preserving the City's natural open drainage way, Applicant has provided green space for the neighborhood and park bench for viewing and resting. See Exhibit 10 for map to Chegwyn Farms Neighborhood Park.

4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.

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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 length greater than 400 feet).

APPLICANT'S RESPONSE: Applicant seeks to satisfy Great Neighborhood Principles Pedestrian Friendly 4 a. and b. by providing a safe designated bike/pedestrian pathway from Buel Drive to Newby Street and a sidewalk along Buel Drive cul-de-sac. It also provides for bike and pedestrian connectivity from Buel Drive to Newby Street to nearby commercial areas to enhance a safe enjoyable opportunity for healthy walking and biking activity.

In addition, providing the Buel Drive cul-de-sac extension satisfies "4b" by allowing for an additional public opportunity to connect to nearby Grandhaven Elementary School to the north, and Chegwyn Farms Neighborhood Park to the northwest while minimizing vehicular traffic.

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 space.

APPLICANT'S RESPONSE: The property has a mild slope offering the street, sidewalk and dedicated bike/pedestrian pathway connection for safe walking, biking and includes handicap ramps to accommodate people of all abilities.

6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route option, increased connectivity between places and destination 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 street 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 site plan and street connections provide safe travel route options for all modes and easy bicycle and pedestrian access to the neighborhood and nearby transit stops, which encourage less reliance on vehicular mobility while still providing necessary functionality and connections to the existing and future planned street network. Although the proposal does not increase vehicular connectivity, it does increase connectivity for bicyclists and pedestrians via a safely designed multi-use pathway and maintains the same level of vehicular connectivity that exists today. The proposed development incorporates complete street features and the provision of a cul-de-sac on Buel Drive and a private street connection to Newby Street will result in slow travel speeds within

the development, creating a safe and comfortable neighborhood for residents of all ages and abilities.

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.*

APPLICANT'S RESPONSE: City street, sidewalks and bike/pedestrian path will be designed to meet City and ADA standards. The parcel is mildly sloped which creates an environment that is accessible and allows for ease of use for all ages and abilities including a rest area at the green space park bench. This design meets these principles and the GNP Accessibility.

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: This infill development provides lots that will provide residential housing units which is in balance with the existing built environment. All the lots are oriented towards the street except for Lots 4, 5, and 6 which are oriented to the 25' shared private access lane. Homes to be built on the flag lots and private access lane allows for proximity that creates a sense of community with adjacent neighbors. The owners of lots 7 and 16, and 4, 5, and 6 provide placement of their vehicles off of Newby Street and in a less prominent location. These lot owners will be equally responsible for the care and maintenance of their a shared landscaped access lane, fostering a need for human interaction. A Homeowner's Association is to manage the identified, protected drainage way, green space, and park bench with a sign explaining the significance of the drainage way and a landscaped bike/ped path provides opportunity for neighbors to gather and fosters human interaction with the built environment which also meets the principles of Crime Prevention through Environmental Design. Additional elements for CPTED are the ongoing maintenance of the green space and bike/pedestrian path, and lighted public areas along the street.

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.*

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c. Neighborhoods are designed such that owning a vehicle can be optional.

APPLICANT’S RESPONSE: The proposed infill subdivision is unique in that many neighborhood amenities are already built to benefit the new residents. Grandhaven Elementary School and Cheqwyn Farms Neighborhood Park are in close proximity (less than 1/2 mile). The City Wortman Park, Walmart, Winco and other retail businesses are also within 1 mile allowing residents the option of biking, walking or using a vehicle. The Yamhill County Transit route runs along 27th Street which is within walking distance (one block) from the site. This neighborhood’s location offers easy access for many commercial uses, schools, parks, and other community services which can be used on a daily basis without owning a vehicle.

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: This proposed infill subdivision is compatible with the existing residential development surrounding the property. Urban development is within .5 to 1 mile south with many retail shops and restaurants available along Highway 99W. Rural properties are within .5 mile on the Northside extending out Newby Street.

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 proposed infill subdivision provides lots that will accommodate a range of housing forms and types such as, a small skinny house, a variety of sizes and prices in single family houses, and duplexes, triplexes and fourplexes as of July 1, 2022 with the implementation of HB 2001. This variety would provide housing for people of varying incomes and stages of life to live in rental housing, as well as, home ownership opportunities.

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: Applicant intends to sell lots to builders, who will design their own individual architectural design and styles. In addition, HB 2001 opens up opportunities for a variety of building form and design.

13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs and focal points to create neighborhood character and identity.

a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.

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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. (Ord 5066 §2, April 9, 2019)

APPLICANT’S RESPONSE: This small infills subdivision design offers an opportunity to educate the public about the wetlands and jurisdictional waters otherwise known as the City’s natural open drainage way. Applicant shall place a sign at the south end of Buel Drive in the green space, as a way to educate the public on the significance of the natural open drainage way and how it is protected and part of a larger water way ecosystem.

Additional Information: The layout/lot sizes have been modified in the Planned Development Application due to removing the drainage easement out of the lot square footage and placing it in a tract of its own, along with minor lot line adjustments. See Exhibit 11.1 and 7.1 for updated plans and square footages. In addition, the 20’ wide drainage easement/tract and the area at the south end of the cul-de-sac bulb will be dedicated to the Homeowner’s Association for added green space with a park bench and educational signage explaining the significance of the drainage way. It will be the responsibility of the Homeowner’s Association to oversee and manage the delineated jurisdictional waterway easement, fencing, green space, park bench and bike/pedestrian pathway landscaping. The current drainage easement has natural vegetation and will be fenced with a 4’ chainlink fence. This area will not be disturbed except for occasional trimming of the vegetation, when necessary. See Exhibit 16 of current vegetation and other similar natural drainage ways in McMinnville. In order to protect the drainage way, all low point drains from houses will be directed to storm drain system catch basins in the streets and will not spill into the open drainage way. Covenants, Conditions and Restrictions will identify to Homeowners the preserved drainage way and limit adjacent owners from impacting or dumping debris or other items in the easement. The bike/pedestrian pathway will be landscaped, properties adjacent to the pathway will be responsible for any fencing along pathway.

FINDING (CHAPTER IX): NOT SATISFIED. With the exception of the street connectivity and qualitative drainageway issues, the proposal is consistent with the Urbanization provisions of Chapter IX and the Great Neighborhood Principles. If those two issues could be addressed, then it would be possible to make a finding of compliance with conditions of approval. However, without resolution of those issues, the proposal is not consistent with all of the provisions of Chapter IX.

TRANSPORTATION SYSTEM PLAN

Chapter 2: Guiding Goal and Policies

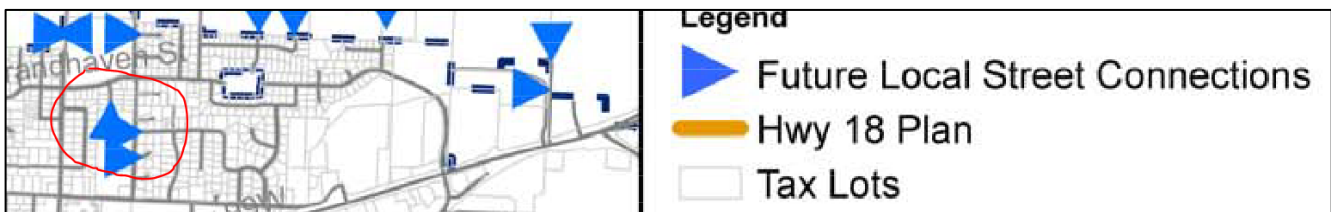
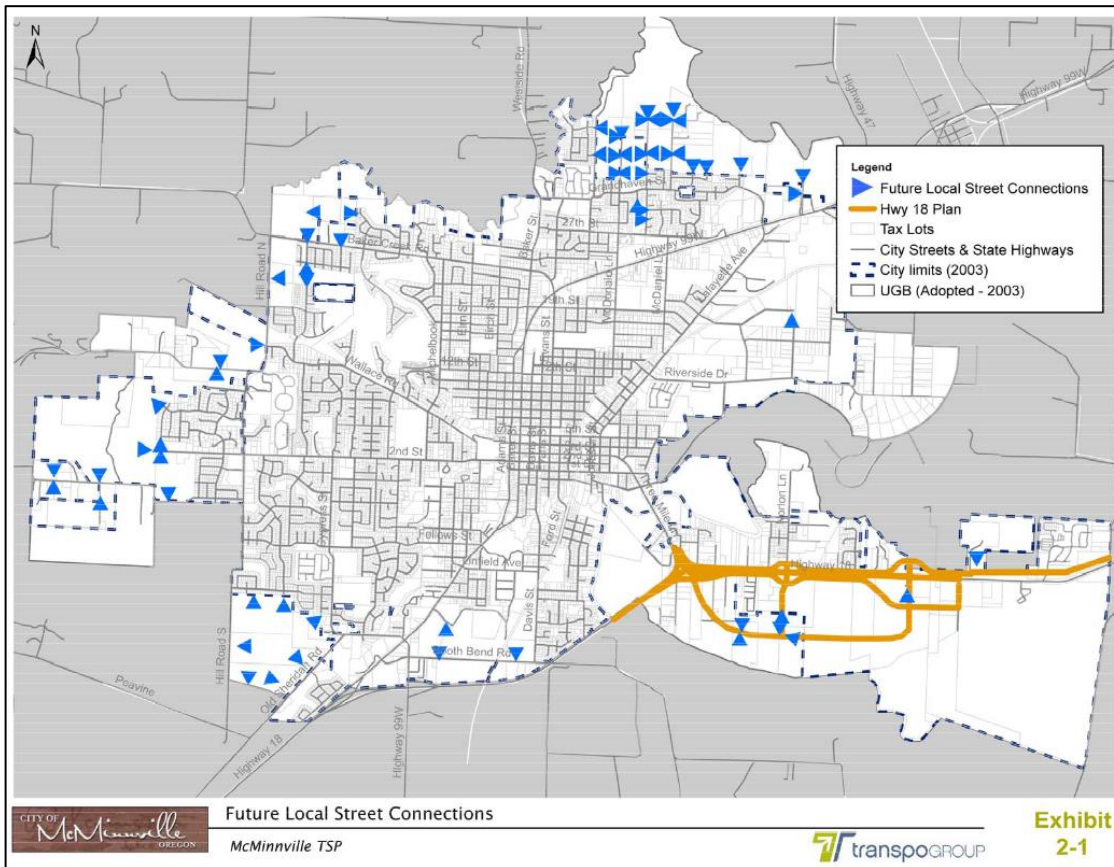
Connectivity and Circulation

- The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping and industrial areas, and McMinnville’s parks and schools
- New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new

Attachments :

Attachment 1 – Application and Attachments

developments consistent with the Local Street Connectivity map as shown **Exhibit 2-1**.



APPLICANT’S RESPONSE: The proposed site plan is consistent with the TSP, Exhibit 2-1, by providing a connection to NE Buel Drive (via a street extension and cul-de-sac) and a connection to NE Newby Street (via a private street) from the subject property.

FINDING: NOT SATISFIED. Based on findings made above, the proposal doesn’t comply with the connectivity requirements of the TSP, Comprehensive Plan, and Zoning Ordinance and the proposed dead-end streets are not functionally equivalent to the connectivity provided in Exhibit 2-1.

The applicant contends that a dead-end cul-de-sac or dead-end private access easement accessing the adjacent street at the location of a “future local street connection” depicted in Exhibit 2-1 would be in compliance with Exhibit 2-1.

Absent an amendment to this map, the application is not in compliance with the TSP. If the applicant applied for and received approval to amend Exhibit 2-1 to remove the local street connections for this property, then the other aspects could be considered. The applicant would

still have the burden of proof to meet relative to the standards that prioritize street connectivity and only allow for dead-end streets, cul-de-sacs, and private easement access subject to findings specified in Chapter 17.53.

Exhibit 2-4. Complete Streets Design Standards

APPLICANT’S RESPONSE : The extension of NE Buel Drive should be constructed to provide 28-feet of curb-to-curb width, 5-feet wide sidewalks, and a 5-foot wide planter strip. The property frontage along NE Newby Street should be improved to provide 5-foot wide sidewalks and a 5-foot wide planter strip.

FINDING: COULD BE SATISFIED WITH CONDITIONS SUBJECT TO A LAYOUT THAT MEETS ALL APPLICABLE CRITERIA. The proposed public street improvements would be consistent with the cross-sectional requirements for complete streets.

TS/ts

Cover Letter for updated Monika Subdivision, July 1, 2022
Tentative Subdivision Application S 1-22, Monika Subdivision

Attached is the completed, Updated Subdivision application to be reviewed in conjunction with the Planned Development Application.

The items in the completion letter have been addressed and either included in this copy of the Updated Subdivision Application, or added as an exhibit.

Any variances noted in the Subdivision Application are addressed in the Planned Development Application.

Exhibit 7 is replaced by Exhibit 7.1 Lot length to width ratio,
Exhibit 8.1 added to complete Chapter 17.72.094 Neighborhood Meeting requirements
Exhibit 11 is replaced by Exhibit 11.1 Updated Overall Subdivision Plans
Exhibit 14 is the request for clarifying the Deed Restrictions and Easements.
Exhibit 15 is the addition of the Transportation Evaluation letter done Lacy Brown,
Transportation Engineer, Ph.D, P.E. , RSP1 with DKS Associates,
Exhibit 16 is pictures of natural drainage ways in McMinnville.
Exhibit 17 Email from Mark Knaupp, Mud Slough Mitigation Bank closure



Planning Department
 231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:	
File No.	<u>51-22</u>
Date Received	<u>1/28/22</u>
Fee	<u>\$5,723.00</u>
Receipt No.	_____
Received by	<u>AW</u>

Tentative Subdivision Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name Monika Development, LLC Phone 503-437-0477
 Contact Name Lori Zumwalt Phone 503-437-0477
(If different than above)
 Address 2470 SW West Wind Dr.
 City, State, Zip McMinnville, OR 97128
 Contact Email loriz.premier@gmail.com

Property Owner Information

Property Owner Name _____ Phone _____
(If different than above)
 Contact Name _____ Phone _____
 Address _____
 City, State, Zip _____
 Contact Email _____

Site Location and Description

(If metes and bounds description, indicate on separate sheet) between NE Grandhaven & 27th St.
 Property Address NE Newby Street, McMinnville
 Assessor Map No. R4 409 - DC - 01100 Total Site Area 2.93 AC.
 Subdivision Monika Block _____ Lot _____
 Comprehensive Plan Designation Residential Zoning Designation R-3

JOSH WELLS - WESTECH ENGINEERING, INC. 503-585-2474
GABE LEWMAN - BARKER SURVEYING 503-588-8800

Subdivision Information

1. What is this application for?

- Subdivision (10 (ten) or fewer lots)
- Subdivision (more than 10 (ten) lots)

2. Briefly describe the project: _____

3. Name of proposed subdivision: _____

4. Size of proposed subdivision in acres or square feet: _____

5. Number of lots: _____ Minimum lot size: _____

6. Number and type of Residential Units: _____

7. Average lot size: _____ Gross density per acre of entire subdivision: _____

8. Total anticipated population: _____

9. Size of park(s)/open space in acres or square feet: _____

10. General description of the subject site and current land use: _____

11. Describe existing uses and zoning of surrounding properties:

	<u>Zoning</u>	<u>Current Use</u>
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

12. Describe the topography of the subject site: _____

13. Does the site contain any existing structures, wells, septic tanks? Explain _____

14. How will the proposed subdivision be served by utilities? Note the location and size of all service lines (water, sanitary sewer, storm sewer, natural gas, electricity). _____

15. What is the anticipated date construction will begin? _____

16. What is the anticipated date of completion? _____

17. If applicable, explain how the subdivision will be phased? _____

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

Yes No N/A

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

Yes No N/A

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

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

Compliance of Neighborhood Meeting Requirements.

Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Lou Zumwalt, Member _____ 1/28/2022
Applicant's Signature Monika Development LLC Date

Lou Zumwalt, Member _____ 1/28/2022
Property Owner's Signature Monika Development, LLC Date

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January 2022 (Updated July 1, 2022)

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Subdivision Information for Monika Subdivision Application
Form Questions: *Applicant Responses in italics.*

1. What is the application for? *Subdivision (more than 10 lots)*
2. Briefly describe the project: *The proposal is an application for a Subdivision Tentative Plan for a 16 lot single family residential subdivision, with 16 single family detached homes. The property is zoned R-3. The 2.93 acres is located south of Buel Dr., and west of NE Newby Street between NE Grandhaven Street and 27th Street. See Exhibit 1.*

**Subdivision Plan to be in conjunction with Planned Development Application*
3. Name of proposed subdivision: *Monika Subdivision*
4. Size of proposed subdivision in acres or square feet: *2.93 acres.*
5. Number of lots: *16.*
6. Number and type of Residential Units: *16 single family detached homes. In addition, multi-family up to fourplexes on various lot with implementation of House Bill 2001.*
7. Average lot size: *6743 square feet. Gross density per acre of entire subdivision: 5.46 units/ac. See Exhibit 7.1 for specific lot sizes.*
8. Total anticipated population: *44.8. (16 lots x 2.8)*
9. Size of park(s) open space in acres or square feet: *Natural Open Drainage Way is 5519 SF, Green Space is 5598 SF (Tract A) and the Bike/ Pedestrian Path is 7898 SF for a total parks/open space 0.44 Acres or 19,015 SF.*
10. General description of the subject site and current land use: *Current land is vacant with a R - 3 zone. NE Newby Street is already improved with curb, gutter, and curb tight sidewalk without planter strip within the existing right of way. The applicant has designed the lot layout with a cul-de-sac extended off of Buel Drive, lots facing Newby Street, two (2) flag lots and a private access/utility easement lane on the south border to serve three (3)*

lots. The applicant's design took into account the natural open drainage way and intends to not disturb or impact this natural resource. See Exhibit 2.

11. Describe existing uses and zoning of surrounding properties:

<u>Zoning</u>	<u>Current Use</u>
North: R-2	Residential
South: R-1	Church
East: R-1 and R-3	Residential
West: R-1	Residential

12. Describe the topography of the subject site:

The site is nearly square with a natural storm drainage ditch crossing from west to east dividing the property essentially in half. The northern half has a gentle slope southward toward the drainage way and the south side has a gentle slope northward towards the drainage way. In addition, the drainage way slopes slightly west to east towards NE Newby Street.

13. Does the site contain any existing structures, wells, septic tanks?

There are no vertical structures, wells or septic tanks. There is an existing 10' wide sewer easement to benefit the City, crossing the property west to east in the northern portion. There is also a natural open storm water drainage way running west to east just south of the center of the property.

14. How will the proposed subdivision be served by utilities? Note the location and size of all service lines (water, sanitary sewer, storm sewer, natural gas, electricity):

WATER: A 6" water main is present along the frontage in NE Newby St. and an 8" water main is present in Buel Dr.

SEWER: A 12" sewer main crosses the property from west to east within a 10' wide sewer easement. A 15" sewer main is present in NE Newby St.

STORM: The storm drainage within the larger basin, generally, westerly of the property is captured in a storm drain pipe and routed to a 30" storm drain pipe within an easement that then discharges and daylights to the open west-east natural open drainage way on the west side of property. The natural open drainage way crosses the property and is then piped across NE Newby St. in a culvert and remains piped for approximately 200'

before daylighting again where it continues as a natural open drainage way to the North Yamhill River. The west-east drainage way is the uppermost upstream stretch of this open drainage way that is unpiPED. See Exhibit 3 and 4.

TRANSPORTATION: NE Grandhaven Street is a Major Collector, NE 27th Street is a Minor Collector, and McDonald Lane to the west is a Minor Collector. Other streets in the vicinity are local streets, including NE Newby Street and Buel Drive. Buel Drive is improved with planter strips and sidewalks on both sides with on-street parking in a 50' right-of-way. NE Newby Street is improved with sidewalks and on-street parking on both sides. The right-of-way width of NE Newby Street varies along the property frontage from approximately 50'- 60'. Per previous Staff Report, "there appears to be adequate right of way along the property frontage on the west side". Newby Street frontage is already improved with a curbside sidewalk.

Transit Bus Service is available on NE 27th Street, with a stop near Newby Street. See Exhibits 5 and 6.

OTHER SERVICES: Overhead utilities are present along property frontage on NE Newby St. Underground utilities are present in Buel Dr.

15. What is the anticipated date construction will begin? *January 2023*

16. What is the anticipated date of completion? *December 2023*

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

18. Does your tentative subdivision plan delineate the general location of all previously recorded easements and encumbrances presently binding upon the subdivision site?

YES, currently there is a 10' wide sewer easement recorded to the benefit the City.

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

Background

Applicant Response: The subject property is a 2.93 acre parcel located on NE Newby Street between NE Grandhaven and NE 27th Street. The subdivision to the north was platted in 1999, with Buel Drive stubbed to the north property line of the subject property. See Exhibit 1.

History

Applicant Response: In August 2019, the City Council heard and approved Ordinance 5081, ZC 3-19 zone change from R-1 to R-3. In conjunction with the zone change, Ordinance 5082, S 2-19 subdivision was approved for a 17 lot single family residential subdivision, with 15 single family detached homes and 2 single family attached homes on lots 4 and 5. The subdivision approval has subsequently expired and the property sold to applicant. The S 2-19 layout, if submitted today would have to address the Great Neighborhood Principles and mitigation of wetlands onsite. It is likely it could not meet those City standards without greatly compromising the number of buildable lots.

Current Proposal. See Exhibit 11.1.

Applicant Response: This new proposal is an application for a Tentative Subdivision Plan for a 16 lot single-family residential subdivision. The layout has been designed to best maximize the number of lots, as well as, avoid impacting the natural open storm drainage way, work around existing sewer and storm drainage easements and the constraints of existing development on all sides.

Lots 1, 2, 3, 13, 14, and 15 would have access off of the stubbed Buel Dr. extending into a cul-de-sac. Buel Dr. to have curb, gutters, planter strip and property line sidewalk except for curb sidewalk on the cul-de-sac bulb. Lots 7, 8, 9, 10, 11, 12, 16 would have access off of NE Newby Street including two flag lots 7 and 16. Lots 4, 5, 6 would have access off a private lane to access the southwest corner of the property including a fire truck turnaround on lots 6 and 7. Curb, gutter and curb tight sidewalk are present along the property frontage on NE Newby St. Exhibit 11.1 shows the proposed subdivision tentative plan and the proposed public improvements, survey, grading and utilities.

See updated Exhibit 11.1 plan, layout to include added curbside planter strip and sidewalks on Newby Street..

This layout allows for avoidance of impacting any sensitive wetland/ jurisdictional waters. By not impacting the wetland/jurisdictional waters, a

permit from Department of State Lands and Army Corp of Engineers would not be required. Department of State Lands criteria for impacting wetlands or jurisdictional waters is first, avoidance and secondarily, minimize impact. This plan meets DSL's criteria of avoidance. Given that this site is relatively small, (2.93 acres) and constrained by existing development on all four sides the option of impacting the wetland/jurisdictional waters would make this project as a whole, economically unfeasible and environmentally insensitive. It is unfeasible and insensitive to the land for the following reasons; Piping the natural open drainage way would impact wetland/jurisdictional waters requiring mitigation on or off site. Using the land for mitigation on this small site would impact the number of lots (4), and the orderly, timely and efficient layout of the subdivision. Mitigating with wetland credits is no longer available for development projects in this area. The Mud Slough Mitigation Bank serving McMinnville is closing, so there will, most likely, not be any credits available to purchase come May 2022, (per telephone conversation with Mark Knaupp, Owner of Mud Slough Mitigation Bank) and onsite mitigation would be required. The applicant, instead, has chosen to design the subdivision to not impact the wetland/jurisdictional waters in order to provide needed lots for residential housing in a manner that is timely, orderly, environmentally sensitive and cost effective. See Planned Development Page 2-3 #1 for further updated information.

Site Specifics

Applicant Response: The subject property is zoned R-3. The properties to the west, south, and northeast are zoned R-1. Property to the north is zoned R-2PD, and the property to the east and southeast is zoned R-3PD. Prominent surrounding uses are single-family homes and duplexes to the north, single-family homes to the east and west, Adventure Christian Church to the south, and Life Care Center south of the church. Grandhaven Elementary School is located across NW Grandhaven Street to the north. The subject property is vacant, except for eight trees on the west property line and one on the north. The 12" Oak tree on the east is currently growing into the overhead power lines, is in the potential driveway and will need to be removed. The Arborvitae on the south property line are on the church property. There is a sewer line easement and a natural open drainage way generally running west-east on the property, and a portion of the drainage way is identified on the National Wetland Inventory as a riverine wetland. However, the riverine wetland/

jurisdiction water delineation determined there are no wetlands on the site, but there are jurisdictional waters (North Yamhill River) associated with the drainage way, (approximately 0.07 acres). If impacted, ie. Piping the storm water, permits from Department of State Lands and Army Corp of Engineers would be required.

Neighborhood Meeting

Applicant Response: In order to make application for a tentative subdivision plan, it is specified in Chapter 17.72 of the Zoning Ordinance, that a neighborhood meeting must be held prior to application submission. The applicant conducted the required neighborhood meeting via Zoom on January 6, 2022 at 6:00pm. See Exhibit 8, and 8.1 for meeting notes and list of surrounding property owners, photo of sign posted and proposed plat as required by City of McMinnville per Section 17.72.110 and 17.72.120.

In summary, the neighborhood meeting was attended by approximately 11 people. Two additional neighbors requested and received minutes of the meeting. The main topics of discussion were the handling of the storm drainage way and not impacting downstream neighbors, as well as, many comments in support for the Buel Dr. cul-de-sac configuration. Overall participants were happy and supportive of the new subdivision design.

Land Division Standards

The land division standards address issues such as street layout, block lengths, and street improvement standards.

Policies pertinent to this application are addressed:

Chapter 17.53 100 (D) Private Drive, (P) Private Drive way/drive, Chapter 17.53.101 (E) Future Extension of Streets, Chapter 17.53.101 (I) Cul-de-sacs, Chapter 17.53.103 (B) Blocks, Size, Chapter 17.53.105 (B) Lots, Access.

Applicant Response: See Exhibit 15, Letter of Transportation Evaluation, addressing the proposed street connections and how the proposed site

plan meets applicable criteria for streets, access, and circulations outlined in the city's TSP and Zoning Ordinance.

Chapter 17.53.105. Lot Grading: Applicant Response: No excessive slopes are proposed.

Chapter 17.53.120 Building lines: Applicant Response: Building lots are generally perpendicular.

Chapter 17.53.130 and 140 Large Lot Subdivision and Left-Over Land: Not applicable to this application.

Lot Standards for Zoning District: Chapter 17.18

The requirements of the R-3 zone are addressed below:

17.18.010 Permitted Uses

Applicant Response: The proposed use of 16 detached single-family dwellings are permitted uses in the R-3 zone.

17.18.030. Lot Size

Applicant Response: All lots are configured to meet the qverqge lot size of not less than six thousand square feet. See Planned Development Application page 3, #4.

17.18.040 Yard Requirements

Applicant Response: The applicant is requesting a reduction from 7.5 foot to 5 foot side setbacks for the lots to accommodate the building envelope established once the necessary utility and access easements, as well as, topographical grading and slope of the drainage way are considered in the usable width, along with providing adequate setbacks for the pedestrian pathway. The 5 foot side setbacks are addressed in the Planned Development Application on page 3.

17.18.060 Density Requirements

Applicant Response: The Planned Development application addresses the overall average square footage is 6743. See page 3 of Planned Development Application and Exhibit 7.1 listing the square footages of all lots.

Comprehensive Plan Policies

Unless otherwise noted, the Comprehensive Plan policies below are most relevant to the subdivision application and considered in context of the site and its surroundings.

Chapter V. Housing and Residential Development

Residential Design Policy 79.00. “The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy. (Ord. 4796, October 14, 2003)”

Applicant Response: Applicant satisfies Policy 79.00 criteria as the proposed development is consistent with the density authorized by the zoning. The topographical features such as the natural open drainage way, were considered and the layout was designed to preserve this natural feature. Public utility services are available to site.

Residential Design Policy 80.00. “In proposed residential development, distinctive or unique natural features such as wooded areas, isolated preservable trees and drainage swales shall be preserved wherever possible.”

Applicant Response: Applicant satisfies Policy 80.00 criteria as the proposed development is consistent with preserving distinctive or natural features of the natural open drainage way on site.

Lot Sales Policy 99.10. “The City of McMinnville recognizes the value to the City of encouraging the sales of lots to persons who desire to build their own homes. Therefore, the City Planning staff shall develop a formula to be applied to medium and large size subdivisions, that will require a reasonable proportion of lots be set aside for owner-developer

purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.

Applicant Response: Applicant intends to make lots available for sale.

Comprehensive Plan Volume II, Chapter VI. Transportation System
Streets Policy 117.00-125.00

Applicant Response: Transportation System Plan; Local Street Connections (Exhibit 2-1). See Exhibit 15, Letter of Transportation Evaluation.

Circulation Policies 132.41

Applicant Response: See Exhibit 15, Letter of Transportation Evaluation pages 1-3.

In addition, applicant has included a landscaped bike/pedestrian pathway to provide connectivity from Buel Dr. to Newby Street.

Chapter VII. Community Facilities and Services

Storm Drainage Policy 143.00. “The City of McMinnville shall encourage the retention of natural drainage way for storm water drainage.”

Applicant Response: Applicant satisfies Policy 80.00 and 143.00, by retaining the natural drainage way for storm water drainage. The piping of the stormwater conveyance and the natural open drainage way would impact jurisdictional waters. Applicant has designed the subdivision to avoid piping and impacting this stormwater conveyance and natural open drainage way by designing lots on either side of the drainage way. Department of State Lands has previously commented in regards to this site that state law establishes a preference for avoidance of wetland impacts. The National Wetland Inventory identifies a riverine wetland on the property, but the wetland/jurisdictional waters delineation describes jurisdictional “waters” or a “waterway” as part of the intermittent drainage way. Department of State Lands letter indicates 0 wetland acres and 0.07 acres of water which is about 3099 square feet. The City does not have an adopted Local Wetland Inventory designated “locally significant wetlands,” or associated local regulation of such wetlands. Should this drainage way be impacted, the Department of State Lands and Army Corp of Engineers would require the appropriate permits as if there were wetlands. Mitigating wetlands or jurisdiction waters on site and off site is not necessary nor

feasible for this small development based on poor usage of the limited land available, as well as, lack of available mitigation credits from Mud Slough Mitigation Bank. See Exhibit 9.

Great Neighborhood Principles: Policy 187.10-187.50

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 with an existing built area.

Applicant's Response: The proposed infill residential subdivision will be developed with all City utilities and built to City standards. The layout offers a mixed variety of lot sizes and building envelopes to create housing of varying sizes, including multi-family housing opportunities. The subdivision will easily blend in with the existing neighborhoods, providing a livable, egalitarian environment near Grandhaven Elementary School, Chegwyn Neighborhood Park and other retail and banking opportunities. These nearby amenities, as well as, the green space with a park bench, off the bulb of the cul-de-sac and the bike/pedestrian path offer a social, healthy, inclusive, safe and vibrant neighborhood.

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.

Applicant's Response:

This small 16 lot infill development allows for characteristics and elements that will function together to create a livable, egalitarian, healthy, social, inclusive, safe and vibrant neighborhood with enduring value. By following

the R-3 PD criteria, many of the criteria for a successful subdivision can be met that would not otherwise be satisfied with just a R-3 zone.

The criteria to be met with R-3 PD are as follows:

- 1. Averaging lot size of 6000 square feet and greater.*
- 2. Side setbacks be decreased to 5 feet from 7.5 feet on all lots.*
- 3. Lot sizes to accommodate a mix use of housing types; skinny single family, single family and with the lots at an average of 6000 or greater the building envelope will allow for duplexes, triplexes and four plexes. This opportunity will be available to the public due to House Bill 2001 “Middle Housing” that will be implemented as of July 1, 2022.*
- 4. Protected open drainage way in a separate tract with. Grass seeding of exposed soils, fencing, added green space, and park bench, along with bike/ pedestrian path, creates amenities for safe social gathering, and a healthy, active neighborhood.*
- 5. Preserving the natural open drainage way which is the City’s Storm Drain System and natural resource, by placing drainage way in a protected tract overseen by the Homeowners association.*
- 6. Neighborhood connectivity from Buel Drive to Newby Street with a bike/pedestrian path.*
- 7. There is a benefit of nearby amenities such as, Grandhaven Elementary School, Chegwyn Neighborhood Park within (.5 miles) and Walmart, Winco (.7 miles), McMinnville Town Center (.4 miles) including, McDonalds, and other retail and banking opportunities just beyond*
- 8. New infrastructure of utilities, as well as, franchise utilities will accommodate for future technology.*
- 9. Establishing Tree Protection for the trees on the lot 1 and 4. These trees shall evaluated by an Arborist prior to vertical build.*

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.

Applicant's Response:

The proposed infill subdivision is uniquely situated and provides equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens by providing mixed use opportunity for housing, a public bike and pedestrian pathway to allow people of all ages to utilize in a healthy, social and safe way. There is Grandhaven Elementary School, Chegwyn Neighborhood Park within a .4 miles of the subdivision and viewing of a natural drainage way in a green space and park bench for neighbors and passersby to rest and enjoy the local area.

187.40. The Great Neighborhood Principles shall guide long range planning effort 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.

Applicant's Response:

The proposed infill subdivision is in compliance with the City's Comprehensive Plan by using the new Great Neighborhood Principles, Subdivision and Planned Development Application to clarify the layout, design amenities and construction of the property.

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.

GREAT NEIGHBORHOOD PRINCIPLES

1. Natural Features 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 response: The applicant satisfies the Great Neighborhood Principles of Natural Features by preserving the natural open drainage way and initiating tree protection. The City's natural open storm drainage way has been delineated as jurisdictional waters with the State of Oregon. Wetlands or jurisdictional water courses, when impacted are to be

reviewed and permitted by the regulatory agencies. In order to obtain the Department of State Lands and US Army Corp of Engineers permits, when impacting this type of drainage way, the applicant must show if there is an alternative to avoid and/or minimize the impact to this sensitive area. Applicant has determined impacting the drainage way and having to mitigate onsite will, through the state and federal permitting process will cause an unnecessary loss of 4 lots that are currently needed for housing in McMinnville and be less economically and less environmentally friendly than avoiding the drainage way. The only current available mitigation option for this site is onsite replacement of the stream-type wetland. Generally, the best option to mitigate wetlands is to buy wetland credits at the Mud Slough Mitigation Bank, however, as of May 2022, the bank has already contracted out all credits available for Yamhill County and is closing its bank. So this option is unfortunately, no longer available.

As depicted on drawing C2.0, there are tall fir trees on the west property line of lot 4, and one on the north side of lot 1, which shall be evaluated by an Arborist and protected, if possible, when vertical construction occurs. There is one 14' oak tree on lot 10 that will need to be removed for driveway access and utilities. The proposed preservation of the drainage way and the protection of trees meets this Great Neighborhood Principle.

2. Scenic Views. Great Neighborhoods preserve scenic view 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, view of significant natural features, landscapes , vistas, skylines, and other important features.

Applicant's Response: Scenic view preservation is limited due to the existing residential development surrounding the property, however, applicant offers a landscaped bike/pedestrian path, a green space that includes a bench where a resident can view the City's natural open drainage way that will be preserved in a tract and maintained by the HOA.

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 propose development and the number of dwelling unit.
- 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 property is approximately 0.4 miles from Newby St to Chegwyn Farms Neighborhood Park, therefore applicant is not required to provide a mini-park as the subdivision is within 1/2 mile of a neighborhood park, per the City's Great Neighborhood Principle for parks and open space, and the McMinnville Parks, Recreation and Open Space Master Plan. The site is also within a block's distance to Grandhaven Elementary School. However, in preserving the City's natural open drainage way, Applicant has provided green space for the neighborhood and park bench for viewing and resting. See Exhibit 10 for map to Chegwyn Farms Neighborhood Park.

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 length greater than 400 feet).

Applicant Response: Applicant seeks to satisfy Great Neighborhood Principles Pedestrian Friendly 4 a. and b. by providing a safe designated bike/pedestrian pathway from Buel Drive to Newby Street and a sidewalk along Buel Drive cul-de-sac. It also provides for bike and pedestrian connectivity from Buel Drive to Newby Street to nearby commercial areas to enhance a safe enjoyable opportunity for healthy walking and biking activity.

In addition, providing the Buel Drive cul-de-sac extension satisfies "4b" by

allowing for an additional public opportunity to connect to nearby Grandhaven Elementary School to the north, and Chegwyn Farms Neighborhood Park to the northwest while minimizing vehicular traffic.

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 space.

Applicant's Response: The property has a mild slope offering the street, sidewalk and dedicated bike/pedestrian pathway connection for safe walking, biking and includes handicapramps to accommodate people of all abilities.

6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route option, increased connectivity between places and destination 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 street 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 site plan and street connections provide safe travel route options for all modes and easy bicycle and pedestrian access to the neighborhood and nearby transit stops, which encourage less reliance on vehicular mobility while still providing necessary functionality and connections to the existing and future planned street network. Although the proposal does not increase vehicular connectivity, it does increase connectivity for bicyclists and pedestrians via a safely designed multi-use pathway and maintains the same level of vehicular

connectivity that exists today. The proposed development incorporates complete street features and the provision of a cul-de-sac on Buel Drive and a private street connection to Newby Street will result in slow travel speeds within the development, creating a safe and comfortable neighborhood for residents of all ages and abilities.

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.

Applicant's Response: City street, sidewalks and bike/pedestrian path will be designed to meet City and ADA standards. The parcel is mildly sloped which creates an environment that is accessible and allows for ease of use for all ages and abilities including a rest area at the green space park bench. This design meets these principles and the GNP Accessibility.

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: This infill development provides lots that will provide residential housing units which is in balance with the existing built environment. All the lots are oriented towards the street except for Lots 4,

5, and 6 which are oriented to the 25' shared private access lane. Homes to be built on the flag lots and private access lane allows for proximity that creates a sense of community with adjacent neighbors. The owners of lots 7 and 16, and 4, 5, and 6 provide placement of their vehicles off of Newby Street and in a less prominent location. These lot owners will be equally responsible for the care and maintenance of their a shared landscaped access lane, fostering a need for human interaction. A Homeowner's Association is to manage the identified, protected drainage way, green space, and park bench with a sign explaining the significance of the drainage way and a landscaped bike/ped path provides opportunity for neighbors to gather and fosters human interaction with the built environment which also meets the principles of Crime Prevention through Environmental Design. Additional elements for CPTED are the ongoing maintenance of the green space and bike/pedestrian path, and lighted public areas along the street.

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: The proposed infill subdivision is unique in that many neighborhood amenities are already built to benefit the new residents. Grandhaven Elementary School and Cheqwyn Farms Neighborhood Park are in close proximity (less than 1/2 mile). The City Wortman Park, Walmart, Winco and other retail businesses are also within 1 mile allowing residents the option of biking, walking or using a vehicle. The Yamhill County Transit route runs along 27th Street which is within walking distance (one block) from the site. This neighborhood's location offers easy access for many commercial uses, schools, parks, and other

community services which can be used on a daily basis without owning a vehicle.

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: This proposed infill subdivision is compatible with the existing residential development surrounding the property. Urban development is within .5 to 1 mile south with many retail shops and restaurants available along Highway 99W. Rural properties are within .5 mile on the Northside extending out Newby Street.

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 proposed infill subdivision provides lots that will accommodate a range of housing forms and types such as, a small skinny house, a variety of sizes and prices in single family houses, and duplexes, triplexes and fourplexes as of July 1, 2022 with the implementation of HB 2001. This variety would provide housing for people of varying incomes and stages of life to live in rental housing, as well as, home ownership opportunities.

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: Applicant intends to sell lots to builders, who will design their own individual architectural design and styles. In addition, HB 2001 opens up opportunities for a variety of building form and design.

13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs and focal points to create neighborhood character and identity.

- 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. (Ord 5066 §2, April 9, 2019)

Applicant's Response: This small infills subdivision design offers an opportunity to educate the public about the wetlands and jurisdictional waters otherwise known as the City's natural open drainage way. Applicant shall place a sign at the south end of Buel Drive in the green space, as a way to educate the public on the significance of the natural open drainage way and how it is protected and part of a larger water way ecosystem.

Additional Information: The layout/lot sizes have been modified in the Planned Development Application due to removing the drainage easement out of the lot square footage and placing it in a tract of its own, along with minor lot line adjustments. See Exhibit 11.1 and 7.1 for updated plans and square footages. In addition, the 20' wide drainage easement/tract and the area at the south end of the cul-de-sac bulb will be dedicated to the Homeowner's Association for added green space with a park bench and educational signage explaining the significance of the drainage way. It will be the responsibility of the Homeowner's Association to oversee and manage the delineated jurisdictional waterway easement, fencing, green space, park bench and bike/pedestrian pathway landscaping. The current drainage easement has natural vegetation and will be fenced with a 4' chainlink fence. This area will not be disturbed except for occasional trimming of the vegetation, when necessary. See Exhibit 16 of current vegetation and other similar natural drainage ways in McMinnville. In order to protect the drainage way, all low point drains from houses will be directed to storm drain system catch basins in the streets and will not spill into the open drainage way. Covenants, Conditions and Restrictions will

identify to Homeowners the preserved drainage way and limit adjacent owners from impacting or dumping debris or other items in the easement.

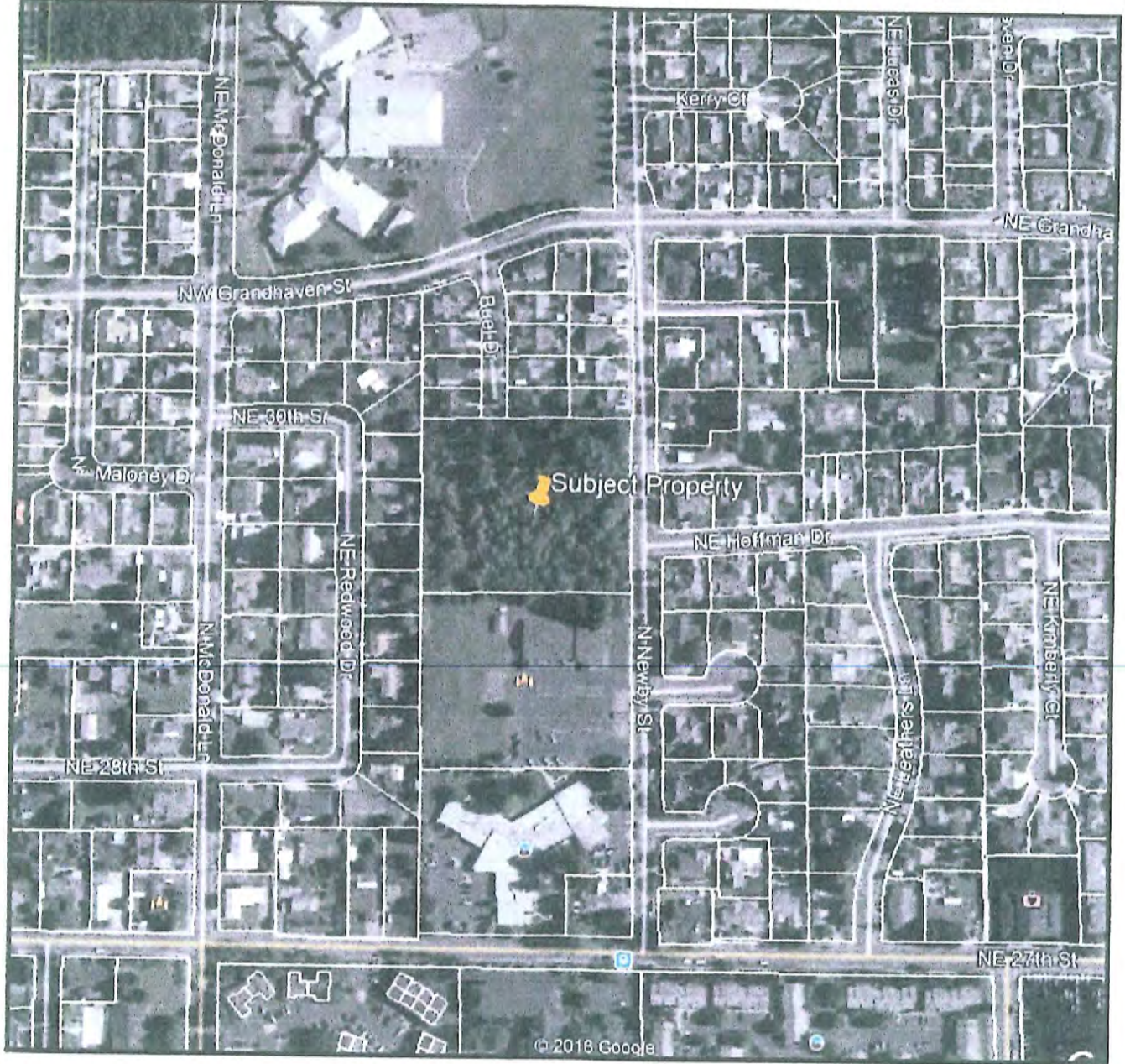
The bike/pedestrian pathway will be landscaped, properties adjacent to the pathway will be responsible for any fencing along pathway.

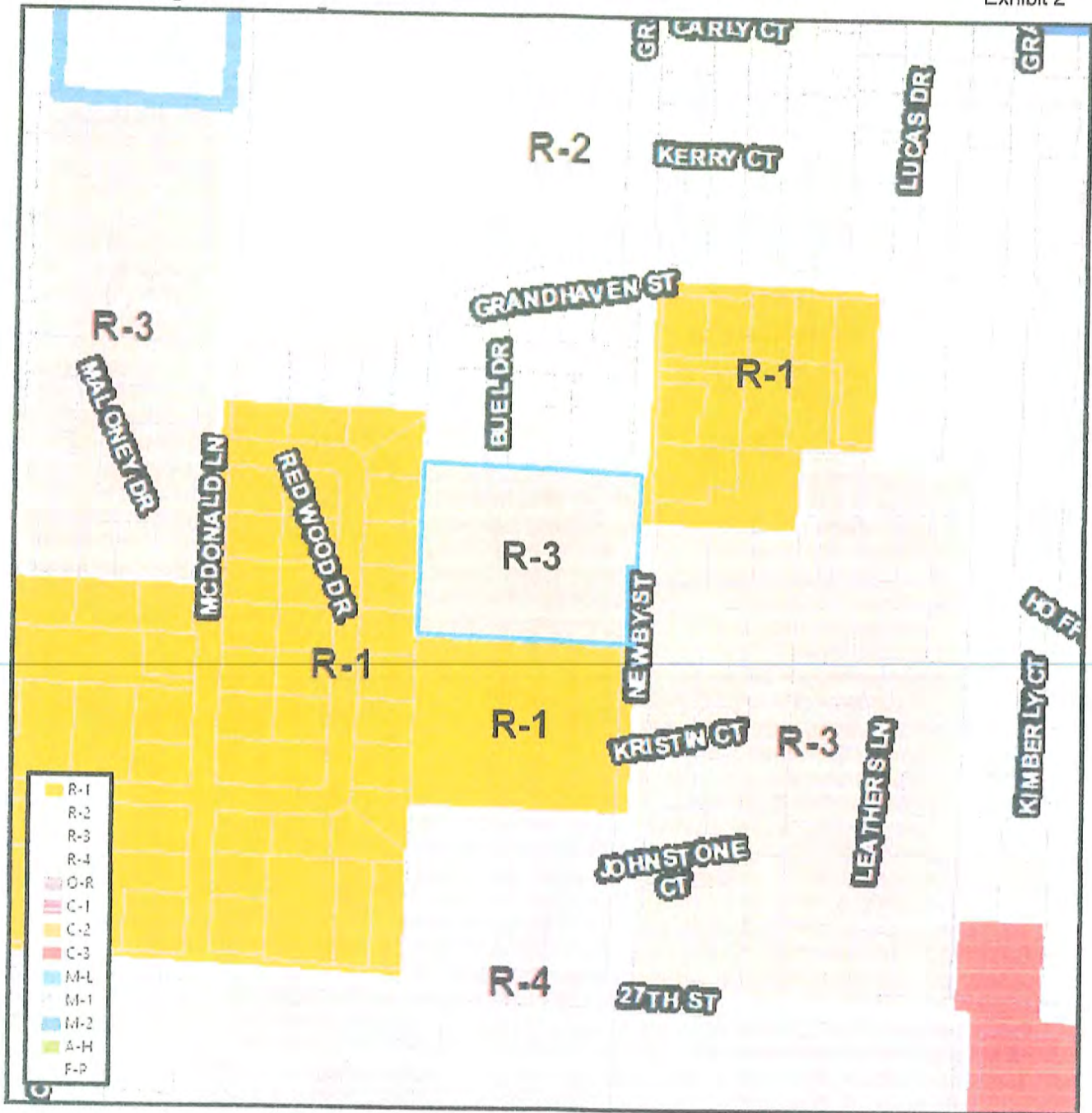
In Conclusion:

Applicant respectfully requests an approval for the Subdivision and Planned Development applications. Approval of these applications will provide the City with 16 new buildable lots of varying sizes with opportunity to provide Middle Housing, flexibility in design and sensitivity to the City's natural resource.

Exhibit 1. Vicinity Map & Aerial Photo

Exhibit 1

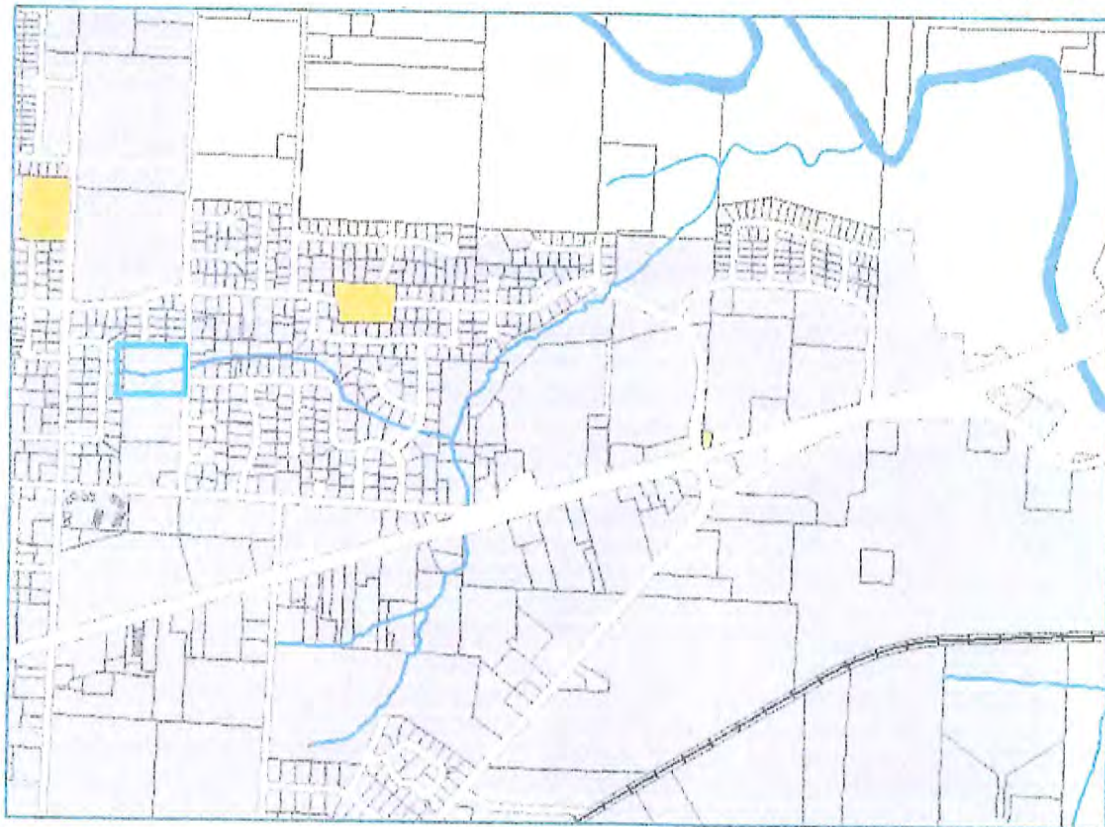






Open Drainage Way

Exhibit 4



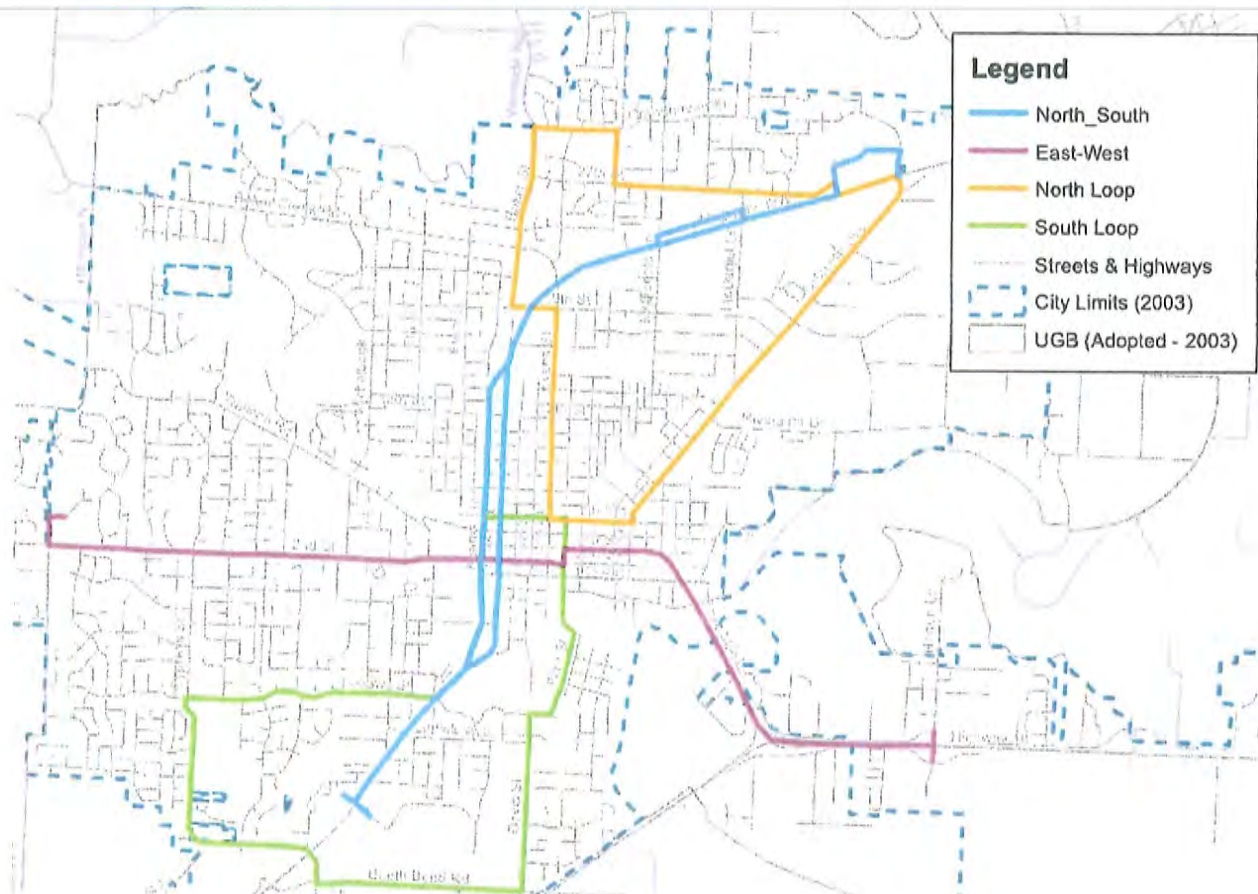
TSP - Street Functional Classification

Exhibit 5



TSP - Transit System Plan: Fixed Route Bus

Exhibit 6



Length to Width Ratio Exhibit 7.1

Lot Number	Width	Depth	Length to Width ratio	Square Footage
1	56.00	108.69	1.94	6,061
2	61.00	103.39	1.69	5,650
3	66.00	99.61	1.51	6,776
4	60.00	122.12	2.04	7,330
5	60.00	122.22	2.04	7,336
6	60.00	122.32	2.04	7,423
7	78.75	109.50	1.39	8,615
8	78.90	103.64	1.31	8,173
9	67.55	103.64	1.53	6,999
10	47.95	116.72	2.43	5,595
11	56.00	116.82	2.09	6,539
12	55.13	116.91	2.12	6,458
13	55.39	117.31	2.12	6,492
14	56.00	112.36	2.01	5,660
15	59.83	103.31	1.73	6,787
16	57.35	109.50	1.91	5,998
			Total Sq Ft	107,892
			Ave Sq Ft	6,743

Monica Subdivision Neighborhood Meeting Minutes January 6, 2021

Participants:

*Lori Zumwalt - Owner, lorizumwalt@gmail.com

*Josh Wells - Westech, jwells@westech-eng.com

*Daniel Thompson - Westech, DThompson@westech-eng.com

Duane McKinney - 1539 NE Hoffman Dr, duane400@gmail.com

Jason Petredis – 3017 NE Buel Dr. petredisj@gmail.com

Stefanie Goodell – 2910 NE Redwood Dr.

Brian Demarco – 3008 NE Buel Dr. bdemarco908@gmail.com

Kara Demarco. bdemarco908@gmail.com

Leslie Taylor 1533 NE Hoffman Dr.

Galaxy S8 – Gary – Hoffman Dr.

Vanessa Hadick – 3017 NE Buel Dr. vanessa.hadick@gmail.com

Jim Gullo jim@imgullo.com. (Meeting recording sent)

- A. Josh Wells conducted the meeting starting with introduction of participants.
- B. Lori Zumwalt introduced herself as a local builder/developer. Recently purchased property from Leonard Johnson who had processed a zone change from R-1 to R-3 and received approval for a subdivision that has now expired. The zoning remains R-3.
- C. Josh reviewed the details of the plat. Identifying a total of 16 lots, extending Buel Dr into a cul-de-sac to service 6 lots. Remaining lots will be service by Newby St. Access easement along south line to service 3 lots with firetruck turnaround. Storm Drainageway to remain as an open drainage. Sewer line crosses site. Status of plan: survey just finished, we will submit to City towards end of the month. Lori stated the plan is designed to conserve and not impact the storm drainageway which is handled like wetlands.

The following are participants comments and questions:

Duane McKinney

1. Is the south side a street or driveway and how big is it? A: 25' access easement with 20' paved required by Fire and City code and turnaround between lots 6 & 7.
2. How does lot 7 get accessed? A: Lot 7 and 16 are flag lots and will be accessed with a 25' access between lots.
3. Will drainage ditch be in a culvert or remain open and who is responsible for the maintenance. A: The drainage way will remain open. Public waterways are the City's responsibility but they may require something else.

4. "All in All I like the plan, best plan people on Hoffman could ask for".

Leslie Taylor

1. Concerned with maintenance of waterway and potential problems with flooding upstream. A: If the City requires the property owners to maintain it, that will be on the title report.
2. Clarify access of lots? A: dotted line is access for lots 4, 5, 6. There are 6 lots off of Buel Dr., remaining lots off of Newby St.
3. Struggling with large vehicles parking on Hoffman and Leathers Drive. A: there is not enough room to provide RV parking on the lots, vehicles parked on Newby St for a long period of time would be a City issue.
4. What is your timeline? A: Hope to be on the April or May Planning Commission Meeting, build this Summer with completion late Fall.

Vanessa Hadik

1. What are the sidewalk plans? A: Road will be 28', with planter strips and property line sidewalks except for the bulb there would be curb side cul-de-sac. Existing curbside sidewalk on Newby St.
2. Would like to have an open communication to be aware of what is happening in the process. A: Send Lori email address.
3. Comment: Only one house difference from previous through street plan, not really a loss of housing from City perspective. A: City has a TSP, but often will listen to neighborhood comments for exceptions.

Jason Petredis

1. In Support of Cul-de-sac. Better plan then last one.
2. Is complete open waterway designated as wetlands or a portion of it? Does it mean there would be an increase in cost impacting it? A: Wetlands are becoming harder and harder to process in a timely manner and complete the process. The problem will filling any wetland, there is no certainty in how the regulators will respond. Changes in staff, interpretation of regulations and regulators do not want us to touch the wetland, so we are not going to with this plan.
3. Jason is in support of not touching the wetlands.
4. Storm water drain off, where does it go? A: It will drain to Newby St, through curb weep hole down street to catch basin then go down stream, per City's Storm Water Management Plan.

Stefanie Goodell

1. Lives on Redwood Dr. Are there going to be 2 story vs 1 story on lots? A: It will be the decision of builder.
2. How long will construction take? A: If started this early Spring, completion by late Fall.

Brian Demarco

1. Can the City change back from the cul-de-sac to the thru street? A: Yes

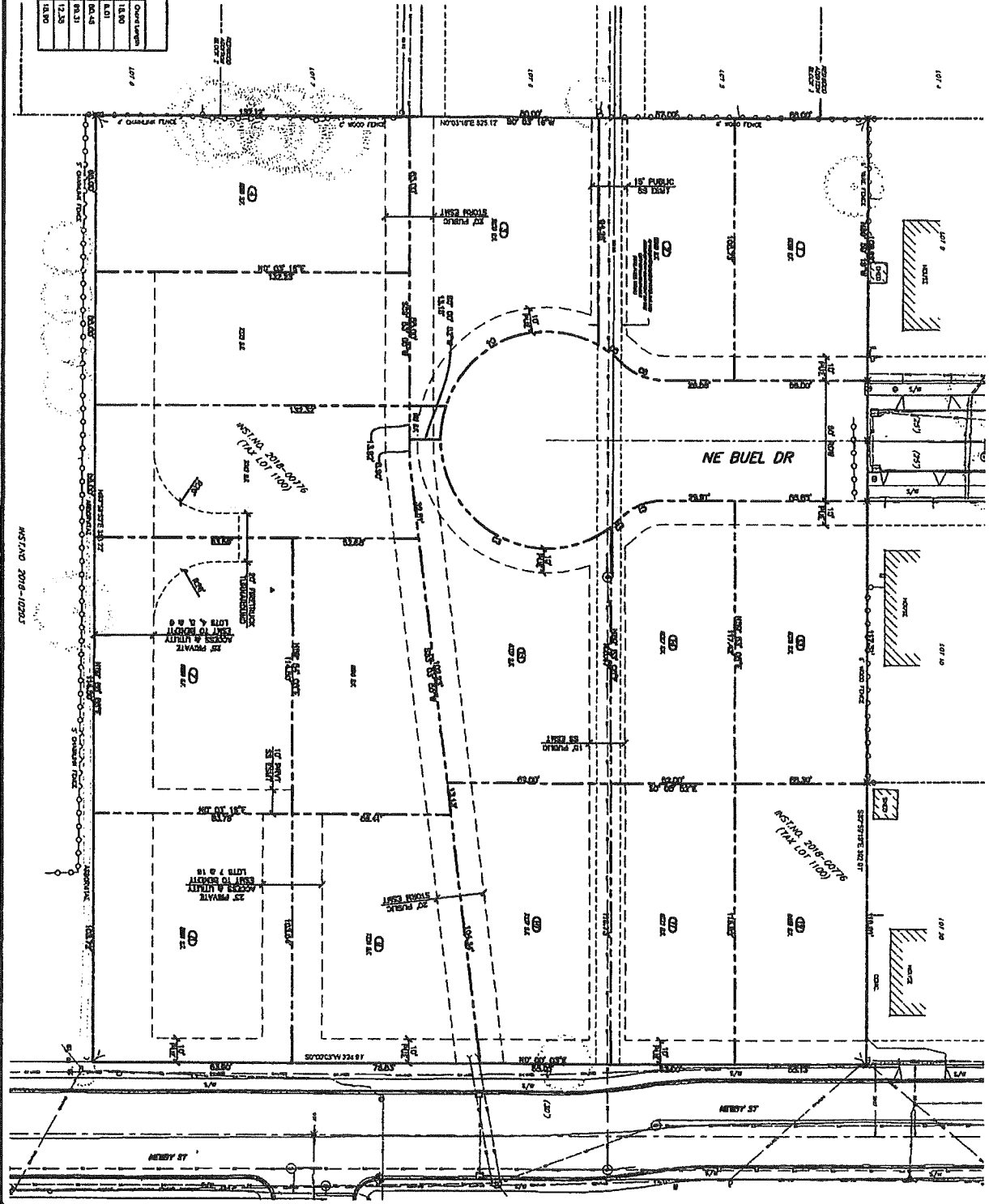
2. Galaxy S8 (Gary) - No comment

Meeting adjourned.

Chat Text During Neighborhood Meeting

- 19:08:11 From Leslie Taylor : What is the difference between R1 and R3?
- 19:08:15 From Vanessa Hadick : Love the new plan Lori, big improvement
- 19:11:18 From lorizumwalt : R-3 has to do with the zoning and min size of the lots
- 19:11:31 From Brian DeMarco : Can the City change back from the cul de sac to the thru street?
- 19:12:39 From lorizumwalt : yes
- 19:13:03 From Leslie Taylor : Can someone point to the areas you are discussing? It's hard to see on a small screen.
- 19:13:20 From Brian DeMarco : Lori: that would be too bad
- 19:17:48 From Vanessa Hadick : 6 "new" homes - we already have 6 on Buel
- 19:21:16 From Kara DeMarco : We live on Buel drive and much prefer this plan. We do not want the through street. Buel Drive is very narrow and does not accommodate traffic well.
- 19:21:40 From Leslie Taylor : Yep, this makes better sense.
- 19:22:38 From Leslie Taylor : I forgot to ask...are these all single-family homes? Any duplexes?
- 19:24:01 From lorizumwalt : Single family
- 19:24:04 From Brian DeMarco : Previously, the City was against the cul d sac idea when it was proposed as an alternative to the thru-street plan
- 19:24:19 From Leslie Taylor : Thx
- 19:29:26 From Leslie Taylor : Exactly our concern.
- 19:33:45 From Vanessa Hadick : This is so much safer for the kids at the school as well - Buel empties onto Grandhaven right across the street from the school back driveway. And it's a curved street so visibility is limited.
- 19:33:51 From Vanessa Hadick : Lori you're saving the children 😊
- 19:34:08 From Leslie Taylor : Thanks and good luck!

Change Table					
Change #	Length	Width	Area	Change Description	Change Length
C1	14.83	25.00	371.0	202' X 25' RT	14.83
C2	4.02	45.00	180.9	202' X 45' RT	4.02
C3	98.26	14.00	1375.6	202' X 14' RT	98.26
C4	78.12	14.00	1093.7	202' X 14' RT	78.12
C5	13.40	14.00	187.6	202' X 14' RT	13.40
C6	13.25	24.00	318.0	202' X 24' RT	13.25



3344.0000.0 JOB NUMBER DRAWING CX.X	MONKA DEVELOPMENT, LLC MONKA SUBDIVISION OVERALL SUBDIVISION PLAN	 WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS 3241 Fishers Industrial Dr. S.E., Suite 100, Salem, OH 43172 Phone: (614) 260-2474 Fax: (614) 260-2052 E-mail: westech@westech-inc.com	REVIEW	VERIFY SCALE 1" = 40'	DESIGNED BY DRAWN BY CHECKED BY DATE	ENDSHIPPED BY REVISIONS
				DATE		

Owner
Attn:
Mailing Address
City, State Zip

MCMINNVILLE SCHOOL DISTRICT NO 40
1500 N BAKER ST
MCMINNVILLE, OR 97128

COMPTON CHRISTOPHER L
COMPTON JENNIFER
3030 NE NEWBY ST
MCMINNVILLE, OR 97128

SWEEDEN BRETT
SWEEDEN KARI
1424 NE GRANDHAVEN ST
MCMINNVILLE, OR 97128

HEESACKER JARED L
3020 NE NEWBY ST
MCMINNVILLE, OR 97128

PONCE RAUL M
VAZQUEZ CECILIA P
3010 NE NEWBY ST
MCMINNVILLE, OR 97128

HAYES SARA
HAYES JAMES FORSLUND
3024 NE NEWBY ST
MCMINNVILLE, OR 97128

MATHEWS MARK
3370 WESTSIDE RD
MCMINNVILLE, OR 97128

GETTMAN JAYSON M
GETTMAN ROSEMARIE
2950 NE NEWBY ST
MCMINNVILLE, OR 97128

GROVES CHERYL L
1421 NW HOFFMAN DR
MCMINNVILLE, OR 97128

BLACK RUTH W MCKIBBEN TRUSTEE &
BLACK JAMES E TRUSTEE FOR
1445 NE HOFFMAN DR
MCMINNVILLE, OR 97128

HARRIS GREGORY J
HARRIS MICHELLE M
1483 NE HOFFMAN DR
MCMINNVILLE, OR 97128

HADICK VANESSA M
PETREDIS JASON W
3017 NE BUEL DR
MCMINNVILLE, OR 97128

DEMARCO KARA L
3008 NE BUEL DR
MCMINNVILLE, OR 97128

DOYLE SCOTT E
DOYLE MICHELLE
3036 NE BUEL DR
MCMINNVILLE, OR 97128

RHOADS DANIEL J
RHOADS-ORTIZ BERENICE
3084 NE BUEL DR
MCMINNVILLE, OR 97128

DORMAN DARLENE C
3078 NE BUEL DR
MCMINNVILLE, OR 97128

AARON ROGER W
AARON DARLENE M
1318 NE GRANDHAVEN ST
MCMINNVILLE, OR 97128

WIF INC
944 NE 18TH ST
MCMINNVILLE, OR 97128

CHAN KARL K
CHAN LIN C
4062 NE FAIRVIEW LAKE WY
FAIRVIEW, OR 97024

HYDER TRAVIS M
HYDER KELLY L
3027 NE NEWBY ST
MCMINNVILLE, OR 97128

JOHNSON GENE O
JOHNSON TAMMY E
3011 NE NEWBY ST
MCMINNVILLE, OR 97128

GONZALEZ ROBERTO
ROBLEDO SANDRA E
2997 NE NEWBY ST
MCMINNVILLE, OR 97128

MCLEOD PATRICIA M
2971 NE NEWBY ST
MCMINNVILLE, OR 97128

JOHNSON LEONARD
3375 NW WESTSIDE RD
MCMINNVILLE, OR 97128

GUERRERO MARTINA P
GUERRERO JOSE
1111 NE 30TH ST
MCMINNVILLE, OR 97128

MARSHALL TYRONE W G
MARSHALL BRENDA K
PO BOX 1700
MCMINNVILLE, OR 97128

1135 NE 30TH ST
MCMINNVILLE, OR 97128

GEELAN GERALD T & RENA L
2930 REDWOOD DR
MCMINNVILLE, OR 97128

GEELAN GERALD T & RENA L
2930 REDWOOD DR
MCMINNVILLE, OR 97128

GULLO KRISTINE J
GULLO JAMES R
2926 NE REDWOOD DR
MCMINNVILLE , OR 97128

BIRD KELLY J
NETTROUER JOLENE G
2920 NE REDWOOD DR
MCMINNVILLE , OR 97128

MCCANN GORDON E
MCCANN SANDRA L
1126 NE 30TH ST
MCMINNVILLE , OR 97128

HILL DOUGLAS T & NANCY H
2925 NE REDWOOD DR
MCMINNVILLE , OR 97128

STARK JAMES R
STARK JANET L
2915 REDWOOD DR
MCMINNVILLE , OR 97128

TRIBBETT EUGENE A
TRIBBETT JOAN L
1110 NE 30TH ST
MCMINNVILLE , OR 97128

STILLWELL KELLY
2930 NE MCDONALD LN
MCMINNVILLE , OR 97128

MARKS DENNIS A
MARKS CAROLYN A
PO BOX 1740
MCMINNVILLE , OR 97128

KAUFFMAN JENNIFER
18841 HEIN CT
OREGON CITY , OR 97045

RIVAS JORGE A
VILORIO FLORES AURORA
1152 NE GRANDHAVEN ST
MCMINNVILLE , OR 97128

CHAPPELL FAMILY 2011 REVOCABLE TRUST
CHAPPELL DAVID L TRUSTEE
4373 N MONTICELLO DR
FLORENCE , AZ 85132

LAWSON JOHN E
LAWSON AMANDA
1224 NE GRANDHAVEN ST
MCMINNVILLE , OR 97128

MILLER RONALD J
MILLER LISL E
1258 NE GRANDHAVEN ST
MCMINNVILLE , OR 97128

ALAN RUDEN INC
PO BOX 570
MCMINNVILLE , OR 97128

GIBSON JOELA
GIBSON SARRI A
354 SW MT MAZAMA ST
MCMINNVILLE , OR 97128

CLEARKEY BUEL LLC
2597 NW ALICE KELLEY ST
MCMINNVILLE , OR 97128

KIRK FAMILY TRUST
KIRK THOMAS C CO-TRUSTEE
PO BOX 887
MCMINNVILLE , OR 97128

CAMERON JOHN T
SHEA ORESSA E
1446 NE HOFFMAN DR
MCMINNVILLE , OR 97128

BEST SHAWN
BEST ZACHARY
1420 NE HOFFMAN DR
MCMINNVILLE , OR 97128

LANE TIMOTHY M
2842 NE NEWBY ST
MCMINNVILLE , OR 97128

SEILER ALISON O
1433 NE KRISTIN CT
MCMINNVILLE , OR 97128

KENT JOHN W
2835 NE LEATHERS LN
MCMINNVILLE , OR 97128

SHELDON LORENE E TRUST
SHELDON LORENE E TRUSTEE
1470 NE KRISTIN CT
MCMINNVILLE , OR 97128

EDER PAULINE
1442 NE KRISTIN CT
MCMINNVILLE , OR 97128

CONNELL ERIK C
1420 NE KRISTIN CT
MCMINNVILLE , OR 97128

NEWBERG CHRISTIAN CHURCH (FKA)
NORTHWEST CHRISTIAN CHURCH
2315 VILLA RD
NEWBERG , OR 97132

GOODELL STEFANIE C
GOODELL ZACHARY W
2910 NE REDWOOD DR
MCMINNVILLE , OR 97128

BORDERS SILVIA
2830 NE REDWOOD DR
MCMINNVILLE , OR 97128

DORSHIMER CARMEN A
DORSHIMER GLADDEN R
2816 NE REDWOOD DR
MCMINNVILLE , OR 97128

VANAKEN GARY L
VANAKEN THERESA S
2812 NE REDWOOD DR
MCMINNVILLE , OR 97128

LINDSKOG BRUCE TRUSTEE
LINDSKOG ARLENE TRUSTEE
2804 NE REDWOOD DR
MCMINNVILLE , OR 97128

KING-JARRED MARCIE M
2905 NE REDWOOD DR
MCMINNVILLE , OR 97128

AMODEO ANTHONY M
AMODEO NANCY L
2821 NE REDWOOD DR
MCMINNVILLE , OR 97128

VAN UCHELEN ARTHUR P
2817 NE REDWOOD DR
MCMINNVILLE , OR 97128

REINHARDT JOHN E &
HALL PEGGY E TRUSTEES FOR
1130 NE 28TH ST
MCMINNVILLE , OR 97128

KEEVY BRENDA
2820 NE MCDONALD LN
MCMINNVILLE , OR 97128

JOHNSTON DONNA
2830 NE MCDONALD LN
MCMINNVILLE , OR 97128

BERG LINDA R 1/2
BERG ROALD K 1/2
2910 NE MCDONALD LN
MCMINNVILLE , OR 97128

CITY OF MCMINNVILLE
PLANNING DEPARTMENT
231 NE 5TH ST
MCMINNVILLE , OR 97128

EXHIBIT 8.1
ADD'L

NOTICE OF NEIGHBORHOOD MEETING

MEETING INFORMATION:

DATE: January 6, 2022

TIME: 6:00 PM

LOCATION: Online (Zoom Meeting)

Join Zoom Meeting at:

Join Zoom Meeting

<https://zoom.us/j/93108250399?pwd=WGVaQEdGS2F1VE9aV3ZFeXJROTM0QT09>

Meeting ID: 931 0825 0399

Passcode: 1146W0

PROPOSAL AND PROJECT DESCRIPTION:

This proposed project is located on a 2.93 acre parcel on NE Newby St between NE Grandhaven and NE 27th Street in McMinnville, Oregon in Yamhill County (Tax Lot 1100, Section 9DC, T. 4 S., R. 4 W., W. M.)

The proposed land use for this lot will be residential. Refer to the attached tax map and vicinity map for details.

The project scope is to develop the site for 16 single-family residential lots. The parcel is zoned R-3 and will have a range of lots approximately 6014 square feet to 8764 square feet. The project will include construction of an extension of a public road, a new private road, sidewalks, and associated public improvements. Refer to conceptual site plan for more detail. Building heights and dimensions to be determined by the building contractor.

TENTATIVE MEETING AGENDA ON JANUARY 6, 2022

6:00pm - 6:05 pm. Introduction

6:05pm - 6:15pm. History of recent land use, current major elements of the project, including protection of natural resources and wetlands.

6:15pm - End. Opportunity for attendees to speak and ask questions.

If you have any questions about the meeting please contact Lori Zumwalt.

CONTACT NAME: Lori Zumwalt

CONTACT EMAIL: loriz.premier@gmail.com

CONTACT NUMBER: 503-437-0477

EXHIBIT 8.1
ADD'L

NEIGHBORHOOD
MEETING
PUBLIC LAND USE APPLICATION
Subdivision
DATE: Jan 6th, 2022
TIME: 6:00pm
MEETING LOCATION: Local
Government Building
1000 1st St. SW
Twin Falls, ID 83421
FOR MORE INFORMATION: 208-733-6411



Oregon

Kate Brown, Governor

February 15, 2019

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

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

Dear Mr. Johnson:

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

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

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

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

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

EXHIBIT 9
1067

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregon.gov/dsl
State Land Board

Kate Brown
Governor

Dennis Richardson
Secretary of State

Tobias Read
State Treasurer

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

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

Sincerely,



Daniel Evans, PWS
Jurisdiction Coordinator

Approved by



Peter Ryan, PWS
Aquatic Resource Specialist

Enclosures

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

307

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

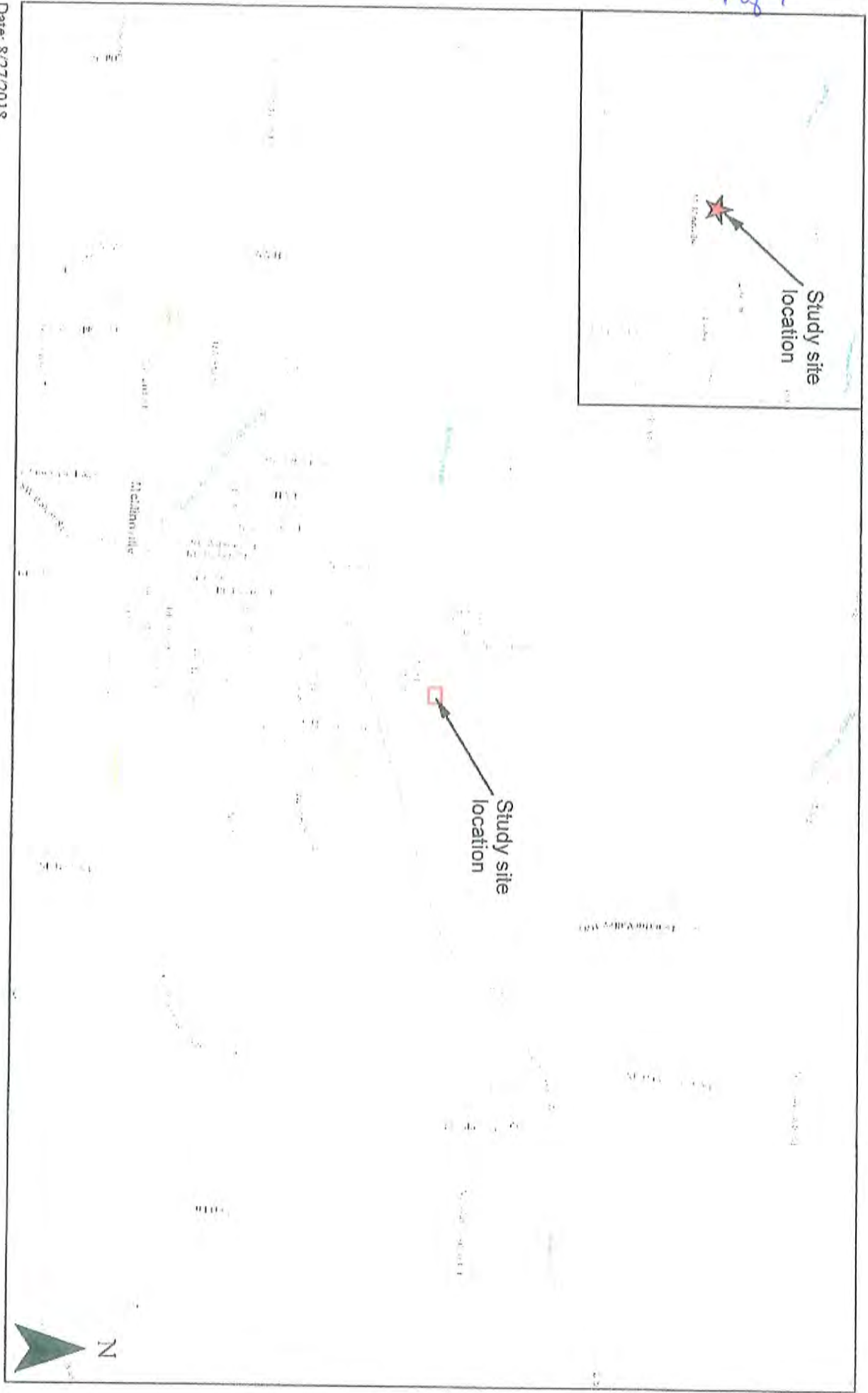
Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

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

Contact and Authorization Information	
<input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: Leonard Johnson 3875 West Side Road McMinnville, OR 97128	Business phone # Mobile phone # (optional) E-mail: slorn.n@comcast.net (Nick Storm for Leonard Johnson)
<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address (if different): Nick Storm (signing for Leonard Johnson)	Business phone # 971-409-4583 Mobile phone # (optional) E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.	
Typed/Printed Name: <u>Casey O'Neil</u> Signature: <u>[Signature]</u> Date: _____ Special instructions regarding site access: _____	
Project and Site Information	
Project Name: <u>North Newby Street</u> <u>North Newby Street</u>	Latitude: 45.230359 Longitude: -123.165188 decimal degree - centroid of site or start & end points of linear project
Proposed Use: <u>Residential Housing</u>	Tax Map # <u>4400000000 4 4 0915C</u> Tax Lot(s) 1100 Tax Map # Tax Lot(s)
Project Street Address (or other descriptive location): West of N Newby Street, south of Buel Drive, north of Adventure Christian Church	Township 4S Range 4W Section 9DC Q0SW1/4, S1
City: McMinnville County: Yamhill	Use separate sheet for additional tax and location information Waterway: _____ River Mile: _____
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Schott & Associates, Inc. Attn: Jodi Reed PO Box 589 Aurora, Oregon 97002	Phone # 503-678-6007 Mobile phone # (if applicable) E-mail: Jodi@schottandassociates.com
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.	
Consultant Signature: <u>[Signature]</u> Date: _____	
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Study Area size: 2.93 ac Total Wetland Acreage: <u>0.0</u> Waters: <u>0.07</u>
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted	<input type="checkbox"/> Fee payment submitted \$ _____
<input type="checkbox"/> Mitigation bank site	<input type="checkbox"/> Fee (\$100) for resubmittal of rejected report
<input type="checkbox"/> Industrial Land Certification Program Site	<input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # _____ Expiration date _____
<input type="checkbox"/> Wetland restoration/enhancement project (not mitigation)	<input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code _____
<input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # _____	
For Office Use Only	
DSL Reviewer: <u>DE</u> Fee Paid Date: <u>11 / 28 / 18</u> DSL WD # <u>2018-0644</u>	
Date Delineation Received: <u>11 / 21 / 18</u> Scanned: <input type="checkbox"/> Electronic: <input checked="" type="checkbox"/> DSL App.# _____	

RECEIVED
NOV 28 2018
RECEIVED 437.00
STATE LANDS
r# 1028

497



Date: 8/27/2018

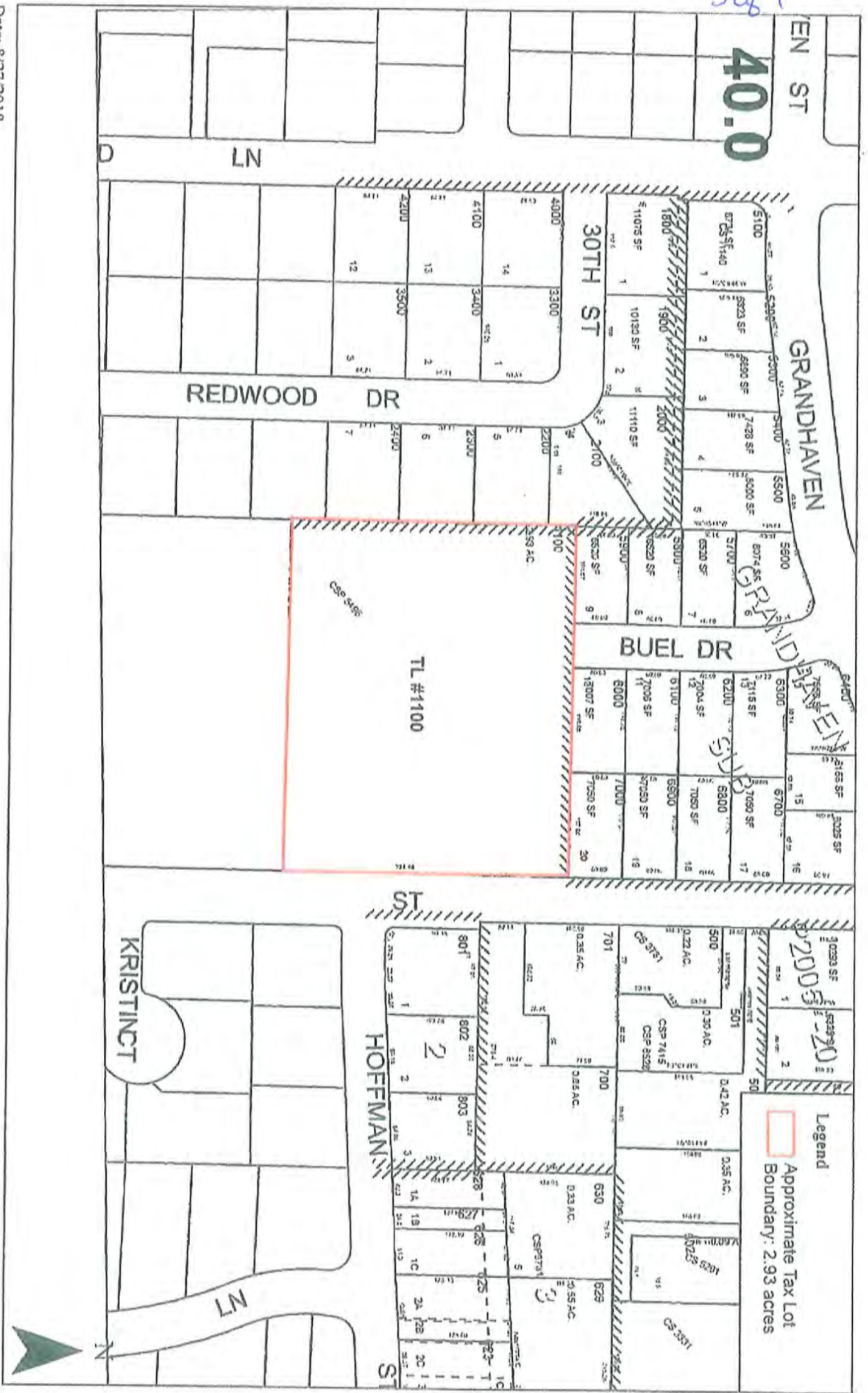
Data Source: ESRI, 2018;
Yamhill County GIS Dept., 2018

Figure 1. Location Map

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



587



Date: 8/27/2018

1 inch = 150 feet

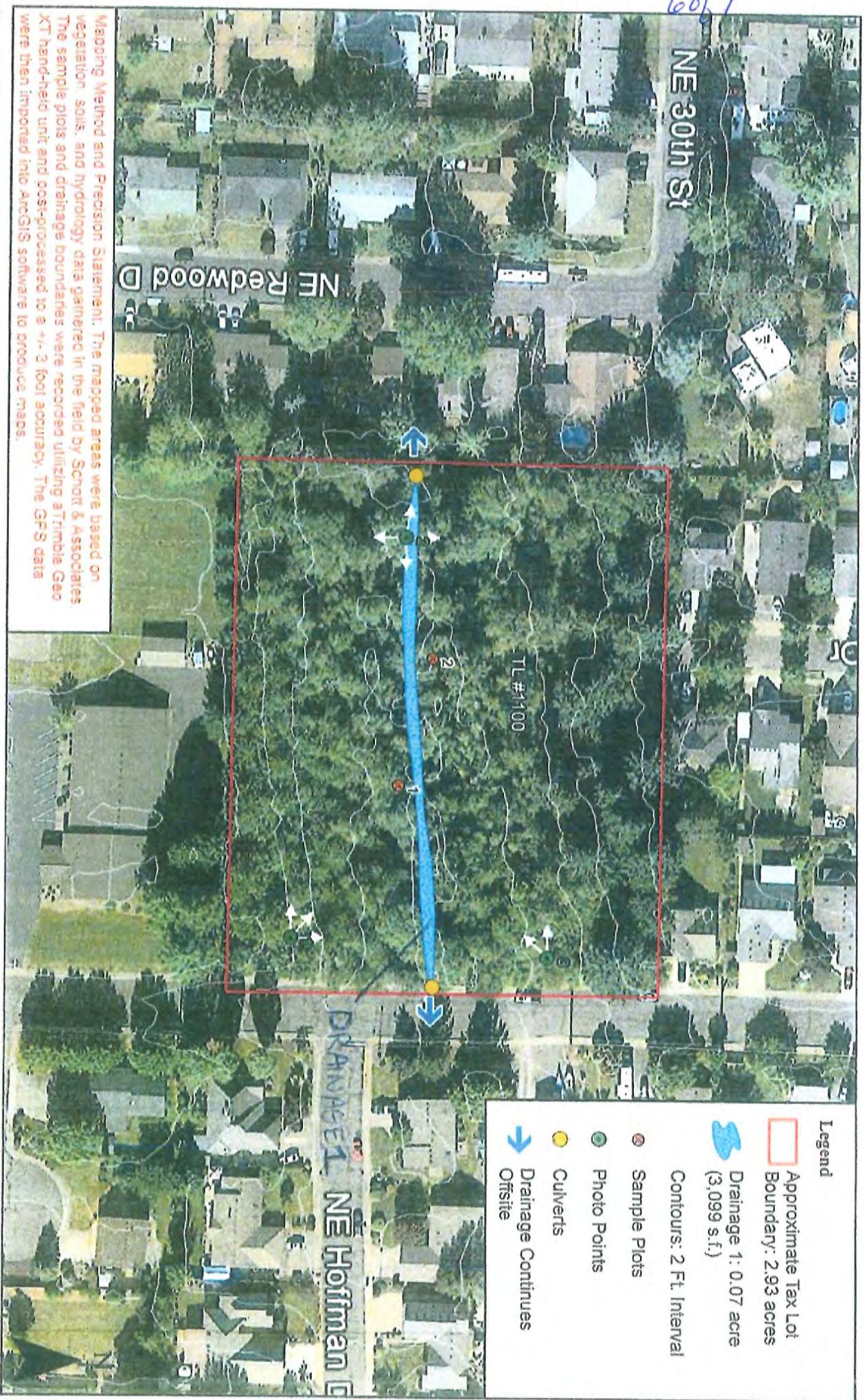
Data Source: Yamhill County GIS Dept., 2018;
ORMAP, 2018 (www.ormap.net)

Figure 2. Yamhill County Tax Map: 040409DC

North Newby Street Project Site: S&A #2631



6077



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

Date: 2/18/2019
 1 inch = 100 feet
 Data Source: Yamhill County GIS Dept., 2018;
 USGS, National Elevation Data, 2010

DSL WD # 2018-C644
 Approval Issued 2-15-19

Approval Expires 2-15-24

Figure 6. Wetland Delineation Map

North Newby Street Project Site: S&A #2631



0 50 100 200 Feet

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

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

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

Contact and Authorization Information

Applicant Owner Name, Firm and Address:
 Leonard Johnson Leonard Johnson Business phone #
 3375 West Side Road 3375 West Side Rd Mobile phone # (optional)
 McMinnville, OR 97128 McMinnville, OR 97128 E-mail: storm.n@comcast.net (Nick Storm for Leonard Johnson)

Authorized Legal Agent, Name and Address (if different):
 Nick Storm (signing for Leonard Johnson) Business phone # 971-409-4583
 Mobile phone # (optional)
 E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.
 Typed/Printed Name: Leonard Johnson Signature: _____
 Date: _____ Special Instructions regarding site access: _____

Project and Site Information

Project Name: North Newby Street Latitude: 45.230359 Longitude: -123.185188
North Newby Street decimal degree - centroid of site or start & end points of linear project
 Proposed Use: Tax Map # 414 CDC 4 4 CDC
Residential Housing Tax Lot(s) 1100
Residential Housing Tax Map #
 Project Street Address (or other descriptive location): Tax Lot(s)
 West of N Newby Street, south of Buel Drive, north of Adventure Township 4S Range 4W Section 9DC QQSW1/4, SE
 Christian Church Use separate sheet for additional tax and location information
 City: McMinnville County: Yamhill Waterway: River Mile:

Wetland Delineation Information

Wetland Consultant Name, Firm and Address: Phone # 503-678-6007
 Schott & Associates, Inc. Attn: Jodi Reed Mobile phone # (if applicable)
 PO Box 589 E-mail: Jodi@schottandassociates.com
 Aurora, Oregon 97002

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.
 Consultant Signature: Jodi Reed Date: _____

Primary Contact for report review and site access is Consultant Applicant/Owner Authorized Agent
 Wetland/Waters Present? Yes No Study Area size: 2.93 ac Total Wetland Acreage: 0.07

Check Applicable Boxes Below

R-F permit application submitted Fee payment submitted \$ _____
 Mitigation bank site Fee (\$100) for resubmittal of rejected report
 Industrial Land Certification Program Site Request for Reissuance. See eligibility criteria. (no fee)
 Wetland restoration/enhancement project (not mitigation) DSL # _____ Expiration date _____
 Previous delineation/application on parcel LWI shows wetlands or waters on parcel
 If known, previous DSL # _____ Wetland ID code _____

For Office Use Only

DSL Reviewer: _____ Fee Paid Date: ____/____/____ DSL WD # _____
 Date Delineation Received: ____/____/____ Scanned: Electronic: DSL App.# _____

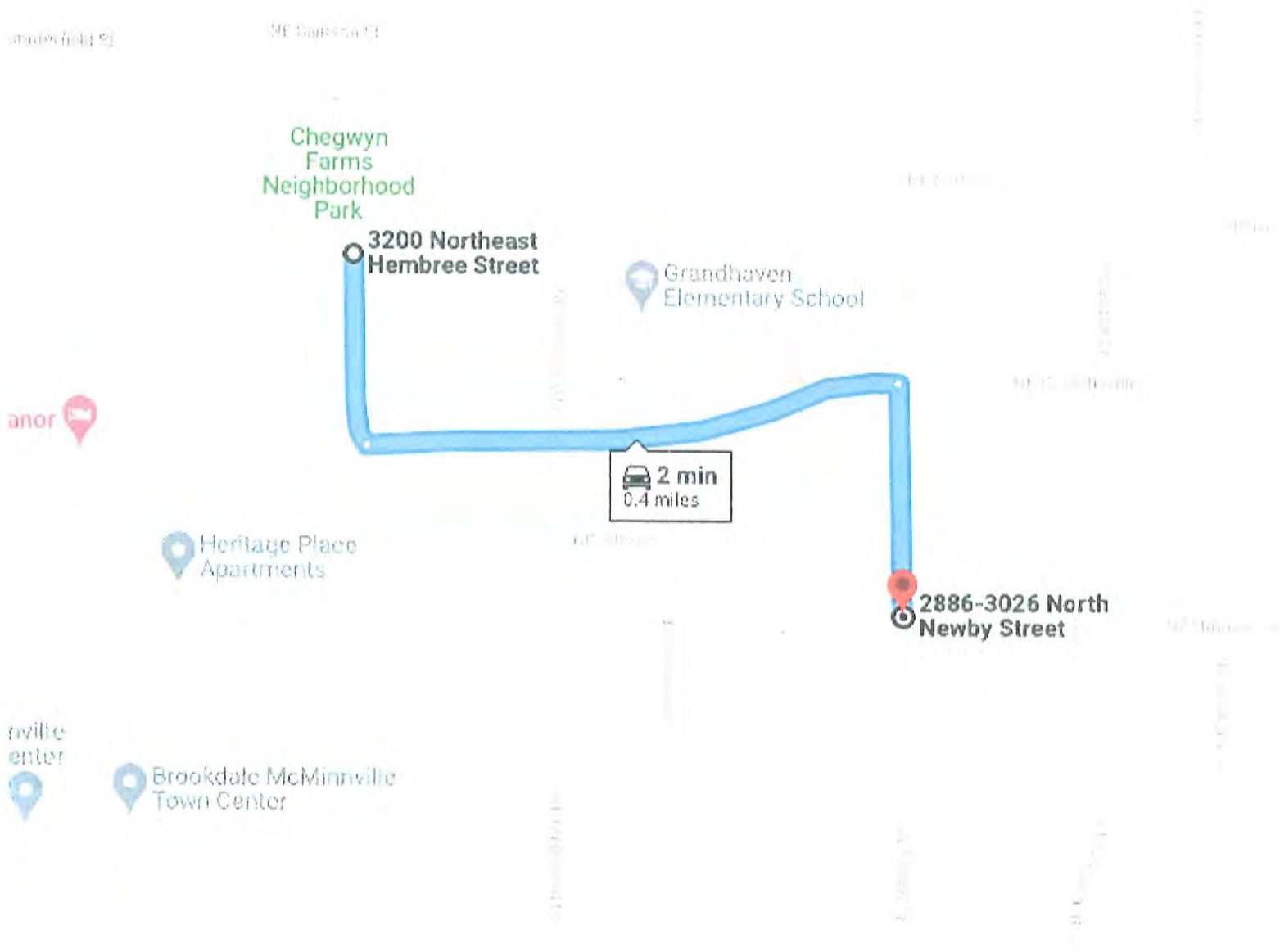
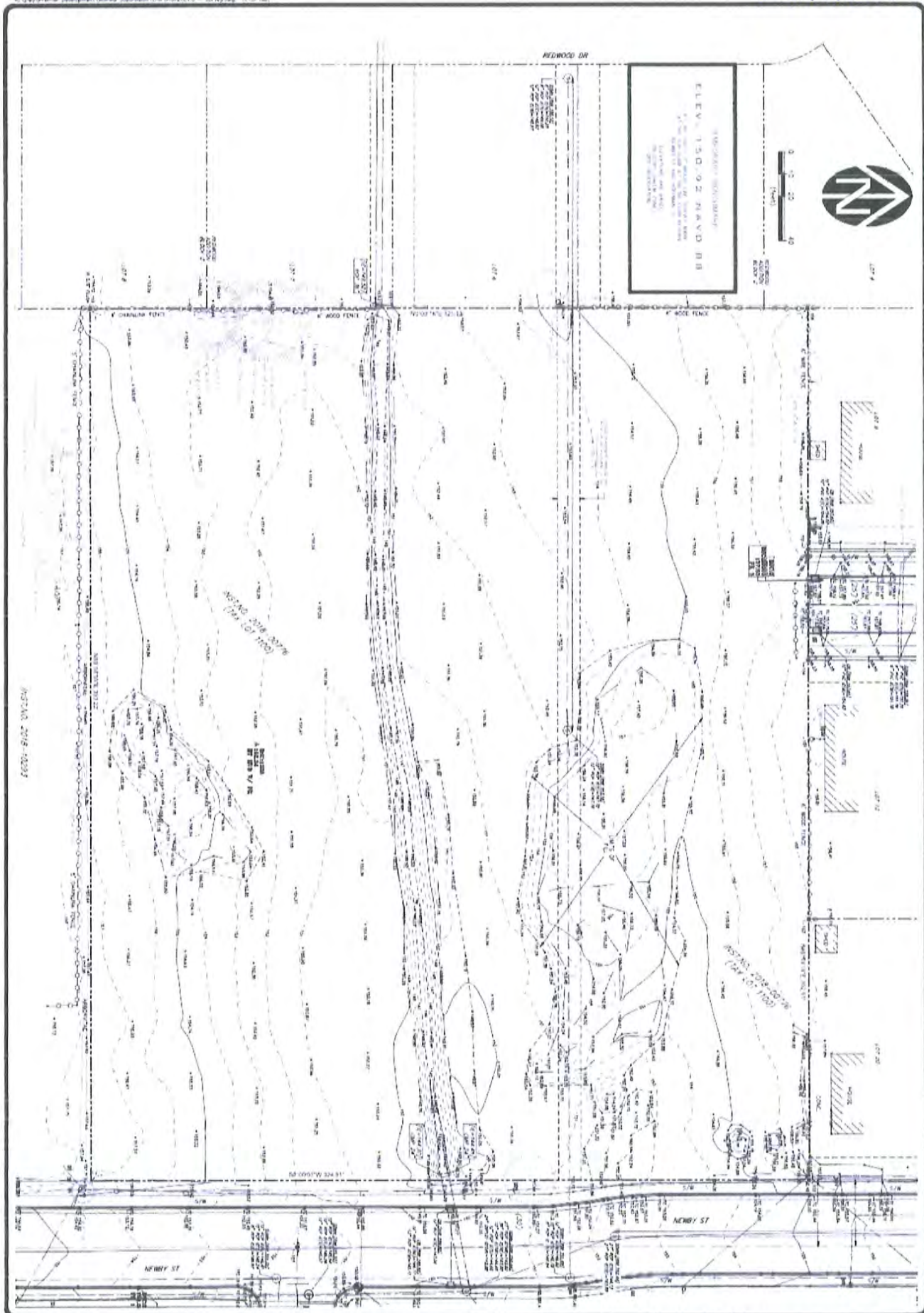


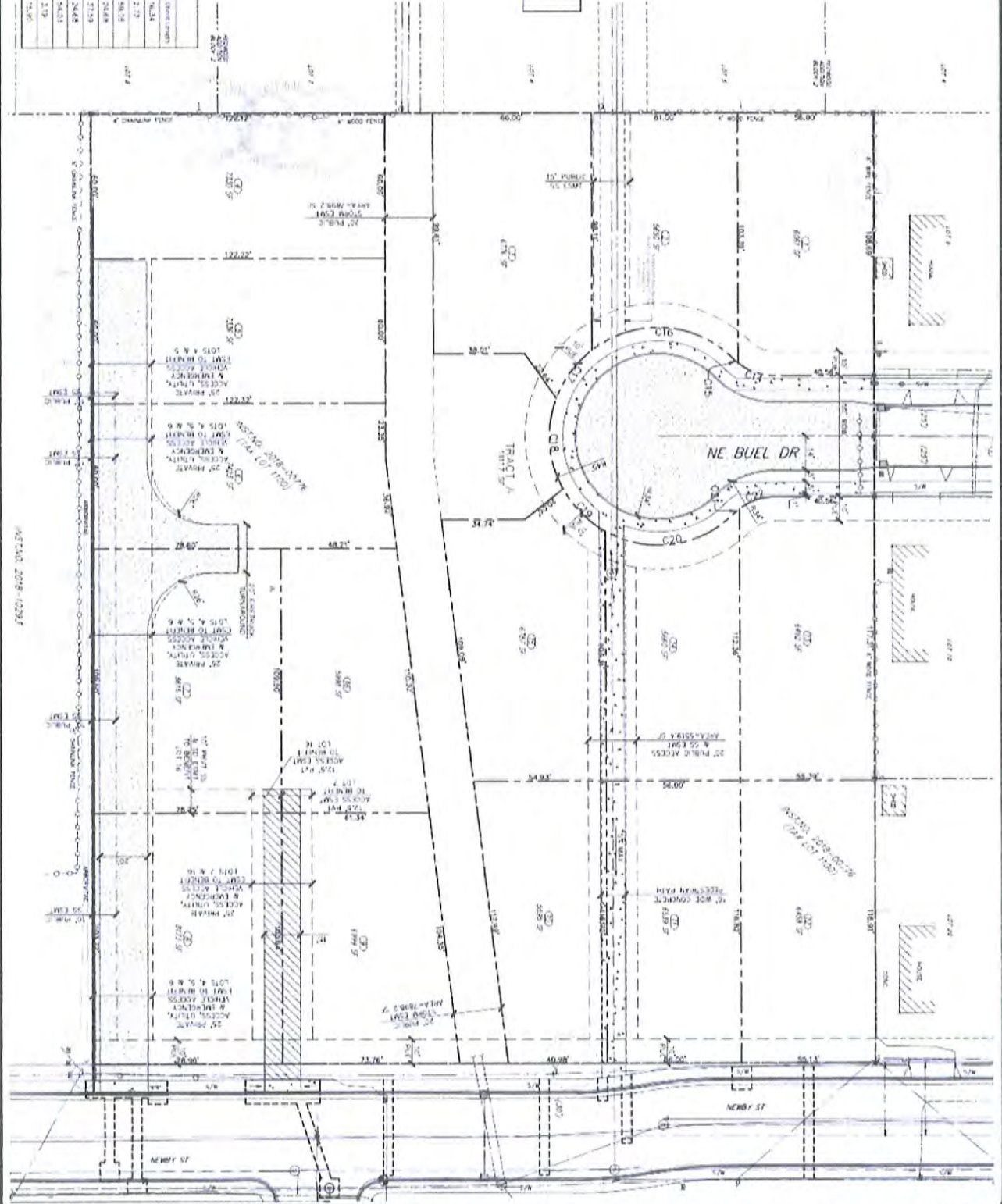
EXHIBIT 11.1
 105



JOB NUMBER 3344.00000.0	DRAWING C1.0	MONIKA DEVELOPMENT, LLC MONKA SUBDIVISION		WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS 3840 Tullyville Institute Dr., St. Louis, MO 63122 Phone: (636) 545-2474 Fax: (636) 545-3486 E-mail: westech@westech-inc.com	REVIEW PROFESSIONAL ENGINEER JAMES A. STELL License No. 000000000	VERIFY SCALE SEE TO THE RIGHT OF DRAWING FOR SCALE	I NO. DATE DESCRIPTION BY
		SURVEY				DESIGNED BY: JW DRAWN BY: AK CHECKED BY: JW DATE: 05/19/2022	

Curve	Length	Radius	Delta	Chord	Chord Bearing	Intersection
C14	74.65	2400	26.15	237.00	S79°00'18"W	62.34
C15	2.77	25.00	8.27	1.87	S7°27'45"W	2.17
C16	64.81	45.00	92.01	57.27	S7°27'45"W	58.15
C17	25.20	45.00	37.41	22.17	S7°27'45"W	24.88
C18	18.78	45.00	27.28	16.07	S7°27'45"W	17.59
C19	25.00	45.00	37.42	22.17	S7°27'45"W	24.88
C20	51.90	45.00	74.78	47.32	S7°27'45"W	54.51
C21	3.19	25.00	7.32	1.87	S7°27'45"W	2.17
C22	161.8	25.00	31.09	158.37	S7°27'45"W	156.20

LOT SUMMARY	
MIN LOT SIZE	5599 SF
MAX LOT SIZE	8615 SF
AVG LOT SIZE	6743 SF



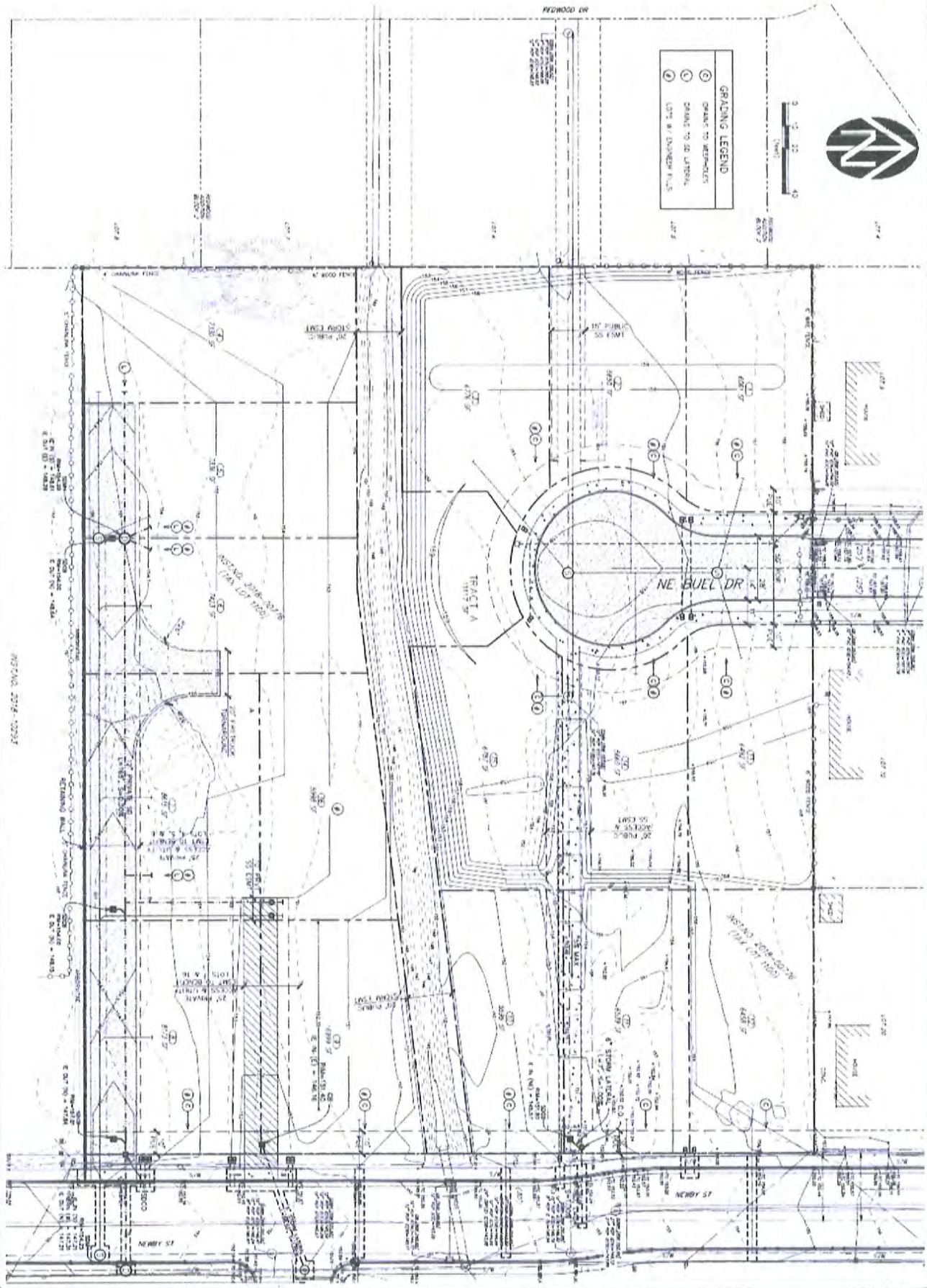
3344.0000.0
 JOB NUMBER

MONKA DEVELOPMENT, LLC
 MONKA SUBDIVISION
 OVERALL SUBDIVISION PLAN
 DRAWING
 C2.0

WE
 WENTZ ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS
 2641 Lyndale Avenue Dr., St. Louis, MO 63105
 Phone: (314) 585-1474 Fax: (314) 585-3506
 E-mail: wwentz@weinc.com

REVIEW
 REGISTERED PROFESSIONAL ENGINEER
 WILLIAM J. REED
 NUMBER 470-0002

NO.	DATE	DESCRIPTION	BY
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GRADING LEGEND

- GRADING TO STREET LEVELS
- GRADING TO LOT LINES
- LOT & DRIVEWAY UTILS

NOTED: 2019 - 0203

JOB NUMBER
3344.0000.0

DRAWING
C3.0

MONIKA DEVELOPMENT, LLC
 MONIKA SUBDIVISION
OVERALL GRADING PLAN

WE WENTZ ENGINEERING, INC.
 ENGINEERS AND PLANNERS
 1801 Cavities Industrial Dr., St. Louis, MO 63103
 Phone: (636) 582-2474 Fax: (636) 582-7998
 e-mail: we@wentz-engineering.com

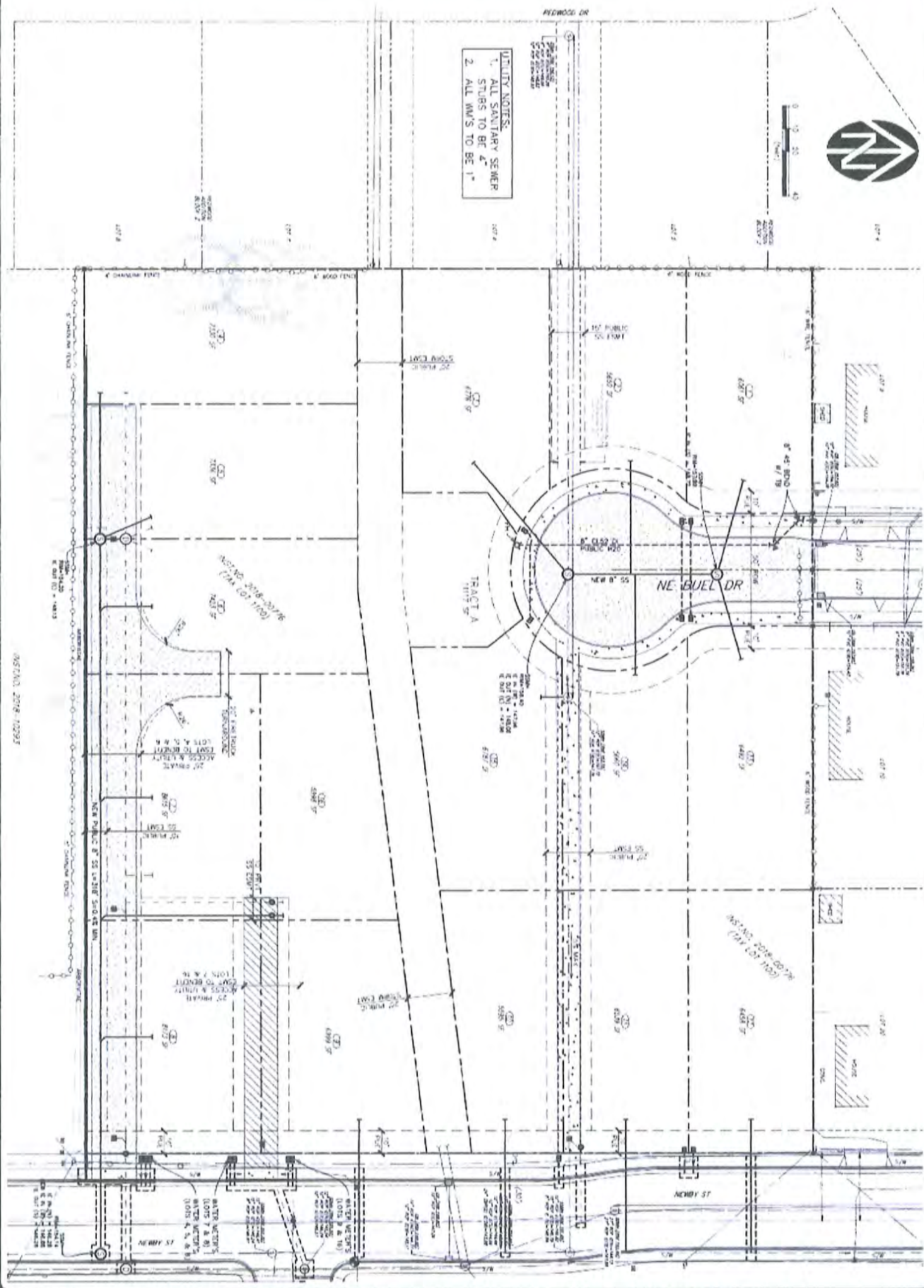


VERIFY SCALE
 1" = 100' SEE PLAN FOR
 DIMENSIONS, ELEVATIONS,
 AND NOTES.
 1. CHECK THE PLAN FOR
 ANY CHANGES.
 2. VERIFY ALL DIMENSIONS
 AND ELEVATIONS.

DESIGN	JW		
CHECK	AK		
DATE	JW		

NO.	DATE	DESCRIPTION	BY

EXHIBIT 11.1
4/28/22



JOB NUMBER
3344.0000.0

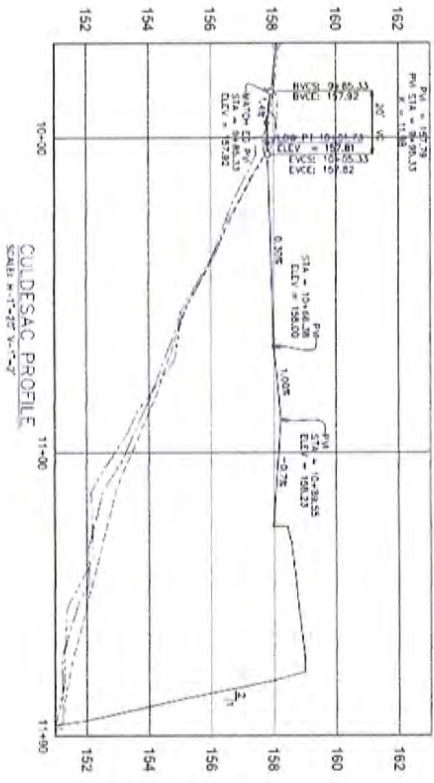
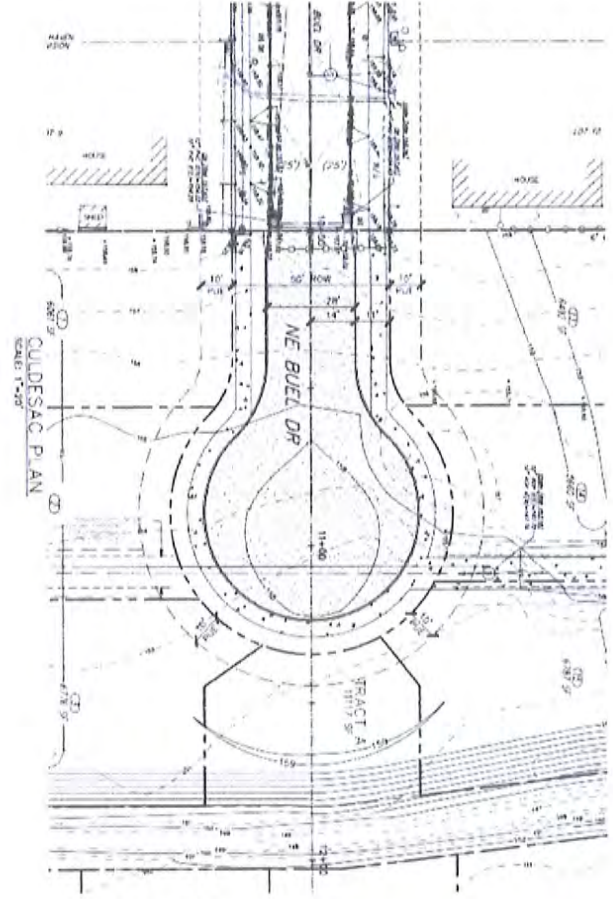
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OVERALL UTILITY PLAN

WE WESTECH ENGINEERING, INC.
CIVIL/MECHANICAL/ELECTRICAL ENGINEERS
3841 Lakewood Industrial Dr., Ste. 100, Suite 100, Sparks, NV 89412
Phone: (775) 758-2414 Fax: (775) 758-2888
www.westech-engineering.com

REVIEW
APPROVED FOR CONSTRUCTION
DATE: 05/12/2022

NO.	DATE	DESCRIPTION	BY
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EXHIBIT 11.1
 5085



MONKA DEVELOPMENT, LLC MONKA SUBDIVISION CULDESAC PLAN & PROFILE	 WENTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS 3641 Kalyana Boulevard Dr., Ste. 100, Lynn, MN 55959 Phone: (507) 285-2474 Fax: (507) 587-2488 www.wentech-engineering.com	 REVIEW WILLIAM J. BELLAMY REGISTERED PROFESSIONAL ENGINEER STATE OF MINNESOTA	VERIFY SCALE Set in the field in original drawing 1" = 40' (plan) 1" = 10' (profile)	NO. DATE DESCRIPTION BY 1 11/14/2012 2 11/14/2012 3 11/14/2012
			DSN: JW CRN: AK C&D: JW 11/14/2012	JOB NUMBER 3344.0000.0



First American

EXHIBIT 12
First American Title Insurance Company

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

1088

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

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

Monika Development, LLC
2470 SW West Wind Drive
McMinnville, OR 97128
Phone:
Fax:

Date Prepared : January 28, 2022
Effective Date : 8:00 A.M on January 26, 2022
Order No. : 1039-3891976
Subdivision : MONIKA SUBDIVISION

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

REPORT

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

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.
- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.
- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof
- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

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

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

BEING A PART OF THE JAMES T. HEMBREE AND WIFE DONATION LAND CLAIM, NOTIFICATION NO. 1215, CLAIM NO. 46, IN SECTIONS 9 AND 16, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, WHICH SAID PART IS MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT 467.82 FEET SOUTH 00°44' WEST AND 1,653.56 FEET EAST OF THE NORTHEAST CORNER OF THE JOHN G. BAKER DONATION LAND CLAIM NO. 49 IN SAID TOWNSHIP AND RANGE, SAID POINT BEING ALSO THE NORTHEAST CORNER OF THE TEN ACRE TRACT OF LAND CONVEYED BY DELIA M. STOUT AND M. ALICE BURDETT AND HUSBAND TO G. W. MEAD, BY DEED RECORDED IN BOOK 110, PAGE 230, DEED RECORDS OF YAMHILL COUNTY, OREGON; THENCE NORTH FROM THIS POINT, 108.23 FEET TO THE TRUE POINT OF BEGINNING; THENCE WEST, 402.50 FEET; THENCE NORTH, 324.66 FEET; THENCE EAST 402.50 FEET TO THE WEST LINE OF THE COUNTY ROAD, NOW THERE; THENCE SOUTH 324.66 FEET TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF MCMINNVILLE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON IN STREET DEED RECORDED SEPTEMBER 14, 1990 IN FILM VOLUME 247, PAGE 1332, DEED AND MORTGAGE RECORDS.

NOTE: This Legal Description was created prior to January 01, 2008.

Map No.: R4409DC 01100
Tax Account No.: APN 125607

308

EXHIBIT "B"
(Vesting)

Monika Development, LLC, an Oregon limited liability company

EXHIBIT "C"
(Liens and Encumbrances)

1. City liens, if any, of the City of McMinnville.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
3. Easement, including terms and provisions contained therein:
Recording Information: October 04, 1965 in Film Volume 48, Page 368, Deed
and Mortgage Records
In Favor of: The City of McMinnville, its successors and assigns
For: Right of Way
4. Unrecorded leases or periodic tenancies, if any.
5. Any conveyance or encumbrance by Monika Development, LLC should be executed pursuant to their Operating Agreement , a copy of which should be submitted to this office for inspection.

NOTE: Taxes for the year 2021-2022 PAID IN FULL

Tax Amount:	\$2,345.09
Map No.:	R4409DC 01100
Property ID:	125607
Tax Code No.:	40.0

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and Improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. **Liability of the Company.**
 - (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
 - (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.



First American

First American Title Insurance Company
775 NE Evans Street
McMinnville, OR 97128

6078

Illegal Restrictive Covenants

Please be advised that any provision contained in this document, or in a document that is attached, linked, or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.



First American

First American Title Insurance Company
775 NE Evans Street
McMinnville, OR 97128

708



First American

This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey.



4 4 09DC



First American

First American Title Insurance Company
775 NE Evans Street
McMinnville, OR 97128

EXHIBIT 12
8/8

EXHIBIT 13
1082

After recording return to:
Monika Development, LLC
2470 SW West Wind Dr
McMinnville, OR 97128

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

202201226



\$86.00

01/25/2022 01:53:06 PM

DMR-DDMR Cnt=1 Stn=3 SUTTONS
\$10.00 \$5.00 \$11.00 \$60.00

All tax statements shall be sent to the following:
Monika Development, LLC
2470 SW West Wind Dr
McMinnville, OR 97128

WARRANTY DEED - - STATUTORY FORM

Premier Development, LLC, 2470 SW West Wind Dr, McMinnville, OR 97128, Grantor(s), conveys and warrants to Monika Development, LLC, 2470 SW West Wind Dr, McMinnville, OR 97128. Grantee(s). The following described real property, free of encumbrances except as specifically set forth herein, to wit:

See attached Exhibit A: legal description

The true consideration for this conveyance is \$0.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 25 day of January, 2022

Premier Development, LLC

BY: Lori L. Zumwalt, Member
Lori L. Zumwalt, Member

State of Oregon, County of Yamhill) SS.

This instrument was acknowledged before me on January 25th, 2022 by Lori L. Zumwalt, Member of Premier Development, LLC

Katelyn Ann Olheiser
Notary Public for Oregon
My Commission Expires August 31, 2024

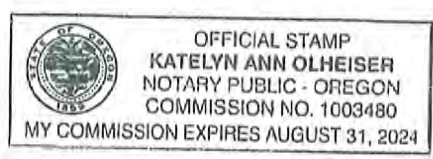


EXHIBIT 13
202

Statutory Warranty Deed
- continued

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Yamhill, State of Oregon, described as follows:

BEING A PART OF THE JAMES T. HEMBREE AND WIFE DONATION LAND CLAIM, NOTIFICATION NO. 1215, CLAIM NO. 46, IN SECTIONS 9 AND 16, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, WHICH SAID PART IS MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT 467.82 FEET SOUTH 00°44' WEST AND 1,653.56 FEET EAST OF THE NORTHEAST CORNER OF THE JOHN G. BAKER DONATION LAND CLAIM NO. 49 IN SAID TOWNSHIP AND RANGE, SAID POINT BEING ALSO THE NORTHEAST CORNER OF THE TEN ACRE TRACT OF LAND CONVEYED BY DELIA M. STOUT AND M. ALICE BURDETT AND HUSBAND TO G. W. MEAD, BY DEED RECORDED IN BOOK 110, PAGE 230, DEED RECORDS OF YAMHILL COUNTY, OREGON; THENCE NORTH FROM THIS POINT, 108.23 FEET TO THE TRUE POINT OF BEGINNING; THENCE WEST, 402.50 FEET; THENCE NORTH, 324.66 FEET; THENCE EAST 402.50 FEET TO THE WEST LINE OF THE COUNTY ROAD, NOW THERE; THENCE SOUTH 324.66 FEET TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF MCMINNVILLE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON IN STREET DEED RECORDED SEPTEMBER 14, 1990 IN FILM VOLUME 247, PAGE 1332, DEED AND MORTGAGE RECORDS.

NOTE: This Legal Description was created prior to January 01, 2008.

Chapter 17.53.070 (F)(2). Deed Restriction/Easements.

Applicant response: The following are proposed easements and deed restrictions:

- Lot 8 will provide a 25' Private Access and Utility Easement to benefit lots 4, 5, and 6. Lot 8 will have a deed restriction to only allow access to lot 8 directly off of Newby Street. Lot 8 will also have a 12.5' Access and Utility Easement to benefit lots 7 and 16.

- Lot 7 will provide a 25' Private Access and Utility Easement to benefit lots 4, 5, and 6. Lot 7 will have no access to lot through easements 5 or 6.

Lot 7 will have a deed restriction to only allow access to the lot through the shared Access and Utility Easements between lots 8 and 9. Lot 7 to have shared Access and Utility Easement to benefit lot 16 with a reciprocal shared maintenance agreement for easements 1, 2, 3, and 4.

- Lot 16 will have a deed restriction to only allow access to the lot through the shared Access and Utility Easements between lots 8 and 9. Lot 16 to have shared Access and Utility Easement to benefit lot 7 with a reciprocal shared maintenance agreement.

-Lot 9 will have a 12.5' Access and Utility easement to benefit lots 7 and 16. Lot 9 will have a deed restriction to only allow access to lot 9 directly off of Newby Street.

-Lot 6 will provide a 25' Private Access and Utility easement and Fire Truck Turnaround to benefit lots 4, 5, and 6.

-Lot 5 will provide a 25' Private Access and Utility easement and Fire Truck Turnaround to benefit lots 4, 5, and 6.

-Lot 4, 5 and 6 will have a shared maintenance agreement for the 25' Private Access and Utility Easements.

-The west-east 20' Storm Drainage Easement along with the designated green space area at the south end of the cul-de-sac will be in a TRACT that will be owned and maintained by a Homeowners Association.

-Lot 2 will have a 15' Public Sewer Easement.

-Lots 10 and 15 will have a 2.5' of the 20' wide Public Bike and Pedestrian Access and Public Sewer Easement.

-Lots 11 and 14 will have a 17.5' of the 20' wide Public Bike and Pedestrian Access and Sewer Easement.

-The Public Bike and Pedestrian Path Access will be dedicated to the City and maintained by the Homeowners Association.

MAY 4, 2022

Lori Zumwalt
Premier Development, LLC

SUBJECT: MONIKA SUBDIVISION TRANSPORTATION EVALUATION

DKS P#22098-000

INTRODUCTION

This letter provides a transportation evaluation of the proposed Monika Subdivision on the 2.9-acre vacant parcel located west of NE Newby Street, just south of the terminus of NE Buel Drive in McMinnville, Oregon. The parcel is bordered by residential properties to the north and west, by Northwest Christian Church to the south, and NE Newby Street to the east. There is an established natural wetland/drainage area that runs east-west through the parcel.

The proposal involves dividing the parcel into 16 single-family lots that will have access to the local street system via an extension of NE Buel Drive (cul-de-sac), private driveways to NE Newby Street, and a private street connecting to NE Newby Street. A multi-use path connection from the NE Buel Drive cul-de-sac to NE Newby Street provides additional access for bicyclists and pedestrians. A copy of the proposed site plan is included as an attachment to this letter.



Figure 1. Project Site Vicinity Map

This letter specifically addresses the proposed local street connections and whether the proposed site plan meets applicable criteria for streets, access, and circulation outlined in the City’s TSP and Zoning Ordinance.

2010 TRANSPORTATION SYSTEM PLAN

The following sections summarize the notable elements of the 2010 McMinnville Transportation System Plan (TSP) that are related to the proposed development and DKS’ findings for each element.

FUTURE LOCAL STREET CONNECTIONS (EXHIBIT 2-1)

As shown in Figure 2, the TSP identifies two connections to the local street system from this parcel – one connection to NE Buel Drive and one connection to NE Newby Street, roughly in the vicinity of NE Hoffman Drive (the precise intention cannot be discerned given the scale and level of detail shown in Exhibit 2-1). The TSP does not provide any additional detail or project descriptions for these planned local street connections.



Figure 2. Portion of TSP Exhibit 2-1, Future Local Street Connections (circle around study parcel has been added)

FINDING: The proposed site plan is consistent with the TSP, Exhibit 2-1, by providing a connection to NE Buel Drive (via a street extension and cul-de-sac) and a connection to NE Newby Street (via a private street) from the subject property.

FUNCTIONAL CLASSIFICATION (EXHIBIT 2-3) & COMPLETE STREETS DESIGN GUIDELINES (EXHIBIT 2-4)

In the vicinity of the project site, NE Newby Street and NE Buel Drive are classified as local residential streets.

Exhibit 2-4 in the TSP presents the street design guidelines for different street functional classifications.

- Along the project frontage, NE Newby Street currently meets all design guidelines for a Local Residential Street with the exception of a planter strip, which is not present (5-foot wide sidewalks are curb-tight). Centerlines and on-street parking on NE Newby Street are unmarked, but there is sufficient space for two 10-foot travel lanes and on-street parking on both sides of the street (36-feet of curb-to-curb width).

- NE Buel Street is currently 26-feet wide, curb-to-curb, which is narrower than the design guideline of 28-feet for a Local Residential Street. All other design guidelines are met, including 5-foot wide sidewalks and planter strips.

FINDING: The extension of NE Buel Drive should be constructed to provide 28-feet of curb-to-curb width, 5-foot wide sidewalks, and a 5-foot wide planter strip. The property frontage along NE Newby Street should be improved to provide 5-foot wide sidewalks and a 5-foot wide planter strip.

COMPREHENSIVE PLAN, VOL. II, CHAPTER VI – TRANSPORTATION SYSTEM

Volume II of the Comprehensive Plan outlines all relevant goals and policies, with Chapter 6 focusing on the transportation system. The following section outlines individual policies that pertain to this proposal and DKS's associated findings. Please note that not every applicable policy is outlined here, only those that are noteworthy or may be subject to interpretation.

Sections 117.00-125.00 specifically address policies pertaining to city streets. 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

FINDING: The proposed site plan provides safe and easy access to each lot through a combination of a cul-de-sac, a private street, and private driveways.

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

FINDING: The proposed site plan avoids impacts to the established natural features of the land, minimizes the amount of land dedicated to streets, adequately serves the current and anticipated traffic needs, and provides a multi-use path to encourage all modes of travel. There is not an opportunity for a through street as the subject property is bound by established development and is bisected by a natural wetland/drainage area.

- 119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands. **<not applicable>**
- 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows. **<not applicable>**
- 121.00 The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets. **<not applicable>**
- 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:
 - 1. Major, minor arterials. - **<not applicable>**
 - 2. Major, minor collectors. –Designs should minimize impacts on existing neighborhoods. –Sufficient street rights-of-way should be obtained prior to development of adjacent lands. –On-street parking should be limited wherever necessary. –Landscaping should be required along public rights-of-way. –As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas. **<not applicable>**
 - 3. Local Streets. –Designs should minimize through-traffic and serve local areas only. –Street widths should be appropriate for the existing and future needs of the area. –Off-street parking should be encouraged wherever possible. –Landscaping should be encouraged along public rights-of-way.

FINDING: The project frontage along NE Newby Street should be improved to include a landscape buffer, as indicated previously. The extension of NE Buel Drive should be constructed to meet local street design standards, which will provide appropriate street width and landscaping buffers. The proposed site plan includes off-street parking for all lots, and the use of a cul-de-sac on NE Buel Drive adequately serves local traffic and discourages through-traffic. The proposal also meets all criteria for local streets.

Section 132.41 specifically address policies pertaining to circulation. DKS' findings are provided for each individual policy below.

- 132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:
 - 1. Pedestrian circulation;
 - 2. Enhancement of emergency vehicle access;

- 3. Reduction of emergency vehicle response times;
- 4. Reduction of speeds in neighborhoods;, and
- 5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics. (Ord. 4922, February 23, 2010)

FINDING: The proposed site plan meets all five criteria listed. The multi-use path enhances pedestrian (and bicycle) circulation. The provision of a cul-de-sac at the end of NE Buel Drive will enhance emergency vehicle access compared to the current dead-end street that does not allow for an easy turnaround. The cul-de-sac and private street will also encourage slow vehicle speeds in the neighborhood, which will also mitigate noise and associated safety concerns.

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

FINDING: The subject property is bisected by a natural wetland/drainage area, which makes it infeasible for an alternative street connection; the proposed site plan is in alignment with this policy.

- 132.41.10 Limit Physical Barriers – The City should limit the placement of facilities or physical barriers (such as buildings, utilities, and surface water management facilities) to allow for the future construction of streets that facilitate the establishment of a safe and efficient traffic circulation network. (Ord. 4922, February 23, 2010)

FINDING: The subject property is bound by established development to the north, south, and west, which eliminates the possibility of any north-south or east-west street connections through the subject property. Constructing buildings or utilities on the subject property would not introduce any barriers to future traffic circulation.

- 132.41.15 Establish Truck Routes – To support the efficient and safe movement of goods and freight, the City should establish and identify truck routes to the city’s major destinations. Such routes should be located along arterial roadways and should avoid potential impacts on neighborhood streets. (Ord. 4922, February 23, 2010) **<not applicable>**
- 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)

FINDING: The proposed site plan provides a multi-use path that enhances the safe and efficient movement of pedestrian and bicycle traffic.

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

FINDING: The subject property is bound by established development to the north, south, and west, which eliminates the possibility of any north-south or east-west street connectivity through the subject property.

MCMINNVILLE ZONING ORDINANCE (TITLE 17)

The McMinnville Zoning Ordinance outlines development standards specific to zoning designations and development types. The transportation-related criteria pertinent to this development are contained in section 17.53 (Land Division Standards).

17.53 – LAND DIVISION STANDARDS

17.53.100(D)

A private way/drive which is created to allow the subdivision of land shall be in the form of common ownership, provide on-street parking or parking bays to replace that displaced by limited parking area, be approved by the Planning Commission in the form of a planned development, and meet the following conditions:

1. If it is the only reasonable method by which the rear portion of the existing parcel can be provided with access; or because of unusual topography, vegetative cover (preservable trees), lot size, or shape, it is the most feasible way to develop the parcel.
2. The Planning Commission shall require the subdivider to provide the improvements to standards as set forth in Section 17.53.101(P) and maintenance of said private way/drive; to establish binding conditions upon each parcel taking access over said private way/drive, not limited to only the required maintenance, but to include adherence to the limited parking restrictions imposed by the individual planned development ordinance; and to provide necessary easements for the installation, operation, and maintenance of public utilities.
3. Provisions must be made to assure that the private streets will be properly maintained over time and that new purchasers of homes or lots within the subdivision are notified, prior to purchase, that the street is private and that maintenance fees may be charged. Such provisions must meet with the approval of the Planning Commission.
4. Street sign posts on private streets must contain a sign stating that the street is private. The design and location of such signs must be approved by the City Engineer.
5. Gates are prohibited within or across public rights-of-way. Gates are prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions (Amended 8/14/07 by Ordinance No. 4879).

Related: 17.53.101(P) Private way/drive. This type of street will be allowed when the conditions of Section 17.53.100(D) are met. A private drive shall be constructed to the same structural standards that would apply to a public street ... The right of way width will be determined based on site conditions and proposed use and will be approved by the Planning Commission.

FINDING: Per criteria (1), the proposed private drive is necessary to provide access to lots along the westernmost edge of the property while avoiding the natural wetland/drainage area that bisects the property. The final design of the private drive should comply with the remaining four criteria.

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

FINDING: The proposed site plan provides connectivity that is consistent with Exhibit 2-1, including a cul-de-sac connection to NE Buel Drive and a private drive connection to NE Newby Street. These two connections are functionally equivalent to TSP Exhibit 2-1 and provide access that compliments the constraints of an infill project by avoiding delineated natural drainage/wetland areas.

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

FINDING: The proposed cul-de-sac is less than 400 feet in length and will serve fewer than 18 total dwelling units.

17.53.103 (B) Blocks, Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

FINDING: The proposed site plan would result in a block length of approximately 600 feet between NE Grandhaven Street and the proposed private drive just south of NE Hoffman Drive. However, the proposed private drive is located approximately in the same location as the public street connection identified in TSP Exhibit 2-1 and is therefore consistent with the planned street network identified in the TSP. Additionally, the provision of the multi-use path connecting the proposed cul-de-sac to NE Newby Street would shorten the block length for pedestrians such that the pedestrian-block perimeter would be less than the maximum block length, at approximately 1,230 feet (measured along the pedestrian travel path). In summary, the proposed site plan results in a vehicle block length that is consistent with TSP Exhibit 2-1 and a pedestrian block length that is shorter than the maximum block length of 1,600 feet.

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

FINDING: The proposed site plan does not allow for direct access onto a major collector or arterial street.

SUMMARY OF FINDINGS

The proposed site plan for the Monika Subdivision, to include 16 single-family lots with access to NE Buel Drive and NE Newby Street, provides a functional street system and meets all relevant transportation criteria included in the McMinnville Transportation System Plan, Comprehensive Plan, and Zoning Ordinance. The extension of NE Buel Drive and associated cul-de-sac, the private drive on the south edge of the property, and the property frontage along NE Newby Street should be designed and constructed to meet applicable City design standards.

Please feel free to contact me if you have any questions.

Sincerely,



Lacy Brown, Ph.D., P.E., RSP₁

Current Newby Street



Westvale Greenway Natural Drainage



Westvale Eastside Natural Drainage



Lower City Park Natural Drainage



From: Mark Knaupp wetlandbank@msn.com
Subject: Re: Request for email for Planning Commission
Date: July 4, 2022 at 7:18 PM
To: Lori Zumwalt loriz.premier@gmail.com

Hi Lori,

After 22 years in the wetland mitigation banking business, we are finally at the end. The final credits in our 4th and final phase have all been committed for projects being permitted. We will have no future credits. There are no other mitigation banks available in this service area and I am not aware of any in the planning stage either. I wish I had some better information for you.

Thank you for your past business and wishing you the best.

Mark Knaupp

Mud Slough Wetland Mitigation Bank



Planning Department
231 NE Fifth Street • McMinnville, OR 97128
(503) 434-7311 Office • (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:
File No. _____
Date Received _____
Fee _____
Receipt No. _____
Received by _____

Planned Development Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name Monika Development, LLC Phone 503-437-0477

Contact Name Lori Zumwalt Phone _____
(if different than above)

Address 2470 SW West Wind Dr.

City, State, Zip McMinnville, OR 97128

Contact Email loriz.premier@gmail.com

Property Owner Information

Property Owner Name SAME Phone _____
(if different than above)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

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

Property Address NE Newby St., McMinnville between Grandhaven St + NE 27th St.

Assessor Map No. R4 409 - DC - 01100 Total Site Area 2.93 Ac

Subdivision Monika Block _____ Lot _____

Comprehensive Plan Designation Residential Zoning Designation R-3

1. Show in detail your request for a Planned Development. State the reason(s) for the request and the intended use(s) of the property: SEE MONIKA PLANNED DEVELOPMENT APP.

2. Describe the specific regulations this proposal wishes to modify (e.g., setbacks, density) and how the physical site conditions or objectives of the proposed development warrant a departure from those regulations: _____

3. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Volume II): _____

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

in addition to this completed application, the applicant must provide the following.

- A site plan (drawn to scale, legible, and of a reproducible size) indicating existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.).
- A legal description of the subject site, preferably taken from the deed.
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Joe Zumwalt Member
Applicant's Signature

5/19/2022
Date

Joe Zumwalt, Member
Property Owner's Signature

5/19/2022
Date

Monika Subdivision Planned Development Application

1. Show in detail your request for a Planned Development. State the reason(s) for the request and the intended use(s) of the property:

“The purpose of a Planned Development Application is to provide greater flexibility and greater freedom of design in the development of land that may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development. Preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

Applicant’s Summary Response: This Planned Development Application requested for approval is in conjunction with the Monika Subdivision Application. There are several standards and objectives the Applicant is attempting to meet with the Planned Development Application that can not be met under the strict interpretation of the R-3 zoning ordinance.

They are summarized as follows:

This property is an infill property consisting of 2.93 acres on the NE side of McMinnville and is residentially zoned R-3. This infill site has a some constraints and challenges in designing a subdivision such as, a delineated jurisdictional waterway that serves as the City’s natural open storm drainage way and crosses the property from west to east, just south of the center of the property. There is also a City Sewer Easement crossing the property west to east just north of center. This property has existing residential housing on the north and west sides, a church on the south and NE Newby St on the east side with additional residential housing east of Newby St. On the northern border there is a narrow existing stub street that is 26’ in width. A Planned Development Application is deem necessary in order to meet the City’s Land Division Code, Great Neighborhood Principles and provide flexibility for the infill design with the “purpose of developing some variety in the development”. This variety of lot sizes can be accomplished through lot size averaging; smaller side setbacks of 5’ instead of 7.5’; lot length greater than two times the width; and block length greater than 400’ on Newby Street. The Planned Development design also meets “preserving significant man-made and natural features” by preserving and avoiding the delineated jurisdictional waters (open storm drainage way) in a tract, as well as, protecting the trees on the west and north side. Buel Drive stub street is completed by extending the street onto the subject property in the form of a cul-de-sac. With this street cul-de-sac, the preservation and protection of the open storm drainage way is kept as is, un-impacted, in a separate tract, and managed by the Homeowner’s Association. All storm drainage collected from the lots’ low point drain will be diverted from the open storm drainage way and collected in the catch basins in the streets.

The proposed infill site plan involves dividing the parcel into 16 single-family lots that will have access to the local street system via an extension of NE Buel Drive (cul-de-sac), private driveways to NE Newby Street, and a private street connecting to NE Newby Street. A multi-use path connection provides additional safe access for bicyclists and pedestrians. “This layout

provides a functional street system and meets all relevant transportation criteria included in the McMinnville Transportation System Plan, Comprehensive Plan, and Zoning Ordinance. The extension of NE Buel Drive and associated cul-de-sac, the private drive on the south edge of the property, and the property frontage along NE Newby Street should be designed and constructed to meet applicable City design standards". Per Lacy Brown, Ph.D., P.E., RSP, DKS Associates, Transportation Evaluation Letter.

This property is within one-half mile from the Chegwyn Farms Neighborhood Park, per the McMinnville Master Parks Plan, so additional park space is not required. However, to enhance the social experience of the local residents, the proposed design layout is additionally providing "desirable aesthetic and efficient use of open space" by offering an open landscaped green space with bench and educational sign at the south end of the cul-de-sac, to be owned and managed by the Homeowner's Association. "Creating public and private common open spaces" through the green space area and the designated landscaped bike and pedestrian path brings a healthy feature to the infill property with a desire to encourage foot, bike and transit travel. The flexibility in design with the Planned Development enables applicant to not only preserve the City's natural resource but allows for a design layout of mixed lot sizes, varied building envelopes with reduced side setbacks, which accommodates for mixed use housing types (duplex, triplex, and fourplex) allow by the implementation of HB 2001 as of July 1, 2022.

2. Describe the specific regulations this proposal wishes to modify (e.g., setbacks, density) and how the physical site conditions or objectives of the proposed development warrant a departure from those regulations:

Applicant response: the following proposed modifications are listed with physical site conditions and objectives of the proposed development. Majority of these modifications can be met by the Planned Development Overlay Chapter 17.51:

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

1. *Preserve the natural feature of the City's Open Storm Drainage Way. This infill property has a natural, open, City storm drainage way running through the property from the west to east. The City has noted in several policies that preservation of the natural resource in McMinnville is a priority, when possible. See Policies (Comp Plan Goal V 2, Land Division Policies: 74.00, 75.00, 79.00 80.00, GNP 1, 2, 3, 13, TSP through Universal Design principles, and TSP Chapter 4 (Low Impact Street Design). The City's Storm Drainage System across the property seems like a simple ditch with water flowing through it, however, it is no longer a simple ditch. This "natural open drainage way" has been surveyed, studied, analyzed, and given the designation of Delineated Jurisdictional Waters by the Department*

of State Lands. This designation requires state and federal permitting, to fill, remove or impact it. It was designated “jurisdictional waters” for many scientifically studied, and analyzed points (hydrology, soils, aquatic species), in addition, it was designated “jurisdictional waters” because of where the water flows. The water flows to North Yamhill River, which is deemed a Navigable River Way with the State of Oregon. The main factor in not impacting this area is that, this drainage way if impacted is treated through permitting process as wetlands. So when the drainage way is treated like wetlands and the wetlands are impacted ie, removal or filled, piped, rip rapped etc., the Department of State Lands and Army Corp of Engineers, both require a permit and mitigation. When the jurisdictional waters or wetlands are impacted, the applicant must then mitigate the impact. Generally, the preferred way to mitigate impacts is to buy wetland credits through the Mud Slough Mitigation Bank available in Yamhill County. However, as of May 2022, the Mud Slough Mitigation Bank has all of its available credits sold or in contract and the owners are closing the bank. See Exhibit 17. The only other option available for mitigation would be to build and manage wetlands on site, however, it would be essentially impossible to create a stream-type drainage replacement due to the topography and poor use of land and loss of buildable lots. Avoiding the drainage way is the only way to be economically and environmentally friendly to the site.

- 2. New local green space added: The proposal endeavors to create desirable aesthetics not only by having a dedicated bike/pedestrian path but also, by adding a green space with park bench and educational sign, in addition to preserving the drainage way that will be owned and managed by the Homeowners Association. See City policies: Comp Plan Goal V2, GNP, Land Division Polices 74.00, 75.00, 79.00 and 80.00 below.*
- 3. Request for 5’ side setbacks on all lots. This will provide the subdivision with a mix of lot sizes and building envelopes that will enable a variety of house sizes, varying price ranges and meet many housing needs. The lot sizes provide building envelopes to allow for multifamily, ie. Duplex, triplex and fourplexes that will be allowed as of July 1, 2022 by the HB 2001 Middle Housing on any residential lot. This will meet the mixed uses criteria for the Planned Development enabling home ownership and rental housing available for all generations. The side yard setback change is allowed by the Plan Development Overlay Chapter 17.51.*
- 4. Lot size averaging to accommodate less than 6000 square feet. The Zoning Ordinance for R-3 Chapter 17.18.030 states the lot size shall not be less than 6000 square feet. Due to the angular dedicated easement for the drainage way and the sewer easement, lots 2 (5650sf), 10 (5595sf) and 16 (5998sf) are less than 6000 square foot. The overall average lot size is 6743sf. The minimum lot size is 5595sf and the maximum lot size is 8615sf. See Exhibit 7.1. The lot size averaging is allowed by the Plan Development Overlay Chapter 17.51.*
- 5. Meet lot width to length ratio on some lots greater than 2. Since the property is an infill property, there are constraints from the size of the parcel, existing residential conditions, open storm drainage way, sewer easement, and the placement and extension of Buel Drive. There will be 6 lots that will have a length slightly greater than twice the width, from 2.01 to*

- 2.43. *These lots are 4, 5, 6, and 10 - 14. This criteria can be satisfied by the Plan Development Overlay Chapter 17.51.*
6. *Allow for block length over standard of 400'.* *The existing block length along Newby Street will not meet the block length standard of 400' due to the infill location and existing conditions. The block length from Grandhaven Street along Newby Street to the bike/pedestrian path is 445.71 feet. The block length for Buel Drive to the bike/pedestrian path will be 347.51 feet. The Perimeter from Buel Drive to Grandhaven Street to Newby Street and back to Buel on the bike/pedestrian path will meet the Land Division standard at 1231.61 ft. This criteria can be satisfied by the Plan Development Overlay Chapter 17.51.*
7. *Meeting the TSP policies with street configuration.* *The McMinnville Transportation Exhibit 2-1 identifies two connections to the local street system from this parcel – one connection to NE Buel Drive and one connection to NE Newby Street, roughly in the vicinity of NE Hoffman Drive (the precise intention cannot be discerned given the scale and level of detail shown in Exhibit 2-1). The TSP does not provide any additional detail or project descriptions for these planned local street connections. The findings from Lacy Brown, Ph.D., P.E., RSP, DKS Associates, Transportation Engineer is that the proposed site plan is consistent with the TSP, Exhibit 2-1, and is functionally equivalent by providing a connection to NE Buel Drive (via a street extension and cul-de-sac) and a connection to NE Newby Street (via a private street) from the subject property.
See DKS Associates Transportation Evaluation Letter.*
8. *Configuration of lots 4, 5, 6, 7, 8, 9, and 10 with private access and utility easements.* *The design layout of the southern lots are predicated on the preservation of the natural open drainage way, the constraints of an infill property and maximizing the number of buildable lots.
Three lots are accessed by a private drive (25' Private access and utility easement) in which the three lots will have a required shared maintenance agreement for access and utilities, and parking restrictions. This is allowed in the Planned Development Overlay Chapter 17.53.010 when greater flexibility and freedom of design is needed. This also provides a variety in the development pattern of the community, mixed uses, and a creative approach to preserving the natural feature. The Land Division Ordinance allows for this method to configure three lots on a private lane, as well as, the two flag lots which also share an access and utility easement. Specifically, Lots 4, 5, and 6 are provided a 25' Private Access and Utility Easement to access the rear southwestern part of the property from Newby St. Lots 7 and 16 will have access to Newby St. off of their own shared access and utility easement between lots 8 and 9. Lot 8, 9, 10, 11, 12 have direct access off Newby Street.
Land Division Ordinance Chapter 17.53.100C 1, 2, 3 allows the private access and utility easement method in a development. Chapter 17.53.100 D is met as the only reasonable method to provide lots in the rear portion or southern side of the property because of unusual topography of the drainage way crossing the property from west to east. When Chapter 14.53.100 D is met when this type of street will be allowed per Chapter 17.53.101 P. See Land Division Ordinances below.*

Land Division Ordinance Chapter 17.53.100 C allows for an easement to access property which is created to allow the partitioning of land for purposes of building development, shall be in the form of a street in the subdivision except that a private easement to be established by deed without full compliance with these regulation may be approved by the Planning Director under the following conditions:

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

Chapter 14.53.100 D. A private way/drive which is created to allow the subdivision of land shall be in the form of common ownership, provide on-street parking or parking bays to replace that displaced by limited parking area, be approved by the Planning Commission in the form of a planned development, and meet the following conditions:

1. If it is the only reasonable method by which the rear portion of the existing parcel can be provided with access; or because of unusual topography, vegetative cover (preservable trees), lot size, or shape, it is the most feasible way to develop the parcel.
2. The Planning Commission shall require the subdivider to provide the improvements to standards as set forth in Section 17.53.101(P) and maintenance of said private way/drive; to establish binding conditions upon each parcel taking access over said private way/drive, not limited to only the required maintenance, but to include adherence to the limited parking restrictions imposed by the individual planned development ordinance; and to provide necessary easements for the installation, operation, and maintenance of public utilities.
3. Provisions must be made to assure that the private streets will be properly maintained over time and that new purchasers of homes or lots within the subdivision are notified, prior to purchase, that the street is private and that maintenance fees may be charged. Such provisions must meet with the approval of the Planning Commission.

Chapter 17.53.101 P. Private way/drive. This type of street will be allowed when the conditions of Section 17.53.100(D) are met. A private drive shall be constructed to the same structural standards that would apply to a public street. Storm runoff will be controlled to prevent damage to adjacent properties. A storm drainage plan Ordinance 3380 157 of 280 shall be approved by the City Engineer. The right-of-way width will be determined based on site conditions and proposed use and will be approved by the Planning Commission.

9. *Specific Deed Restrictions/Easements will be needed to accommodate the configuration of lots 3, 4, 5, 6, 9, 10, 15 and 16 for drainage easement, as well as, 2, 3, 10, 11, 14 and 15 for the sewer easement. See Applicant's amended written findings #1, detailing the required restrictions and easements and Land Division Ordinance Chapter 17.53.100 C2.*

10. *Preservation of existing trees on the west and north sides of the property. Prior to building on lots 1 and 4, owner must have Arborist evaluate impact to the trees based on the siting of the building to be built, and how, if possible, the trees can safely be preserved. See Applicant's amended writing findings Great Neighborhood Principle #1.*

3. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Volume II):

Comprehensive Plan Volume 11, Chapter VI - Transportation System.

See Transportation Evaluation Letter by DKS Associates attached, addressing Sections 117.00-123.00 and section 132.41.00 - 132.41.30, as well as, Land Division Standards 17.53.100 D, 17.53.101 E, P and I, 17.53.103 and 17.53.105 B.

Comprehensive Plan Volume 11, Goals and Policies: CONNECTIVITY AND CIRCULATION
 132.26.00 The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville's parks and schools.

Applicant's Response: The Buel Drive cul-de-sac extends and completes the existing stubbed street with a turnaround, providing easy vehicular access to a Major Collector, Grandhaven Street. The abutting local residential street, Newby Street, offers lots direct access and through a private access to Newby Street providing access to neighborhood residential, shopping and McMinnville parks and schools. Newby Street has direct access to Grandhaven St., a major collector and NE 27th Street, a minor collector. This existing street pattern offers the connectivity and circulation system to connect to major activity centers in McMinnville.

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

Applicant's response: A new Buel Drive extension into a cul-de-sac provides the City with a newly completed street section and built turnaround that previously did not exist and offers a dedicated bike/pedestrian pathway for a connection to Newby Street. "The proposed site plan provides connectivity that is consistent with the Local Street Connectivity map Exhibit 2-1 of the McMinnville Transportation System Plan, including a cul-de-sac to Buel Drive and a private drive connection to Newby Street. These two connections are functionally equivalent to TSP Exhibit 2-1 and provide access that complements the constraints of an infill project by avoiding delineated natural drainage/wetland areas." See DKS Associates Transportation Evaluation Letter.

Comprehensive Plan Volume II, Chapter V Housing and Residential Development

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

General Housing Policies:

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

59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

Applicant's Response: 58.00-59.00 Applicant seeks, in this design of an infill subdivision to provided McMinnville with opportunities for a variety of housing types and densities. This would require modifying the side setbacks of the lots from 7.5 ' to 5'. Five foot setbacks will also provide a usable duplex to fourplex building envelope on 10 lots allowed by HB 2001 coming available July 1, 2022.

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

61.00 The City of McMinnville shall monitor the conversion of lands to residential use to insure that adequate opportunities for development of all housing types are assured. Annual reports on the housing development pattern, housing density and mix shall be prepared for city review.

Applicant's Response: 60.00-61.00 Lowering the side setback to 5' provides the subdivision with land-intensive, cost-effective, building envelopes that can accommodate for owner occupied single family housing and duplex to fourplex rental housing units.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policies:

68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center, to designated neighborhood activity centers, and to those areas where urban services are already available before committing alternate areas to residential use. (Ord. 5098, December 8, 2020)

Applicant's Response: 68.00. Not apply,

69.00 The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

Applicant's Response: This infill parcel is zone residential and was rezoned from R-2 to R-3 in February 2019 by a previous owner. The R3 zone with the flexibility of the Planned Development Overlay will integrate more needed housing into the community.

70.00 The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.

Applicant's Response: The City has been updating the zoning and subdivision ordinances, such as, the Great Neighborhood Principles in which the applicant has applied. The constraints of the infill project allow for innovative land development techniques to provide a variety of housing types, densities and price ranges to meet the needs of the community,

71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

Applicant's Response: This residentially zoned property is efficiently designed to provide a variety of housing types, single family housing to fourplexes with the implementation of HB 2001.

71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)

Applicant's Response: The proposed R3-PD infill project is consistent with the policies of the Comprehensive Plan.

71.09 Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:

Applicant's Response: The proposed subdivision is designated as an R-3 zone and will have a density of 5.46 units per acre which is within the range of medium density.

1. Areas that are not committed to low density development; *Applicant's Response: Does not apply.*
2. Areas that have direct access from collector or arterial streets; or a local collector street within 600' of a collector or arterial street; *Applicant's Response: The existing streets that*

provide vehicular movement are uniquely situated for easy access to major and minor collectors. The proposed Buel Drive is within 350' of Grandhaven Street which is a major collector. Newby Street runs north-south along the proposed lots and is 445.71' from Grandhaven Street (major collector) to bike/pedestrian path and to the south from the bike/pedestrian path to NE 27th Street is a (minor collector) which due to the existing conditions is greater than 600'.

3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage; *Applicant Response: This property is subject to development limitations as noted before, natural open drainage, sewer easement, placement of Buel Drive and infill constraints.*
4. Areas where the existing facilities have the capacity for additional development; *Applicant response: No additional development is available.*
5. Areas within one-quarter mile of existing or planned public transportation. (Ord. 5098, December 8, 2020; Ord. 4961, January 8, 2013; Ord. 4796, October 14, 2003). *Applicant response: There is public transportation available on the corner of Newby Street and NE 27th Street which is from Hoffman Drive (900 ft or 0.17 mile) and the Buel Drive extension down bike/pedestrian path to corner of Newby Street and NE 27th Street is (1142 ft or 0.22 miles). The proposed layout meets the "within .25 mile of existing or planned public transportation.*

Planned Development Policies:

72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

Applicant's Response: The applicant has made prudent and efficient efforts to provide social, economical and environmental savings for the residents of the development and City. This infill proposal can be socially, economically and environmentally beneficial to the residents of the development and the City by protecting and not impacting the City's natural open drainage way and offering a dedicated bike/pedestrian path and open green space, With the proposed preservation of the drainage way and the cul-de-sac, 16 lots can be developed and offer for sale to the public. Management in the form of a homeowners association will ensure attention to maintenance of the drainage way, green space and bike/pedestrian path.

73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged. *Applicant's Response: With the flexibility that the Planned Development designation and HB 2001 offers, the proposed infill subdivision a means to accommodate the proposed lot layout, decreased side setbacks to 5', lot length to width greater than 2 times, block length longer than 400 ft, and preserves the natural open drainage way with a cul-de-sac. The result is a subdivision with residential lots ranging in size from 5,595 to 8,615 sq. ft. and with building envelopes to accommodate a variety of housing types and prices to the community.*

74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

Applicant's Response: The proposed natural open drainage way, as depicted in the Delineated jurisdictional waters report by Department of State Lands, shall be retained and managed by the HOA.

75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.

Applicant's Response: The proposed subdivision provides common open space with the preserved drainage way, green space/park bench area, and landscaped bike/pedestrian pathway with the homeowner's association overseeing the management.

76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

Applicant's response: Grandhaven Elementary School, Chegwyn Farms Neighborhood Park, Wortman Park and the Senior Center, as well as, many other retail shops are all within a 1/2-1 mile from the corner of Newby St and Hoffman Dr.

77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

Applicant's response: The extension of Buel Drive (a local street) into a cul-de-sac with an easterly extending dedicated bike/pedestrian path is designed to promote safe traffic flow. Safe and efficient traffic flow with 10 lots accessing onto Newby Street directly and through private access allows for easy traffic flow north and south to major and minor collectors connecting neighborhoods. The applicant has chosen this layout to best meet the policies of the Planned Development, Comprehensive Plan, Great Neighborhood Principles, as well as, the Transportation System Plan.

78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Applicant's response: With this being an infill property, the majority of the circulation pattern has been established with Buel Dr., Grandhaven Street and Newby Street. The extension of Buel Drive with a cul-de-sac turnaround, the bike/pedestrian pathway and the lots accessing Newby Street provides circulatory compatibility with adjoining properties and easy access to major and minor collectors.

Residential Design Policies:

79.00. The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy. (Ord. 4796, October 14, 2003)

Applicant response: Applicant satisfies Policy 79.00 criteria as the proposed development is consistent with the density authorized by the zoning. The Planned Development Overlay is used to meet other features, such as, the topographical features of the natural open drainage way preservation, lot width to length greater than 2, block length greater than 400', lots six averaging, and modified setbacks. Public utility services are available to site.

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 response: Applicant satisfies Policy 80.00 criteria as the proposed development is consistent with preserving distinctive or natural features of the natural open drainage way on site. On lot 1 and 4, lot owner or builder must preserve or protect the existing trees on these lots, if possible. Owner/Builder to provide City with an arborist report to determine viability and health of trees in conjunction with the proposed vertical build option.

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 response: Applicant satisfies Policy 81.00 criteria as the proposed plan will provide connectivity to the Grandhaven Elementary School and Chegwyn Farms Neighborhood Park from Newby Street along the dedicated pedestrian and biking pathway. The Private Accesses or direct access on the south side, accesses Newby Street and then can use Newby or Buel bike/pedestrian path to connect to Grandhaven Elementary School and Chegwyn Farms Neighborhood Park. If a resident is heading south on Grandhaven to transit stop or commercial uses on Hwy 99W, the bike/pedestrian path provides the connection from Buel Drive to Newby Street then on to NE 27th and Hwy 99W.

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 response: The proposed project is an infill subdivision that does not affect any development of adjacent properties as they are already developed. This policy is met.

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

Applicant response: Three of the lots have a North-South layout and thirteen have an East-West layout. The developer intends to sell the lots, therefore the home builder will have the opportunity to install solar panels and design window placement for solar access.

Multi-family Developmental Policies:

86.00 Dispersal of new-multi-family housing development will be encouraged throughout the City in areas designated for residential and mixed-use development to encourage a variety of housing types throughout the community and to avoid an undue concentration of multi-family development in specific areas of the community leading to a segregation of multi-family development in McMinnville from residential neighborhoods. Dispersal policies will be consistent with the Great Neighborhood Principles. In areas where there are the amenities, services, infrastructure and public facilities to support a higher density of multi-family development, and the area is commensurate with a higher concentration of multi-family development without creating an unintended segregation of multi-family development, such as McMinnville's downtown, the area surrounding Linfield University and Neighborhood Activity Centers, a higher concentration of multi-family development will be encouraged. (Ord. 5098, December 8, 2020)

Applicant's Response: With the implementation of HB 2001 and the sizes of the proposed buildable envelopes, there will be opportunities in this subdivision to provide, not only single family homes but new multi-family housing up to fourplexes.

Urban Policies:

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

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

Applicant's Response: The proposed infill subdivision meets the needs of the required utilities, such as, sanitary sewer, storm drainage, streets to be built to City standards, and adequate water supply. See Overall Utility Plan C4.0.

Lot Sales Policy:

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

Applicant response: Applicant intends to sell lots.

126.00,127.00 City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

Applicant's response: Each lot will have a minimum of 2 off-street parking spaces for single family homes.

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

Applicant's response: The biking and pedestrian usage is encouraged with sidewalks along Newby Street and Buel Drive. In addition, the dedicated bike/pedestrian path encourages citizen interconnection with the neighborhoods, green space, Grandhaven Elementary School and Chegwyn Farms Neighborhood Park and other activities.

4. Considering the pattern of development in the area and surrounding land uses, shown in detail, how the proposal is orderly and timely:

Applicant's response: The subdivision layout pattern easily flows with the existing pattern of development in the area connecting new lots with Buel Drive and Newby Street. The surrounding land uses are residential on the north, west and east and a church on the south side. The infill site and specifically the lot and street layout takes into account the existing street layouts, natural features and sewer easement that imposes constraints on the design. Building residential lots is orderly in that it compliments the existing neighborhood. The development is timely in that there is a great need in McMinnville for buildable lots.

5. Describe any changes in the neighborhood or surrounding area which might support or warrant the request:

Applicant's response: This is an infill project that had been covered with trees, brush and blackberry vines for many years and has since been cleared of the brush by a previous owner. The Applicant now has the opportunity to define the area into a residential subdivision to provide needed housing options for McMinnville.

6. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use:

Applicant's Response: The site can be serviced efficiently by all utilities:

WATER: A 6" water main is present along the frontage in NE Newby St. and an 8" water main is present in Buel Dr.

SEWER: A 12" sewer main crosses the property from west to east within a 10' wide sewer easement. A 15" sewer main is present in NE Newby St.

STORM: As shown on sheet C3.0 Overall Grading Plan, the lots on Buel Drive (1,2,3,13,14, 15) will convey their storm water on to Buel Drive cul-de-sac gutter, via weep holes and will gravity flow to the catch basins at the north end of the street. The storm water on lots (8-11) are proposed to drain to Newby street via new weep holes that will flow down to the existing catch basins in Newby Street. Lots 4 thru 7 are proposed to drain to a private storm drain system that connects to the existing storm drain line in Newby Street. Downspouts and low point drains will not be conveyed to the open storm drainage way.

TRANSPORTATION: NE Grandhaven Street is a major collector, NE 27th Street is a Minor Collector, and McDonald Lane to the west is a Minor Collector. Other streets in the vicinity are local streets, including NE Newby Street and Buel Drive. Buel Drive is improved to 26' wide with planter strips and sidewalks on both sides with on-street parking. NE Newby Street is improved with sidewalks and on-street parking on both sides. The right-of-way width of NE Newby Street varies along the property frontage from approximately 50' - 60'. Transit Bus Service is available on NE 27th Street, with a stop near Newby Street.

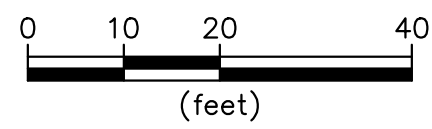
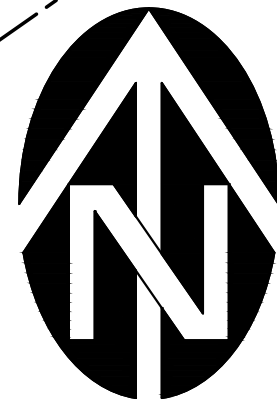
OTHER SERVICES: Overhead utilities are present along property frontage on NE Newby St. Underground utilities are present in Buel Dr.

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

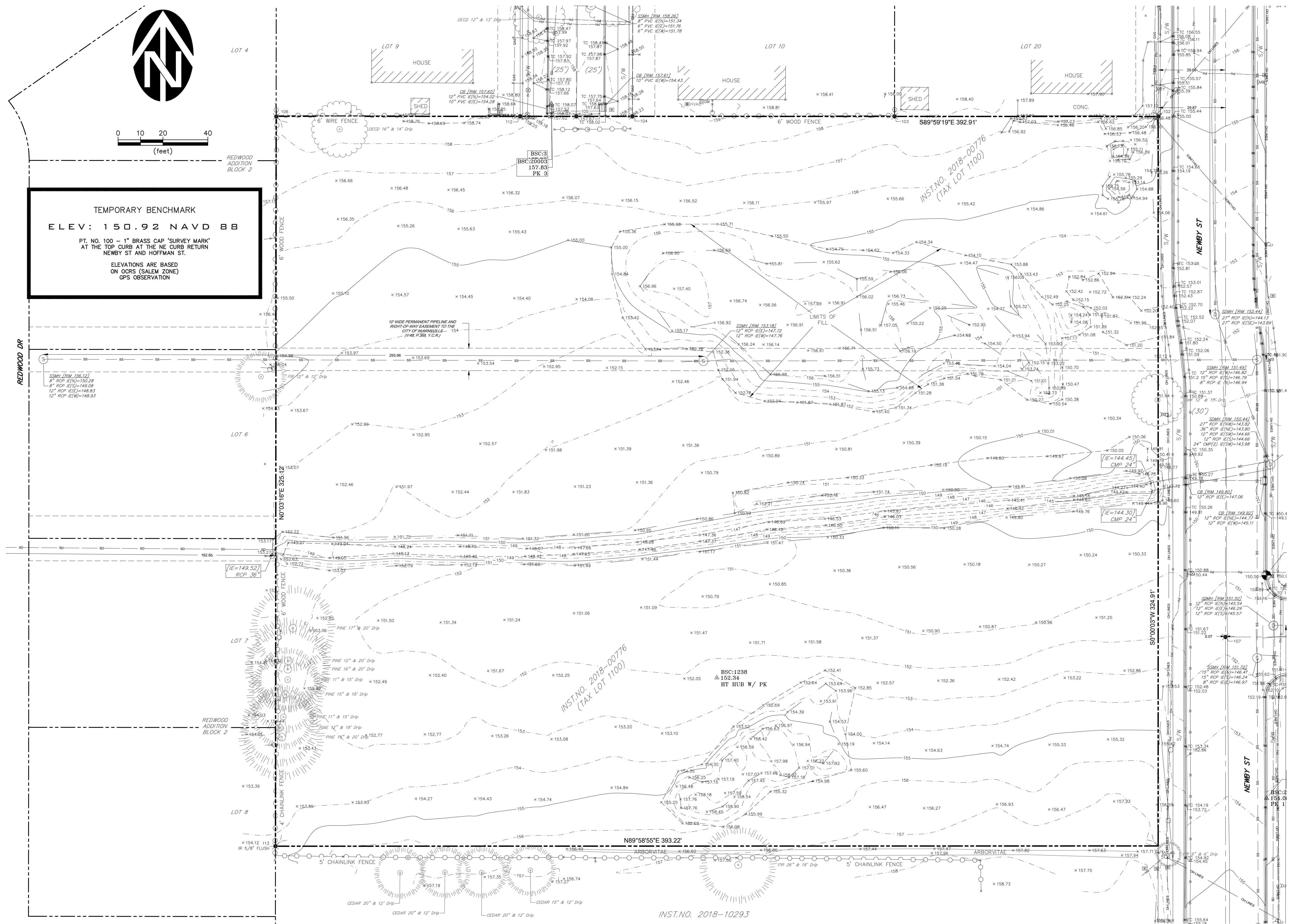
Applicant's response:

This proposed development's expected traffic volumes on Buel Drive/Grandhaven Street would add an estimated 57 daily trips, (5 - AM Peak Hour Trips and 6 - PM Peak Hour Trips).

Expected traffic volumes on Newby Street would add an estimated 95 daily trips, (7 - AM Peak Hour Trips and 10 - PM Peak Hour Trips). Per DKS Associates, Transportation Engineer, this level of additional traffic is consistent with the current and planned functionality of Grandhaven Street, (classified as a major collector street) and Newby Street, (classified as a local neighborhood street).



TEMPORARY BENCHMARK
ELEV: 150.92 NAVD 88
 PT. NO. 100 - 1" BRASS CAP "SURVEY MARK"
 AT THE TOP CURB AT THE NE CURB RETURN
 NEWBY ST AND HOFFMAN ST.
 ELEVATIONS ARE BASED
 ON OCRS (SALEM ZONE)
 GPS OBSERVATION



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NO.	DATE	DESCRIPTION	BY
1	01/2022		

VERIFY SCALE
 BAR IS ONE INCH ON
 ORIGINAL DRAWING
 IF NOT ONE INCH ON
 SCALES ACCURACLY

DSN. JW
 DRN. AK
 CKD. JW
 DATE: 01/2022



WESTTECH ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS

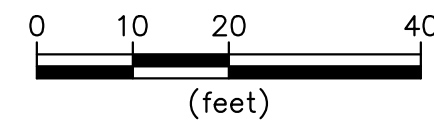
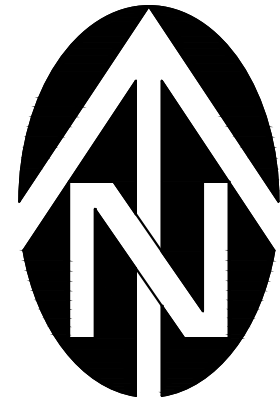
WE

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
 Phone: (503) 565-2474 Fax: (503) 565-3966
 E-mail: westtech@westtech-eng.com

MONIKA DEVELOPMENT, LLC
 MONIKA SUBDIVISION

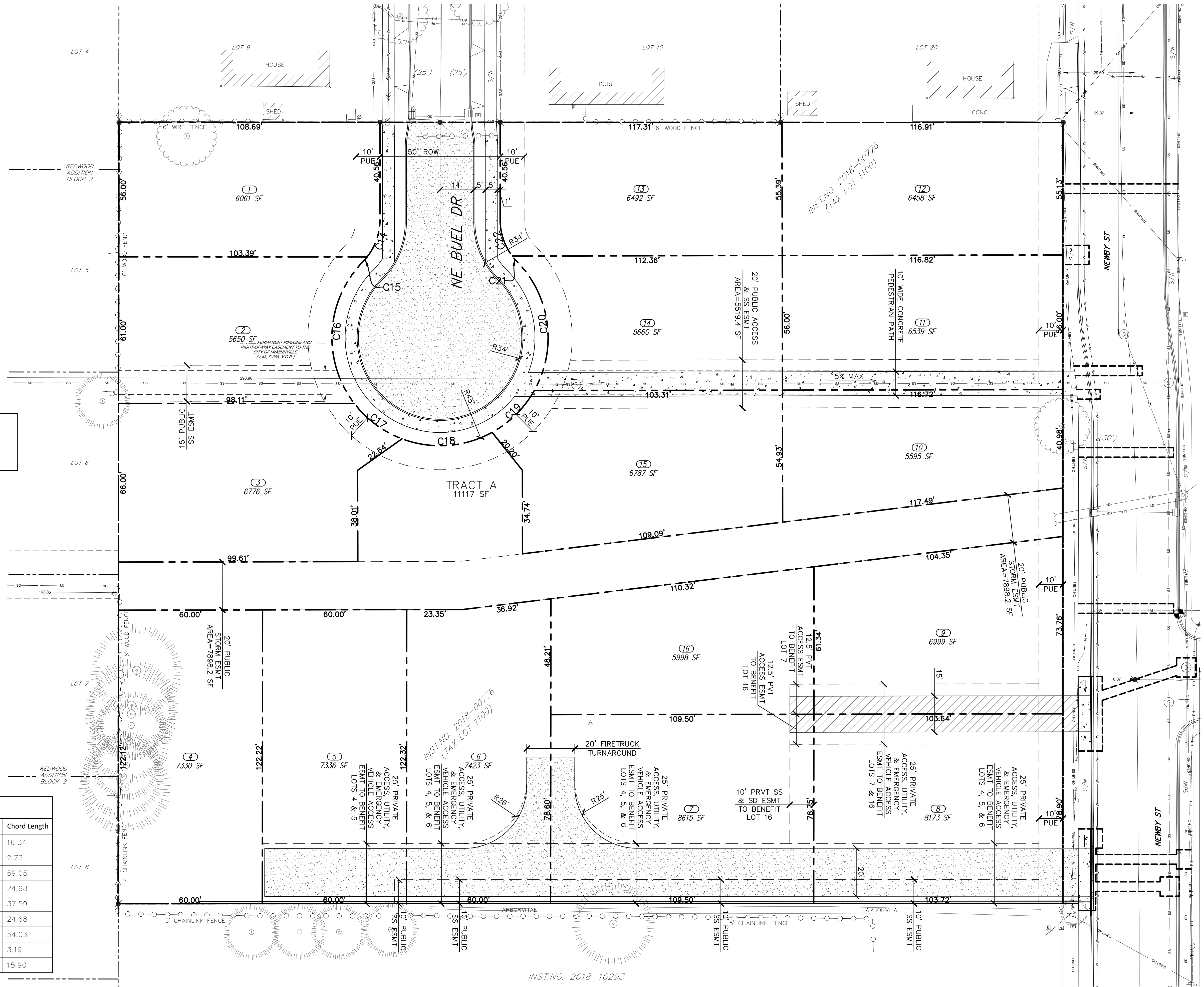
SURVEY

DRAWING
C1.0
 JOB NUMBER
3344.0000.0



LOT SUMMARY	
MIN LOT SIZE	= 5595 SF
MAX LOT SIZE	= 8615 SF
AVG LOT SIZE	= 6743 SF

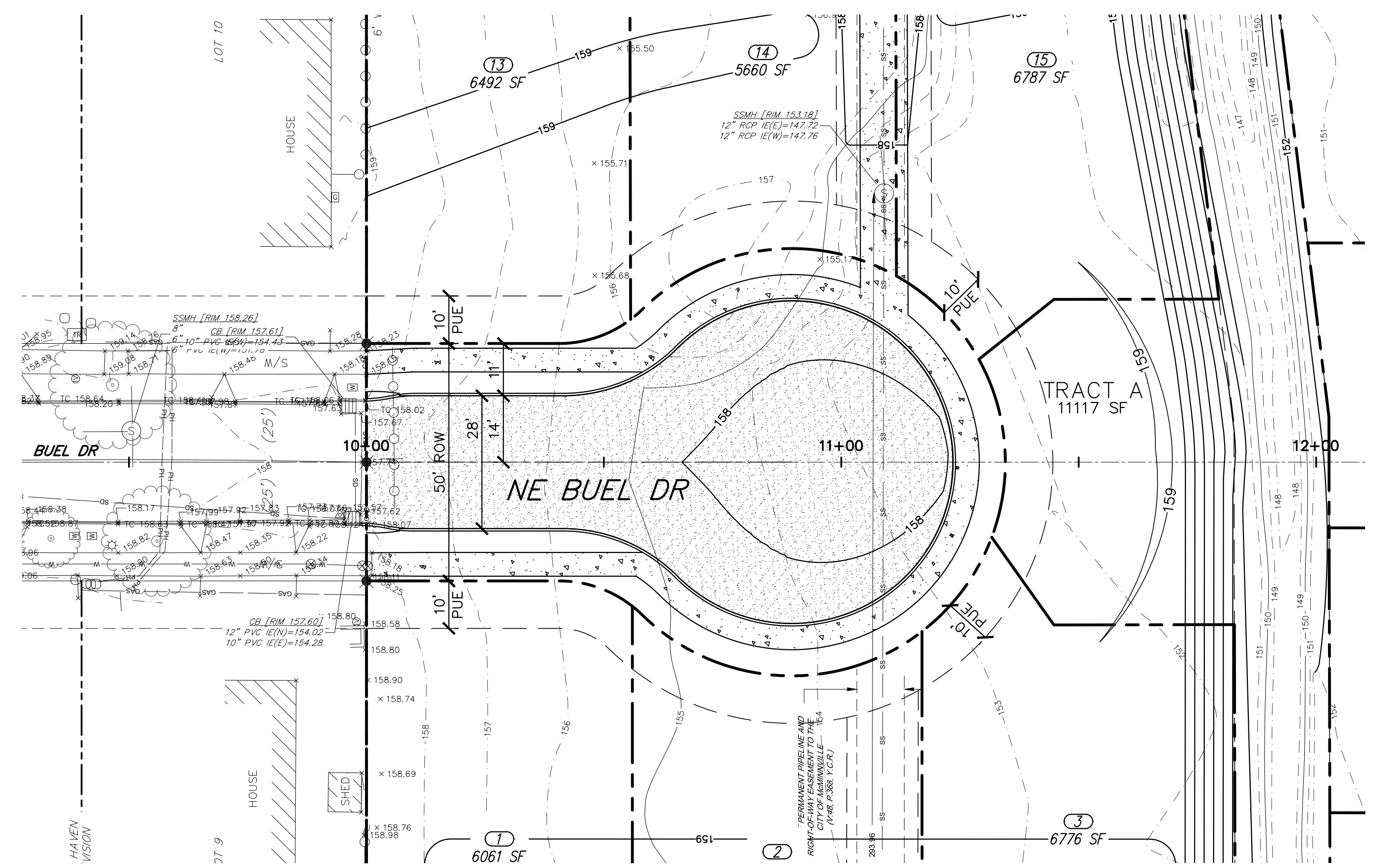
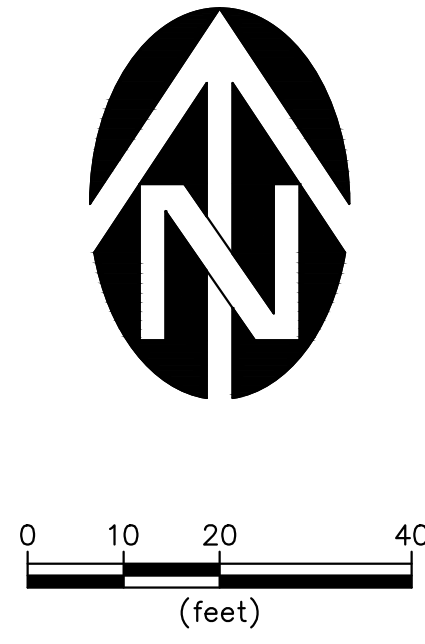
Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
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C15	2.73	25.00	6.27	S41° 17' 45"W	2.73
C16	64.41	45.00	82.01	S3° 25' 30"W	59.05
C17	25.00	45.00	31.83	S53° 29' 42"E	24.68
C18	38.78	45.00	49.38	N85° 54' 02"E	37.59
C19	25.00	45.00	31.83	N45° 17' 45"E	24.68
C20	57.95	45.00	73.78	N7° 30' 37"W	54.03
C21	3.19	25.00	7.32	N40° 44' 23"W	3.19
C22	16.18	25.00	37.09	N18° 31' 56"W	15.90



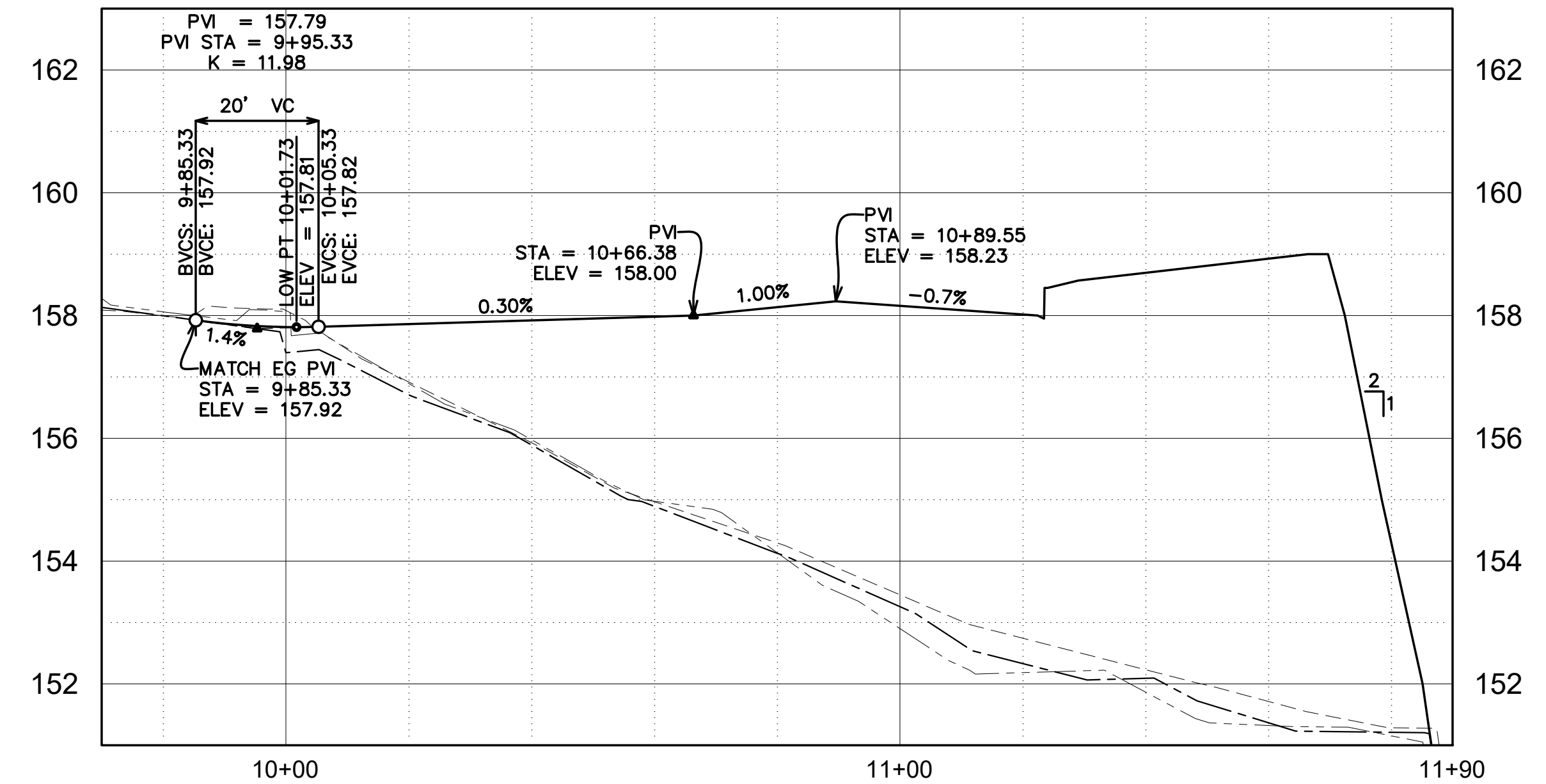
INST.NO. 2018-10293

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MONIKA DEVELOPMENT, LLC		MONIKA SUBDIVISION	
OVERALL SUBDIVISION PLAN			
DRAWING		C2.0	
JOB NUMBER		3344.0000.0	
 WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS 3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3966 E-mail: westech@westech-eng.com		 WELLS WILLIAM J. REGISTERED PROFESSIONAL ENGINEER NO. 12053 EXPIRES 12/31/2025 DATE: 6/20/2022	
VERIFY SCALE	BAR IS ONE INCH ON ORIGINAL DRAWING	IF NOT ONE INCH ON SCALES ACCURACELY	
DSN.	JW	AK	
DRN.	JW	AK	
CKD.	JW	AK	
DATE:	05/20/2022	NO.	1
DESCRIPTION	REVISIONS	DATE	NO.



CULDESAC PLAN
SCALE: 1"=20'



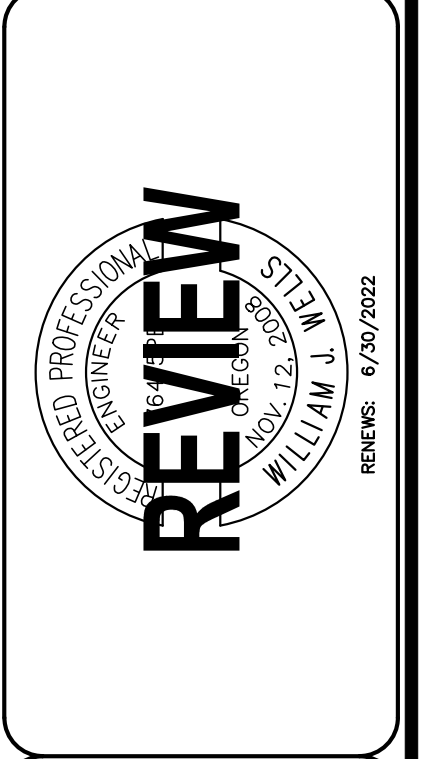
CULDESAC PROFILE
SCALE: H-1"=20' V-1"=2'

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VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
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DSN. JW
DRN. AK
CKD. JW
DATE: 01/2022



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MONIKA DEVELOPMENT, LLC
MONIKA SUBDIVISION

CULDESAC PLAN & PROFILE

DRAWING
C8.0

JOB NUMBER
3344.0000.0